

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TOUNI GHAMELIAN

Petitioner,

v.

NIKITA BAKER, et al.,

Respondents.

MOTION TO RECONSIDER

Case No. 1:25-02106-SAG

MOTION TO RECONSIDER

Petitioner Touni Ghamelian respectfully moves for reconsideration of this Court's July 22, 2025, Memorandum Opinion and Order. Dkts. 18, 19. Specifically, Petitioner requests that this Court amend its order dismissing the case and instead transfer it to the U.S. District Court for the District of Massachusetts. Petitioner further requests that this Court stay Petitioner's removal to any country not designated in Petitioner's removal order¹ (i.e., a "third country") pending further disposition by the U.S. District Court for the District of Massachusetts. Finally, Petitioner respectfully requests that this Court enter an order staying his removal to a "third country" pending the Court's adjudication of this Motion.²

¹ Petitioner's removal order designated his removal to Spain, and alternatively to Iran.

² Counsel for Petitioner sought Respondents' position on this Motion. Specifically, Counsel for Petitioner left a voicemail with, and sent an email containing a draft of this motion, to counsel for Respondents requesting their position. In light of Petitioner's potentially imminent removal from the United States to a "third country," Petitioner waited only a brief period of time (approximately 30 minutes) before filing this motion.

In its Memorandum Opinion, this Court recognized that Petitioner appears to be a member of the class certified in *D.V.D. v. U.S. Department of Homeland Security*, Civ. No. 25-10676 (D. Mass.), at least with respect to his claims regarding his potential removal to “third countries.” Dkt. 18 at 5. Petitioner’s mere membership in that class affords him no relief because, as this Court recognized in its Memorandum Opinion, on June 23, 2025, the Supreme Court of the United States stayed the district court’s preliminary injunction. *Id.* (citing *DHS v. D.V.D.*, 606 U.S. ___, 2025 WL 1732103, at *1 (June 23, 2025)). This Court further stated that “claims relating to [Petitioner’s] potential third country removal are more appropriately resolved in the *D.V.D.* case and will not be addressed in this Court.” *Id.* Petitioner’s instant Motion seeks nothing more than the opportunity to have his claims heard by the District of Massachusetts.

The relief that Petitioner seeks is necessary. It is doubtful that Petitioner can file a fresh challenge to his unlawful “third country” removal in the District of Massachusetts, because it is a district in which he has never been confined. *Trump v. J.G.G.*, 604 U.S. ___, 145 S. Ct. 1003, 1005-06 (Apr. 7, 2025) (holding that habeas challenges to unlawful removal must be filed in the district of confinement). Moreover, if this Court does not grant a stay of removal, and Petitioner is removed

to a “third country” where he is killed or from which the United States refuses to return him, any relief the *D.V.D.* litigation may ultimately confer will come too late.

In the aftermath of this Court’s ruling, Petitioner is vulnerable to *immediate* removal to a “third country,” including Mexico, which has a documented history of engaging in the practice of chain refoulement. Dkt. 11 at 2; 11-1 at 24-25. Since this Court heard oral argument on July 16, 2025, Petitioner has already been transferred to a detention facility located a mere one-hour drive from the U.S.-Mexico border.³ To provide Petitioner protection from his removal to Mexico, or, for that matter, any other country he never had an opportunity to contest his removal to, Petitioner respectfully requests that this Court amend its order to transfer his case to the U.S. District Court for the District of Massachusetts, and stay his removal to a “third country” pending further disposition from that Court. *See Phan et al., v. U.S. Dep’t of Homeland Sec. et al.*, 1:25-cv-2147-RDM, Minute Order (D.D.C. July 4, 2025) (ordering transfer of challenge to third country removal to D. Mass. and staying removal pending transfer). Petitioner further respectfully requests that this Court enter an immediate stay of Petitioner’s removal to a “third country” pending this Court’s adjudication of the instant Motion.

³ Visit <https://locator.ice.gov/odls/#/search> and enter Petitioner’s alien registration number (024 641 522) and his country of birth (Iran).

Date: July 22, 2025.

Respectfully submitted,

/s/ Kelly Catherine Walker, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

/s/ Kelly Catherine Walker
Kelly Catherine Walker