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11 Counsel for Petitioner

12 Artak Ovsepien

13 UNITED STATES DISTRICT COURT FOR THE
14 CENTRAL DISTRICT OF CALIFORNIA

15 Artak Ovsepien, Alien # 

16 Petitioner,

17 v.

18 PAMELA BONDI, in her official capacity as
19 Attorney General,

20 KRISTI NOEM, in her official capacity as
21 Secretary of the Department of Homeland
Security,

U.S. DEPARTMENT OF HOMELAND
SECURITY,

F. SEMAIA, in his official capacity as Warden of
Adelanto Detention Facility,

ERNESTO SANTACRUZ, JR., in his official
capacity as Acting ICE Field Office Director,
Respondents.

Case No. 5:25-cv-01937-

MEMF-DFM

OBJECTIONS TO
MAGISTRATE JUDGE'S
REPORT AND
RECOMMENDATIONS

1 On August 1, 2025, the Honorable Magistrate Judge Douglas McCormick
2 issued a report recommending that the Petitioner's motion for a TRO be granted in
3 part. ECF 12. The recommendation noted that Petitioner has established serious
4 questions about the lawfulness of his detention and determined that he had
5 established a likelihood of irreparable harm in the form of a deportation to a third
6 country without notice or the opportunity to be heard on any fear of harm in that
7 third country. *Id.* However, the recommendation concluded that "Petitioner had
8 not shown that he is likely to suffer irreparable harm from his transfer to Louisiana,
9 or any other future facility, due to a lack of access to counsel." ECF 12.

10 Undersigned counsel conferred today with counsel for Respondents
11 regarding Petitioner's location, as his family had reported that he had been moved
12 again. *See* Exhibit H (Fourth Declaration of Sabrina Damast). Counsel for
13 Respondents initially indicated during the call that Petitioner had been deported to
14 Armenia. *Id.* However, undersigned counsel checked the ICE detainee locator
15 while on the call, and informed counsel for Respondents that the locator reports
16 Petitioner is now being detained at the Pine Prairie ICE Processing Center in Pine
17 Prairie, Louisiana. *Id.* Undersigned counsel requested that counsel for
18 Respondents confirm the location of Petitioner with ICE, as well as inquire about
19 how undersigned counsel could contact Petitioner. *Id.* Counsel for Respondents
20 indicated she would seek additional information and get back to undersigned
21

1 counsel. *Id.* One hour later, counsel for Respondents emailed undersigned counsel
2 indicating that she had provided all of the information available to her and had
3 nothing additional to report. *Id.*

4 Petitioner respectfully submits that his right to counsel is actively being
5 violated. ICE seemingly cannot even keep track of what continent he is on, despite
6 being in their custody. ICE's constant relocations of Petitioner without warning, as
7 well as their inability to accurately report his location to their own attorney, are
8 interfering with Petitioner's ability to communicate with counsel and receive timely
9 and meaningful updates on his case.

10 For that reason, Petitioner respectfully objects to the Magistrate Judge's
11 recommendation that a TRO not be issued to order Petitioner's return to the Central
12 District of California and asks that this Court order his return to this judicial district
13 as soon as possible.

14 **RESPECTFULLY SUBMITTED this 4th day of August, 2025**

15 **/s/ Sabrina Damast**

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