UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

ARTAK OVSEPIAN, Petitioner, v. PAMELA BONDI, et al., Respondents.	No. ED CV 25-01937-MEMF (DFM) Report and Recommendation of United States Magistrate Judge

This Report and Recommendation is submitted to the Honorable Maame Ewusi-Mensah Frimpong, United States District Judge, under 28 U.S.C. § 636 and General Order 05-07 of the United States District Court for the Central District of California.

I. INTRODUCTION

Petitioner Artak Ovsepian has filed a Motion for Temporary Restraining Order, requesting the Court: (1) enjoin the government from transferring him out of this judicial district, or to order his return to this district, and (2) enjoin his removal to a third country without proper notice and an opportunity to be heard during the pendency of his habeas proceedings. See Dkt. 2 ("Motion").

For the reasons stated herein, the Court recommends that the District Judge grant Petitioner's Motion in part.

II. BACKGROUND

A. Procedural History

On July 28, 2025, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 against Pamela Bondi, Attorney General of the United States; the United States Department of Homeland Security ("DHS"); Kristi Noem, Secretary of DHS; F. Semaia, Warden of the Adelanto Detention Facility; and Ernesto Santacruz, Jr., Acting Director of the ICE Field Office (collectively, "Respondents"). See Dkt. 1 ("Petition"). Immediately following the filing of the Petition, Petitioner filed the instant TRO. Respondents filed an Opposition to the TRO. See Dkt. 8 ("Opposition"). Petitioner filed a Reply. See Dkt. 9 ("Reply").

B. Factual Background

Petitioner is a stateless individual who was born in the former Soviet Union. See Petition ¶ 18. He entered the United States on September 12, 1995, at the age of fourteen years old. See id. ¶ 2. Petitioner was granted asylum on December 9, 1995, and was later granted lawful permanent residence status, along with his father, mother, and sisters. See id. ¶¶ 2, 3.[1] Petitioner is married and has two children. See id. ¶ 3.

On June 5, 2017, Petitioner was convicted of conspiracy to commit healthcare fraud in violation of 18 U.S.C. §§ 1349 and 1347. See id. ¶ 4. He was sentenced to 156 months in prison, followed by three years of supervised release, and was ordered to pay more than $9,000,000 in restitution. See id.

Upon release from prison, Petitioner was detained by ICE. See id. ¶ 5. On June 18, 2024, Petitioner was ordered removed to Armenia. See id., Ex. A; Motion at 9. Petitioner requested the issuance of travel documents to the

[1] Petitioner's mother and one of his sisters later became United States citizens. See Petition ¶ 3.

United Kingdom in July 2024 but received no response. See Petition ¶ 6. In August 2024, Armenia informed ICE that it would not recognize or accept Petitioner as a citizen. See id. ¶ 7, Ex. B. Around the same time, Russia and Turkey also rejected requests for the issuance of travel documents for Petitioner. See id. ¶ 7.

On October 29, 2024, Petitioner was released from ICE custody on an order of supervision ("OSUP"). See id. ¶ 8. Petitioner complied with the requirements of his OSUP and did not incur additional criminal violations. See id. On June 9, 2025, ICE officials requested Petitioner come to an office to replace an allegedly faulty GPS tracking device. See id. ¶ 9. Upon his arrival to the office, ICE re-detained Petitioner. See id. Petitioner believes there was no malfunction of his GPS device, and that the alleged malfunction was a pretext to arrest him. See id.

Petitioner was initially detained at the Adelanto Detention Center in Adelanto, California. See id. ¶ 18. While there, Petitioner was not provided his required medication, including daily medication for high blood pressure and Trazadone and Zyprexa to manage PTSD symptoms. See id. ¶ 13. Since being re-detained, Petitioner has sent letters to the consulates of the United Kingdom, Italy, and France, requesting the issuance of travel documents. See id. ¶ 14. Petitioner has not received a response from those consulates. See id.

On July 29, 2025, Petitioner's family contacted his counsel to inform her that Petitioner had been transferred out of the Adelanto Detention Facility. See Dkt. 9-1, Second Declaration of Sabrina Damast ("Second Damast Decl.") ¶ 8. On July 29, 2025, Petitioner's counsel spoke with a DHS officer who informed her that Petitioner was still at the Adelanto Detention Facility but would be imminently transferred to the state of Texas. See id. ¶ 6. The DHS officer stated that Petitioner's transfer to Texas was intended to facilitate his removal to Armenia. See id. ¶ 7. On July 30, 2025, Petitioner's sister emailed counsel

that Petitioner was instead transferred to the Alexandria Staging Facility in Alexandria, Louisiana. See id. ¶ 8. An ICE officer at that facility informed Petitioner that ICE does not have travel documents from Armenia and will instead attempt to send him to an unknown third country. See id.

III. LEGAL STANDARD

Rule 65 provides the court with the authority to issue temporary restraining orders and preliminary injunctions. See Fed. R. Civ. P. 65(a) & (b). The analysis for granting a TRO is "substantially identical" to that for a preliminary injunction. Stuhlbarg Int'l Sales Co., Inc. v. John D. Brush & Co., Inc., 240 F.3d 832, 839 n. 7 (9th Cir. 2001). Either "is an extraordinary remedy that may be awarded only if the plaintiff clearly shows entitlement to such relief." Am. Beverage Ass'n v. City & Cnty. of San Francisco, 916 F.3d 749, 754 (9th Cir. 2019) (en banc) (citing Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 22 (2008)).

A plaintiff seeking such relief must demonstrate (1) they are "likely to succeed on the merits"; (2) they are "likely to suffer irreparable harm in the absence of preliminary relief"; (3) that "the balance of equities tips in [their] favor"; and (4) that "an injunction is in the public interest." Id. (quoting Winter, 555 U.S. at 20). Courts in the Ninth Circuit "also employ an alternative serious questions standard, also known as the sliding scale variant of the Winter standard." Fraihat v. U.S. Immigr. & Customs Enf't, 16 F.4th 613, 635 (9th Cir. 2021). Under that approach, "serious questions going to the merits" and a hardship balance that tips sharply toward the plaintiff can support issuance of an injunction, assuming the other two elements of the Winter test are met." All. for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1132 (9th Cir. 2011).

IV. DISCUSSION

The Court finds that, on balance, the Winter factors weigh in favor of granting Petitioner's TRO Motion.[2]

A. Likelihood of Success on the Merits

"Likelihood of success on the merits is the most important factor." California v. Azar, 911 F.3d 558, 575 (9th Cir. 2018) (citation and internal quotation marks omitted). "This is especially true for constitutional claims, as the remaining Winter factors typically favor enjoining laws thought to be unconstitutional." Junior Sports Mags. Inc. v. Bonta, 80 F.4th 1109, 1115 (9th Cir. 2023). Petitioner contends that his continued detention violates his right to due process under the Fifth Amendment of the United States Constitution, as well as the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1231(a). See Motion at 7.

Under the INA, when a noncitizen is ordered removed, the government ordinarily must secure the noncitizen's removal from the United States within a period of 90 days. See 8 U.S.C. § 1231(a)(1)(A). The removal period begins on the latest of the following dates: (i) "[t]he date the order of removal becomes administratively final;" (ii) "[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the [noncitizen], the date of the court's final order;" or (iii) "[i]f the [noncitizen] is detained or

---

[2] Petitioner's Motion was docketed as an Ex Parte Application for Temporary Restraining Order. See Dkt. 2. A court may issue an ex parte TRO if "(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the [movant or his attorney] certifies in writing any efforts made to give notice and the reasons why it should not be required." Fed. R. Civ. P. 65(b)(1). Here, notice was provided to Respondents who filed an Opposition, and Petitioner's Motion evaluates the Winter factors without seeking a TRO on an ex parte basis. Thus, the Court considers Petitioner's Motion under the Winter factors.

confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement. Id. § 1231 (a)(1)(B)(i)-(iii). Certain noncitizens ordered removed may be detained beyond the 90-day removal period, including, those who are removable under 8 U.S.C. § 1227(a)(2) for certain criminal offenses, those determined to be a risk to the community, or those unlikely to comply with the order of removal." Id. § 1231(a)(6). If released, noncitizens must be subject to terms of supervision. Id.

In Zadvydas v. Davis, the Supreme Court held that the post-removal detention period scheme contains "an implicit 'reasonable time' limitation." 533 U.S. 678, 682 (2001). In other words, "the statute, read in light of the Constitution's demands, limits [a noncitizen's] post-removal period detention to a period reasonably necessary to bring about that [noncitizen's] removal from the United States. It does not permit indefinite detention." Id. at 689. The Court reasoned that "[a] statute permitting indefinite detention of [a noncitizen] would raise a serious constitutional problem," because "[t]he Fifth Amendment's Due Process Clause forbids the Government to 'depriv[e]' any 'person . . . of . . . liberty . . . without due process of law.'" Id. at 690.

To determine whether the post-removal period detention is, or is not, lawful, the Supreme Court directed courts to consider "whether the detention in question exceeds a period reasonably necessary to secure removal," measuring reasonableness "primarily in terms of the statute's basic purpose" of "assuring the [noncitizen]'s presence at the moment of removal." Id. at 699. The Court determined that the "presumptively reasonable" period of detention is six months. Id. at 701. In setting forth this six-month presumption, however, the Court made clear that it "does not mean that every [noncitizen] not removed must be released after six months. To the contrary, [a noncitizen] may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future." Id.

Thus, after the six-month period, "once the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." Id. For detention to remain reasonable, "as the period of prior postremoval confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." Id.

Here, the Court finds that Petitioner has demonstrated, at a minimum, serious questions going to the merits of his due process claim. Petitioner's detention has exceeded the presumptively reasonable six-month period, and he has "good reason to believe" that there is no significant likelihood of removal in the reasonably foreseeable future. Petitioner was ordered removed to Armenia on June 18, 2024. See Petition ¶ 5, Ex. A. He was then released from ICE custody on OSUP on October 29, 2024. See id. ¶ 8. Petitioner states, and Respondents do not dispute, that he complied with the requirements of his OSUP and incurred no additional criminal charges. See id. Nevertheless, on June 9, 2025, Petitioner was re-detained by ICE officials, see id. ¶ 9, and remains in custody as of the date of this Report and Recommendation.

"Several courts have held that the six-month period does not reset when the government detains [a noncitizen] under 8 U.S.C. § 1231(a), releases him from detention, and then re-detains him again." Sied v. Nielsen, No. 17-6785, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018) (collecting cases). As of the date of this Order, Petitioner has been in ICE custody following his final order of removal for a combined total of 185 days, or just over six months. Petitioner was ordered removed to Armenia. See Motion at 9. But Armenia has stated that it will not recognize Petitioner as a citizen or issue him travel documents. See Petition ¶ 7, Ex. B. Russia and Turkey have also rejected requests to issue travel documents for Petitioner. See id. Moreover, an ICE official has purportedly told Petitioner that, despite his transfer to the Alexandria Staging

Facility, ICE does not have travel documents for Armenia. See Second Damast Decl. ¶ 8. Petitioner's counsel then spoke to the Consul General for Armenia, who confirmed that the Armenian consulate has not issued travel documents for Petitioner. See Dkt. 10-1, Third Declaration of Sabrina Damast ("Third Damast Decl.") ¶ 4. As such, there is currently no reason to believe that Petitioner's removal is reasonably foreseeable. Petitioner is not required to "show the absence of any prospect of removal—no matter how unlikely or unforeseeable," Zadvydas, 533 U.S. at 702, only that he has "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," id. at 701. Based on his stateless status and his reasonable belief that ICE does not have the travel documents necessary to effectuate his removal to Armenia, Petitioner has demonstrated that his removal is not significantly likely in the reasonably foreseeable future.

At this stage, the government has not rebutted Petitioner's showing. See Zadvydas, 533 U.S. at 701. In fact, in their Opposition, Respondents have not addressed what has been or is being done to effectuate Petitioner's removal to Armenia, or informed the Court of another country to which they intend to lawfully remove him to, at all. Thus, Respondents have not presented any evidence to rebut Petitioner's showing that the Armenian consulate will not accept him because he is not a citizen of that country.[3]

Accordingly, this factor weighs in favor of granting the TRO Motion.

---

[3] Because the Court finds a likelihood of success on the merits as to Petitioner's due process claim under the Fifth Amendment, as well as 8 U.S.C. § 1231(a), it does not address the likelihood of success on the merits as to Petitioner's claim under Section 504 of the Rehabilitation Act, 29 U.S.C. § 794(a).

B. Irreparable Harm

Petitioner argues he will suffer irreparable harm if he is not transferred back into this district or if he is removed to an undesignated third country without notice and an opportunity to be heard. See Petition at 13.

Respondents counter that Petitioner has not shown he will suffer irreparable harm absent his return to this district. See Opposition at 4. As an initial matter, the government points out that the Court will retain jurisdiction over the Petition even though Petitioner has been transferred to another facility. See id. The Court agrees. The Ninth Circuit has held that a district court's jurisdiction over a § 2241 petition "attaches on the initial filing for habeas corpus relief, and it is not destroyed by a transfer of the petitioner and the accompanying custodial change." Francis v. Rison, 894 F.2d 353, 354 (9th Cir. 1990) (citation and quotation marks omitted). Moreover, several district courts have recently found that a district court retains jurisdiction over a habeas petition notwithstanding a noncitizen's transfer from one federal facility to another. See, e.g., Vaskanyan v. Janeka, No. 25-01475, 2025 WL 2014208, at *6 (C.D. Cal. June 25, 2025) ("Because the Court properly acquired jurisdiction over the Petition upon filing, Petitioner's transfer beyond this district would not defeat the Court's jurisdiction to consider the merits of the Petition."); Acosta v. Doerer, No. 24-01630, 2024 WL 4800878, at *4 (C.D. Cal. Oct. 24, 2024) (finding that district court maintained jurisdiction even after petitioner, an immigration detainee, was transferred from one federal facility to another).

Respondents also contend that the Attorney General's authority under 8 U.S.C. § 1231(g)(1) to determine the appropriate place of detention is discretionary and not subject to judicial review. See Opposition at 3. In support of this argument, Respondents cite to Van Dinh v. Reno, 197 F.3d 427, 433-34 (10th Cir. 1999), which in turn, cites to Rios-Berrios v. INS, 776 F.2d 859, 863 (9th Cir. 1985). See id.

In Van Dinh, the noncitizen-plaintiffs were incarcerated at a facility in Colorado, where they were notified of the "distinct possibility" that they would be transferred to another facility. See 197 F.3d at 429. Plaintiffs filed a Bivens class action complaint requesting injunctive relief restraining all noncitizen transfers until local counsel had an opportunity to interview their clients and injunctive relief restraining transfer outside the area of those noncitizens with an established attorney-client relationship. See id. There, the Tenth Circuit concluded that "the district court had no jurisdiction to review the Attorney General's discretionary decision to transfer and detain appellants in another INS facility under § 1252(a)(2)(B)(ii)" and thus no Bivens class action was available. Id. at 435. In reaching this conclusion, the Court found that "[t]he Attorney General is mandated to 'arrange for appropriate places of detention for [noncitizens] detained pending removal.'" Id. at 433 (citing 8 U.S.C. § 1231(g)(1)). "The Attorney General's discretionary power to transfer [noncitizens] from one locale to another, as [he or] she deems appropriate, arises from this language." Id. Thus, according to the court, it is "apparent that a district court has no jurisdiction to restrain the Attorney General's power to transfer [noncitizens] to appropriate facilities by granting injunctive relief in a Bivens class action suit." Id.

Moreover, in Rios–Berrios, the petitioner was apprehended in California, charged with entry without inspection, and moved to Florida for a deportation hearing that was scheduled to begin effectively five working days

from the time of his apprehension. See 776 F.2d at 860-61. The immigration judge twice continued the hearing for a total of two working days, first after the petitioner stated that he needed time to find an attorney and again after being informed that the petitioner had called a friend who had been in contact with an attorney and bail bondsman. See id. After the immigration judge granted the continuances, he also advised that the hearing would proceed with or without counsel. See id. When the petitioner appeared without counsel, there was no inquiry regarding the petitioner's expressed wish to be represented by counsel and the hearing went forward. See id.

The Ninth Circuit found a violation of the petitioner's right to be represented by counsel of his own choice at his own expense. See id. at 862-63. However, the Ninth Circuit clarified:

> We wish to make ourselves clear. We are not saying that the petitioner should not have been transported to Florida. That is within the province of the Attorney General to decide. We merely say that his transfer there, combined with the unexplained haste in beginning deportation proceedings, combined with the fact of petitioner's incarceration, his inability to speak English, and his lack of friends in this country, demanded more than lip service to the right of counsel declared in statute and agency regulations, a right obviously intended for the benefit of aliens in petitioner's position.

Id. at 863 (citations omitted).

Based on the authority above, it appears to this Court that the decision of where to detain Petitioner is within the province of the Attorney General, not this Court, to decide. But even if the Court has jurisdiction to order Petitioner's return to this district, Petitioner has not shown that he is likely to suffer irreparable harm from his transfer to Louisiana, or any other future facility, due to a lack of access to counsel. Petitioner states that detainees are usually

held for up to 16 hours at the Alexandria Staging Facility before being transferred again. See Reply at 5. He states that a subsequent transfer is thus imminent because there is "no concrete plan for deporting him." Id. However, Petitioner fails to demonstrate that he does not have access to counsel in Louisiana or that he will be unable to access counsel if transferred to another detention center. Indeed, Petitioner offers only the conclusory statement that his transfers are "interfering with his access to counsel." Id. Without more, Petitioner has not shown that his transfer has, or any future transfers will, cause him irreparable harm related to access to counsel.

Petitioner's removal to a third country without due process, however, is likely to result in irreparable harm at this time. Petitioner has presented evidence that the government does not have travel documents to effectuate his removal to Armenia and intends to deport him to a third country not identified in his order of removal. See Second Damast Decl. ¶ 8. As Judge Ramírez Almadani recently explained:

> Although Petitioner can be removed to a third country, a specific carve-out in the statute prohibits removal to countries where the noncitizen would face persecution or torture. 8 U.S.C. § 1231(b)(3)(A). Relatedly, Congress codified protections enshrined in the Convention Against Torture ("CAT") prohibiting any person from being removed to a country where they would be tortured. See 28 C.F.R. § 200.1; 8 C.F.R. § 208.16-18, 1208.16-18. In other words, "third-country removals are subject to the same mandatory protections that exist in removal or withholding-only proceedings." D. V.D. v. U.S. Dep't of Homeland Sec., No. CV 25-10676-BEM, 2025 WL 1142968, at *3 (D. Mass. Apr. 18, 2025).

Vaskanyan, 2025 WL 2014208, at *6.

Judge Ramírez Almadani also observed that, after considering the procedural protections above, the District of Massachusetts recently issued a class-wide preliminary injunction against DHS, requiring that:

> All removals to third countries, i.e., removal to a country other than the country or countries designated during immigration proceedings as the country of removal on the non-citizen's order of removal, must be preceded by written notice to both the non-citizen and the non-citizen's counsel in a language the non-citizen can understand. Following notice, the individual must be given a meaningful opportunity, and a minimum of ten days, to raise a fear-based claim for CAT protection prior to removal. If the non-citizen demonstrates "reasonable fear" of removal to the third country, Defendants must move to reopen the non-citizen's immigration proceedings. If the non-citizen is not found to have demonstrated a "reasonable fear" of removal to the third country. Defendants must provide a meaningful opportunity, and a minimum of fifteen days, for the non-citizen to seek reopening of their immigration proceedings.

Vaskanyan, 2025 WL 2014208, at *6 (citing D.V.D. v. U.S. Dep't of Homeland Sec., No. 25-10676, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025)). However, on June 23, 2025, the Supreme Court granted the government's emergency application for a stay of the D.V.D. order pending the disposition of the government's appeal in the First Circuit and disposition of any timely-filed petition for a writ of certiorari. D.V.D., 2025 WL 1732103 (U.S. June 23, 2025).

The government insists that there is "no evidence presented or factual support that [Petitioner] would be removed unlawfully to an undesignated third country without notice and an opportunity to be heard" and that "[a]ll

that the Petitioner is requesting here is that the government follow the law when it comes to third country removals." Opposition at 6. However, contrary to the government's position, Petitioner's deportation to a third country is not "hypothetical." Opposition at 7. According to Petitioner's counsel, an ICE officer at the Alexandria Staging Facility informed Petitioner that ICE "does not have travel documents from Armenia and would be trying to send him to a third country but did not disclose what country." Second Damast Decl. ¶ 8. Thus, the stay of the D.V.D. injunction, combined with the information provided to Petitioner by ICE, persuades the Court that Respondents may attempt to remove Petitioner to a third country without affording him adequate notice and opportunity to be heard. As the Court put it in Vaskanyan, "[t]his is irreparable harm, plain and simple." 2025 WL 2014208, at *7. Accordingly, this factor weighs in favor of granting the TRO motion.

C. Balance of Equities

The last two Winter factors merge when the government is the opposing party. See Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1092 (9th Cir. 2014) (citing Nken v. Holder, 556 U.S. 418, 435 (2009)). Petitioner argues that these factors weigh in his favor because protecting his constitutional right to be free from continued unlawful detention is critical to the public interest in protecting against wrongful removals and outweighs the government's interest in immediate removal. See Motion at 15-16.

The Court agrees. "[I]t is always in the public interest to prevent the violation of a party's constitutional rights." Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting Sammartano v. First Jud. Dist. Ct., 303 F.3d 959, 974 (9th Cir. 2002), abrogated on other grounds by Winter, 555 U.S. 7). In cases implicating removal, "there is a public interest in preventing [noncitizens] from being wrongfully removed, particularly to countries where they are likely to face substantial harm." Nken, 556 U.S. at 436. Although

there is a countervailing "public interest in prompt execution of removal orders," id., it is well-established that "our system does not permit agencies to act unlawfully even in pursuit of desirable ends," Ala. Ass'n of Realtors v. Dep't of Health & Hum. Servs., 594 U.S. 758, 766 (2021) (citing Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 582 (1952)); see also Vaskanyan, 2025 WL 2014208, at *8 (finding that "protecting [petitioner's] constitutional right to be free from unlawful detention is paramount to the public interest and overrides the government's interest in prompt removal.").

Accordingly, these factors weigh in favor of issuing a TRO in this case.

D. Bond

Rule 65(c) provides that a court "may issue a preliminary injunction or temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." Fed. R. Civ. P. 65(c). "Despite the seemingly mandatory language, 'Rule 65(c) invests the district court with discretion as to the amount of security required, if any."' Johnson v. Couturier, 572 F.3d 1067, 1086 (9th Cir. 2009) (quoting Jorgensen v. Cassiday, 320 F.3d 906, 919 (9th Cir. 2003)). In particular, "[t]he district court may dispense with the filing of a bond when it concludes there is no realistic likelihood of harm to the defendant from enjoining his or her conduct." Id. (citation omitted). That is, the mandatory language of Rule 65(c) does not "absolve[ ] the party affected by the injunction from its obligation of presenting evidence that a bond is needed, so that the district court is afforded an opportunity to exercise its discretion in setting the amount of the bond." Connecticut Gen. Life Ins. Co. v. New Images of Beverly Hills, 321 F.3d 878, 883 (9th Cir. 2003).

Here, Respondents have not demonstrated any likelihood of harm if the Court grants the requested TRO, and a bond would pose a significant hardship

on Petitioner who is incarcerated. The Court therefore should exercise its discretion and waive the bond requirement under Rule 65(c).

V. CONCLUSION

IT IS THEREFORE RECOMMENDED that the District Judge issue an Order:

1. Granting the Petitioner's TRO Motion in part;
2. Enjoining Respondents, their officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with Respondents from removing Petitioner to a third country, i.e., a country other than the country designated as the country of removal in Petitioner's final order of removal (Armenia), without written notice to both Petitioner and Petitioner's counsel. Following notice, Petitioner must be given a meaningful opportunity, and **a minimum of ten (10) days,** to raise a fear-based claim for protection under the Convention Against Torture prior to removal. If Petitioner demonstrates "reasonable fear" of removal to the third country, Respondents must move to reopen Petitioner's removal proceedings. If Petitioner is not found to have demonstrated a "reasonable fear" of removal to the third country, Respondents must provide a meaningful opportunity, and a minimum of fifteen (15) days, for the non-citizen to seek reopening of his immigration proceedings; and
3. Ordering Respondents to show cause on a date and time set by the District Judge why a preliminary injunction should not issue.

Date: August 1, 2025

DOUGLAS F. McCORMICK
United States Magistrate Judge