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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 Artak Ovsepien, Alien # 

15 Petitioner,

16 v.

17 PAMELA BONDI, in her official
capacity as Attorney General, et al.

18 Respondents.
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No. 5:25-cv-01937-MEMF-DFM

**RESPONDENTS' RESPONSE TO
PETITIONER'S OBJECTIONS [DKT.
16] TO THE REPORT AND
RECOMMENDATION [DKT. 12]**

Hon. Maame Ewusi-Mensah Frimpong
United States District Judge

RESPONSE TO PETITIONER'S OBJECTIONS

Pursuant to Federal Rules of Civil Procedure 72(b)(2) and this Court's Order, Dkt. 17, Respondents submit this response to Petitioner's objections to the Report and Recommendation.

On August 1, 2025, Magistrate Judge Douglas McCormick issued a Report and Recommendation that the Petitioner's Motion for Temporary Restraining Order be granted in part. Dkt. 12 ("R&R"). Of relevance here, as to the Petitioner's request to order his return to this judicial district, Judge McCormick found that the Court did not have jurisdiction to order Petitioner's return to this district based on Ninth Circuit and Tenth Circuit authority. *Id.* at 10-11 ("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.") (citing *Rios-Berrios v. INS*, 776 F.2d 859 (9th Cir. 1985) and *Van Dinh v. Reno*, 197 F.3d 427 (10th Cir. 1999)).

Petitioner's objections do not provide any legal basis to reject the Magistrate Judge's recommendation that the Court lacks jurisdiction to order Petitioner's transfer or return under existing case law and 8 U.S.C. § 1252(a)(2)(B)(ii). Nor do the objections provide any alternative legal authority which rebuts the Magistrate Judge's finding that the Court does not have jurisdiction to order the transfer of a non-citizen detainee. Petitioner has not shown that the Report and Recommendation is "clearly erroneous or is contrary to law." Fed. R. Civ. Proc. Rule 72(a).

Therefore, Respondents respectfully request that Petitioner's objections to the Report and Recommendation be rejected, and request that this Court adopt the Report and Recommendation.¹

¹ As noted by Petitioner's counsel, the ICE Detainee Locator currently identifies Petitioner as being detained at Pine Prairie ICE Processing Center in Pine Prairie, LA. The Pine Prairie ICE Processing Center website provides information as to how to contact detainees. See <https://www.ice.gov/detain/detention-facilities/pine-prairie-ice-processing-center>.

1 Dated: August 7, 2025

Respectfully submitted,

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8 /s/ Soo-Young Shin

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12 **CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2**

13 The undersigned, counsel of record for Respondents, certifies that the
14 memorandum of points and authorities contains 265 words, which complies with the
15 word limit of L.R. 11-6.1.

16
17 Dated: August 7, 2025

/s/ Soo-Young Shin

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