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Counsel for Petitioner  
Artak Ovsepien

UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

Artak Ovsepien, Alien # 

Petitioner,  
v.

PAMELA BONDI, in her official capacity as  
Attorney General,

KRISTI NOEM, in her official capacity as  
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

**REPLY TO RESPONDENTS'**  
**RESPONSE TO ORDER TO**  
**SHOW CAUSE**

1           On August 15, 2025, Respondents filed their response to the Court's Order to  
2 Show Cause why a preliminary injunction should not issue. Respondents simply  
3 restate their position as to why a temporary restraining order (TRO) should not  
4 have issued, arguing that the risk that Petitioner will be deported to a third country  
5 is "speculative." ECF 23, p. 2. Respondents make no attempt to grapple with the  
6 evidence cited by the Court in its report and recommendation to grant the TRO,  
7 including statements by ICE officers that they intend to deport Petitioner to a third  
8 country since they have been unable to obtain travel documents from Armenia.  
9 ECF 12, p. 14. Petitioner maintains, as he has in all prior briefing, and based on the  
10 evidence in the record (i.e., the statements by ICE officers, the transfer of Petitioner  
11 to a staging area used solely for deportations, the lack of travel documents to  
12 Armenia, and the March 2025 memo issued by Respondent Noem authorizing  
13 removals to third party countries), that there is a credible threat that Respondents  
14 will deport him to a third country, causing irreparable harm, if not restrained from  
15 doing so by this Court.

16           Moreover, Respondents take the confusing position that an injunction  
17 prohibiting deportation to a third country is simply an order commanding "the  
18 government to follow the law." ECF 23, p. 2. And yet, it is undisputed that  
19 Respondents' own policy, as articulated in the March 2025 memo, is to deport  
20 people to third countries without any further procedure (such as a fear interview) if  
21

1 the United States has received “diplomatic assurances” from the third country that  
2 non-citizens will not be persecuted or tortured there. ECF 1-5. Thus, the only  
3 reasonable conclusion is that Respondents concede that the procedures outlined in  
4 this memo are unlawful, and this Court should enjoin them from using those  
5 procedures to deport Petitioner to a third country.

6 Finally, Petitioner asks this Court to again reconsider his request for an order  
7 preventing Respondents from transferring him out of the district. It appears that  
8 ICE has again misinformed Respondents’ counsel about material aspects of  
9 Petitioner’s custody status. ICE previously informed counsel for Respondents that  
10 Petitioner had been deported to Armenia, when he had really been transported to  
11 another detention center in Louisiana. ECF 12-1. It appears that ICE has now  
12 claimed to have notified Petitioner’s prior counsel of his whereabouts, a claim that  
13 prior counsel’s office denies. *See* Fifth Declaration of Sabrina Damast (filed  
14 concurrently).

15 The Court has previously recognized that ICE’s actions were posing a  
16 credible threat to Petitioner’s right to counsel, but it expressed concerns about its  
17 authority to order ICE to transfer him back to the Central District of California. *See*  
18 ECF 20, p. 2. However, Justice Kavanaugh has recently recognized that “all nine  
19 Members of the Court agree that judicial review is available” of a detainee’s  
20 challenge to his transfer by federal immigration authorities. *Trump v. J.G.G.*, 604  
21



1 U.S. ----, 145 S.Ct. 1003, 1007 (2025) (J. Kavanaugh, concurring). “I add only that  
2 the use of habeas for transfer claims is not novel.” *Id.* “That general rule holds true  
3 for claims under the Alien Enemies Act, the statute under which the Government is  
4 seeking to remove these detainees. And going back to the English Habeas Corpus  
5 Act of 1679, if not earlier, habeas corpus has been the proper vehicle for detainees  
6 to bring claims seeking to bar their transfers.” *Id.* (internal citation omitted). Thus,  
7 Petitioner respectfully submits that this Court does have the authority to bar  
8 Respondents from transferring him out of the district again, and that it should do so,  
9 considering ICE’s continuing misrepresentations about his whereabouts.

10 **RESPECTFULLY SUBMITTED this 18th day of August, 2025**

11 **/s/ Sabrina Damast**

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