

DETAINED

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON**

OGANES DOGANYAN,

Petitioner,

v.

CAMMILLA WAMSLEY, Director of
Seattle Field Office, U.S. Immigration
and Customs Enforcement; TODD M.
LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
KRISTI NOEM, Secretary, U.S.
Department of Homeland Security;
PAMELA BONDI, U.S. Attorney
General; and BRUCE SCOTT, Warden of
Northwest ICE Processing Center,

Respondents.


Case No.: 2:25-cv-1480

**PETITION FOR WRIT OF HABEAS
CORPUS (28 U.S.C. § 2241)**

Agency file no.:



1 **TO THE HONORABLE COURT AND TO THE PARTIES AND THEIR**
2 **COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE** that Petitioner OGANES DOGANYAN
4 (“Petitioner”), A-Number , by and through his attorneys hereby
5 petitions the Court for a Writ of Habeas Corpus, pursuant to Art. I, § 9, cl. 2 of the
6 United States Constitution; 28 U.S.C. § 2241; 28 U.S.C. § 1331; and 28 U.S.C. §
7 1651; and 28 U.S.C. §§2201, 2202, and for a directive to Respondents to
8 immediately release Mr. Doganyan from his prolonged detention and permit him to
9 live and receive treatment at home while he awaits further adjudication or
10 determination of his immigration status or, alternatively, immediately provide a
11 bond hearing within ten (10) days of issuance of the Court’s writ.
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15 **INTRODUCTION**

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17 1. Petitioner Oganesh Doganyan has been detained at Northwest ICE
18 Processing Center (herein “NIPC”), at 1623 E. J Street, Tacoma, Washington
19 98421, since August 14, 2024 – that is, for well over six months.
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21 2. Mr. Doganyan seeks immediate release from custody at the Northwest
22 ICE Processing Center in Tacoma, Washington, on the basis that his continued
23 detention violates the Due Process Clause of the Fifth Amendment and the
24 Immigration and Nationality Act (INA).
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26 3. Mr. Doganyan suffers from numerous, serious and life-threatening

1 medical issues including an extremely rare, “Factor II Deficiency” blood disorder
 2 that causes excessive bleeding. *See Exhibits 1 and 3.* Medical statistics indicate
 3 that only 1 in 2,000,000 individuals suffer from Factor II Deficiency, and there are
 4 fewer than 100 cases documented in the medical literature. Medical professionals
 5 have indicated to Mr. Doganyan that he is 1 of perhaps only 26 known cases today.
 6

7 4. To demonstrate, the expected Factor II Activity result range for an
 8 individual should be 50-100%. A result of 50% indicates a possibility of minor
 9 bleeding complications associated with trauma or surgery¹. A result of 30%
 10 indicates a risk of “excessive bleeding following a traumatic event.” However, Mr.
 11 Doganyan’s Factor II Activity result, as of April 28, 2025, was an astoundingly-
 12 low, and potentially fatal, **6%**, as seen from the following excerpt from Mr.
 13 Doganyan’s lab results (attached as **Exhibit 1**):
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Factor II Activity (Collection Date: 04/28/2025 12:00, Status: Final)					
<u>Component</u>	<u>Result</u>	<u>Units</u>	<u>Flag</u>	<u>Range</u>	<u>Comment</u>
Factor II Activity	6	%	L	50-150	

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 19
 20 *Fig. 1 – Excerpt from 4/28/2-25 blood test*

21 5. The Northwest ICE Processing Center is not capable of treating, and is
 22 refusing to treat this rare medical problem, which if not treated properly, could
 23 cause death. Petitioner’s doctors have said this places his life at risk. Respondents’
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26 ¹ See “Factor II Activity,” LabCorp, <https://www.labcorp.com/tests/086231/factor-ii-activity>.

1 violations place Mr. Doganyan’s life in jeopardy due to serious medical neglect,
2 lack of treatment for a life-threatening blood disorder, and failure to provide dental
3 surgery to treat an extremely painful and infected dental abscess that is rotting away
4 Mr. Doganyan’s jawbone. *See Exhibit 4 passim*. Because Mr. Doganyan has been
5 suffering from these ailments since he was detained on August 14, 2024,
6 Respondent’s inability and unwillingness to provide the needed care essentially
7 amounts to torture with respect to its effect on Mr. Doganyan.
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10 6. Additionally, Petitioner suffers from hypertension, type II Diabetes,
11 dental problems, and anal fistula, and he requires regular bloodwork and procedures
12 to monitor these ailments. *See Exhibit 3* (at pp. 1-2).
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14 7. Mr. Doganyan has a pending appeal with the Board of Immigration
15 Appeals (BIA) and is not subject to final removal. His detention is not justified, and
16 it fails to meet the constitutional standards articulated in *Zadvydas v. Davis*, 533
17 U.S. 678 (2001).
18

19 8. The conduct of ICE and ICE’s agents at NIPC toward Mr. Doganyan
20 during his prolonged detention indicate a deliberate, and ongoing indifference to his
21 serious medical needs. Furthermore, multiple internal inconsistencies’ in ICE’s
22 medical records for Mr. Doganyan – including frequently claiming Mr. Doganyan’s
23 best language is something other than Armenian to justify failing to provide an
24 Armenian interpreter for medical visits, denying that Mr. Doganyan suffered acute
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1 medical emergencies, and inaccurately recording the date of Mr. Doganyan's last
2 medical emergency or, at worst, a deliberate attempt to inaccurately conceal the
3 seriousness of Mr. Doganyan's medical condition and the failures of facility staff in
4 reasonably attending to his needs.

5
6 9. As shown herein, the conduct of ICE personnel and their agents
7 indicate that that agency is simply *unable* to manage Mr. Doganyan's life
8 threatening medical condition in a reasonable manner, putting Mr. Doganyan at risk
9 of imminent serious bodily harm or death while he remains confined. Thus, no
10 remedy other than immediate release can address the serious danger to Mr.
11 Doganyan's life were he to stay confined in what is already a prolonged detention.
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14 10. Therefore, and pursuant to 28 U.S.C. §§ 2241, 2255, *Scott v.*
15 *LaMarque*, 27 F.App'x 858, 859 (9th Cir. 2001) and *Preiser v. Rodriguez*, 411 U.S.
16 475, 489 (1973), Petitioner Oganeg Doganyan respectfully petitions this Court for a
17 Writ of Habeas Corpus and directive to the U.S. Department of Homeland Security
18 and U.S. Immigration and Customs Enforcement to immediately release Mr.
19 Doganyan from his prolonged detention and permit him to live and receive
20 treatment at home while he awaits further adjudication or determination of his
21 immigration status or, alternatively, immediately provide a bond hearing within ten
22 (10) days of issuance of the Court's writ.
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CUSTODY

11. Petitioner is in the physical custody of Respondents. Petitioner is imprisoned at Northwest ICE Processing Center, an immigration detention facility owned and/or operated by Respondents in Tacoma, Washington. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

12. This Court has jurisdiction to entertain this habeas petition under 28 U.S.C. §§ 1331, 2241, 2242, and 2255; the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V; and the Suspension Clause, art I, § 9.

VENUE

13. Venue is proper in this District under 28 U.S.C. §§ 1391 and 2242 because at least one Respondent is in this district, Petitioner is detained in this District, Petitioner's immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004).

PARTIES

14. Petitioner Oganeg Doganyan is a noncitizen currently detained by Respondents at Northwest ICE Processing Center in Tacoma, Washington. He has been in ICE custody since August 14, 2024.

15. Respondent Cammilla Wamsley is the Field Office Director

1 responsible for the Seattle, Washington Field Office of ICE with administrative
2 jurisdiction over Petitioner's immigration case. She is a legal custodian of
3 Petitioner and is named in her official capacity.

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5 16. Respondent Todd M. Lyons is the Acting Director of U.S.
6 Immigration and Customs Enforcement (ICE). He is a legal custodian of Petitioner
7 and is named in his official capacity.

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9 17. Respondent Kristi Noem is the Secretary of the United States
10 Department of Homeland Security (DHS). She is a legal custodian of Petitioner and
11 is named in her official capacity.

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13 18. Respondent Pamela Jo Bondi is the Attorney General of the United
14 States Department of Justice. She is a legal custodian of Petitioner and is named in
15 her official capacity.

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17 19. Respondent Bruce Scott is the Warden of Northwest ICE Processing
18 Center in Tacoma, Washington, where Petitioner is currently detained. He is a legal
19 and physical custodian of Petitioner and is named in his official capacity.

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21 **STATEMENT OF FACTS**

22 **Background**

23
24 20. Petitioner Mr. Oganeg Doganyan has been detained by the Department
25 of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) branch
26 at the Northwest ICE Processing Center in Tacoma, Washington since August 14,

1 2024.

2 21. Petitioner was born on [REDACTED] in Armenia, which was then a
3 part of the Soviet Union but gained its independence in 1991 due to the dissolution
4 of the Soviet Union. Petitioner and several of his family members were admitted to
5 the United States at New York, NY on August 17, 1990 as refugees, and Petitioner
6 adjusted status to that of a lawful permanent resident under section 245 of the Act
7 effective the date of his admission.
8
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10 22. On July 2, 2018, Petitioner was convicted in the United States District
11 Court for the Central District of California for the offense of Mail Fraud, Aiding
12 and Abetting and Causing an Act to be Done and Conspiracy to Commit Money
13 Laundering, in violation of 18 U.S.C. 1341, 18 U.S.C. 2, and 18 U.S.C. 1956(h).
14 Therefore, on August 14, 2024, Petitioner was detained at the Northwest ICE
15 Processing Center in Tacoma, Washington.
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18 **Irreparable Injury**

19 23. Petitioner has numerous, serious and life-threatening medical issues
20 including a rare, "Factor II Deficiency" blood disorder that causes excessive
21 bleeding. The Northwest ICE Processing Center is not capable of treating this rare
22 medical problem, which if not treated properly, could cause death. Petitioner's
23 doctors have said this places his life at risk. Additionally, Petitioner suffers from
24 hypertension, type II Diabetes, dental problems, and anal fistula, and he requires
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1 regular bloodwork to monitor these ailments. However, due to Petitioner's Factor II
2 Deficiency, he was told by medical staff at the Northwest ICE Processing Center in
3 Tacoma that they could not treat any of his ailments, including an extremely painful
4 dental abscess that is infected and is rotting his jawbone, out of fear that any
5 treatment could cause excessive bleeding and death. Because Mr. Doganyan has
6 been suffering these ailments since he was detained on August 14, 2024,
7 Respondent's inability and unwillingness to provide the needed care essentially
8 amounts to torture with respect to its effect on Mr. Doganyan.
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11 24. Despite Petitioner's life-threatening medical condition, Respondents
12 have been unwilling to place Petitioner in a detention facility that can properly treat
13 Petitioner's multiple, serious, medical problems and respond appropriately in case
14 of an emergency. Hence, Respondents are in violation of the ICE / ERO Detention
15 Standard for Medical Care.²
16

18 25. Petitioner has submitted numerous inmate grievance forms to
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21 ² See, e.g., U.S. Immigration and Customs Enforcement's National Detention
Standards (Revised 2025), Standard 4.3 "Medical Care":

22 The facility will notify ICE/ERO of any detainee who
23 requires close medical supervision, including chronic and
24 convalescent care. The facility shall develop a written
25 treatment plan, including access to health care and other
treatment, and coordination with non-medical personnel
as necessary.

26 See **Exhibit 5** (§§ 4.3(M) and (H)); <https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf>.

1 correctional officials stating that he has *not* refused lab work, and documenting
2 correctional officials' deliberate indifference to his medical needs. Those grievance
3 forms are attached to the petition.
4

5 26. Further, Petitioner has a 76-year old U.S. citizen mother, a U.S. citizen
6 wife, and two U.S. citizen children as well as a large extended family who all live
7 in the Los Angeles area. Petitioner has exhausted all alternatives to relief including
8 a request for humanitarian parole that was submitted to the Department of
9 Homeland Security over eight months ago (November 26, 2024) but has yet to be
10 answered despite Petitioner's repeated attempts for a decision or status. Hence,
11 Petitioner must rely on this Habeas Corpus petition in order to obtain justice.
12
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14 27. Because the Northwest ICE Detention Center is unwilling to treat his
15 ailments, including a dental abscess that is infected and is rotting his jawbone, and
16 incapable of taking the necessary steps in the event of excessive bleeding, his life is
17 in jeopardy, and his continued detention is not justified under the Constitution or
18 the Immigration and Nationality Act (INA). Because Mr. Doganyan has been
19 suffering these ailments since he was detained on August 14, 2024, Respondent's
20 inability and unwillingness to provide the needed care essentially amounts to
21 torture with respect to its effect on Mr. Doganyan.
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25 **Likelihood of Prevailing on Appeal in Immigration Case**

26 28. Although Petitioner was ordered removed by an Immigration Judge on

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1 May 29, 2025, Petitioner has filed a timely appeal of that order to the Board of
2 Immigration Appeals. Petitioner is likely to prevail because he was born in the
3 Soviet Union, which does not exist anymore as a country. The removal order
4 purports to remove Petitioner to a country – Armenia – of which he is not now and
5 has never been a citizen.
6

7 **Exhaustion of Administrative Remedies**

8
9 29. Petitioner is in civil detention and not subject to a final order of
10 removal and so he is ineligible for relief under 8 U.S.C. § 1252. Accordingly, he
11 has no other avenue to challenge the legality or conditions of his continued
12 confinement apart from a petition for habeas corpus challenging the “fact, duration,
13 or conditions” of immigration detention. *Singh v. Holder*, 638 F.3d 1196, 1211–12
14 (9th Cir. 2011).
15

16
17 30. Mr. Doganyan has submitted numerous internal grievances at the
18 Northwest ICE Processing Center to alert officials of his deteriorating medical
19 condition, the lack of proper care, and the need for external treatment. These
20 grievances, attached as Exhibit 4, were either ignored or denied. The exhaustion of
21 these internal mechanisms satisfies the requirement under *Singh*, that the petitioner
22 first pursue and be denied facility-level administrative relief.
23

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25 31. Regardless of the above, Petitioner suffers from an exceptionally rare
26 and potentially fatal blood disorder (Factor II Deficiency) and the government’s

1 continued failure to provide appropriate medical treatment and its own
2 acknowledgment that the facility is unequipped to manage his condition create an
3 imminent risk of death. These circumstances constitute independent grounds for
4 excusing further administrative exhaustion. *Franco-Gonzalez*, 767 F. Supp. 2d at
5 1057; *Hernandez v. Sessions*, 872 F.3d 976, 990–91 (9th Cir. 2017).

7
8 **LEGAL FRAMEWORK**

9 32. District courts retain jurisdiction under 28 U.S.C. § 2241 to consider
10 habeas challenges to immigration detention that are sufficiently independent of the
11 merits of the removal order. *See Singh v. Holder*, 638 F.3d 1196, 1211-1212 (9th
12 Cir. 2011); *cf. Jennings v. Rodriguez*, 583 U.S. 281 (2018). Furthermore, a writ of
13 habeas corpus is the proper avenue for prisoners to challenge the fact or duration of
14 their confinement. *See Preiser v. Rodriguez*, 411 U.S. 475, 489 (1973) (a writ of
15 habeas corpus is the sole available federal remedy when a prisoner challenges “the
16 fact or duration of his confinement”).
17
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19 33. To succeed on a habeas petition, a petitioner must generally show that
20 he is “in custody in violation of the Constitution or laws or treaties of the United
21 States” 28 U.S.C. § 2241(c)(3).
22

23 34. Whenever the government detains or incarcerates someone, it has an
24 affirmative duty to provide conditions of reasonable health and safety. As the
25 Supreme Court has explained, “when the State takes a person into its custody and
26

1 holds him there against his will, the Constitution imposes upon it a corresponding
2 duty to assume some responsibility for his safety and general well-being.”

3 *DeShaney v. Winnebago County Dept. of Soc. Servs.*, 489 U.S. 189, 199-200
4 (1989). As a result, the government must provide those in its custody with “food,
5 clothing, shelter, medical care, and reasonable safety.” *Id.* at 200.

7 35. Conditions that pose an unreasonable risk of future harm violate the
8 Eighth Amendment’s prohibition against cruel and unusual punishment, even if that
9 harm has not yet come to pass. The Eighth Amendment requires that “inmates be
10 furnished with the basic human needs, one of which is ‘reasonable safety.’” *Helling*
11 *v. McKinney*, 509 U.S. 25, 33 (1993) (quoting *DeShaney*, 489 U.S. at 200).
12 Accordingly, “[i]t would be odd to deny an injunction to inmates who plainly
13 proved an unsafe, life-threatening condition in their prison on the ground that
14 nothing yet had happened to them.” *Id.*

18 36. Immigration detention is civil in nature and must not be punitive. The
19 U.S. Supreme Court has made clear in *Zadvydas v. Davis*, 533 U.S. 678, 690
20 (2001), that the government’s power to detain is limited by constitutional
21 principles. When removal is not reasonably foreseeable, detention becomes
22 constitutionally suspect. The Ninth Circuit has applied this principle to make clear
23 that civil detainees, like the petitioner here, are entitled to conditions of
24

25 that civil detainees, like the petitioner here, are entitled to conditions of
26 confinement that are superior to those of convicted prisoners and to those of

1 criminal pretrial detainees. *Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Cir. 2004),
2 cert. denied, 546 U.S. 820 (2005).

3 37. Mr. Doganyan is in the midst of a timely appeal before the Board of
4 Immigration Appeals. Under 8 U.S.C. § 1231(a)(1)(B)(i), the removal period does
5 not commence until the order becomes final. Therefore, the government lacks a
6 current statutory basis to effectuate removal, and Mr. Doganyan's continued
7 detention violates *Zadvydas*.
8
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10 38. In *Hernandez v. Lynch*, 872 F.3d 976, 991 (9th Cir. 2017), the court
11 emphasized that prolonged detention without individualized bond hearings raises
12 serious due process concerns. Here, Mr. Doganyan has remained in detention for
13 over 11 months without adequate medical care and with no meaningful possibility
14 of removal in the foreseeable future.
15

16 39. Furthermore, the Fifth Amendment's Due Process Clause requires that
17 detainees receive adequate medical care. See *Estelle v. Gamble*, 429 U.S. 97, 104
18 (1976). A civil detainee is entitled to at least the same level of protection. In *Jones*
19 *v. Blanas*, 393 F.3d 918, 934 (9th Cir. 2004), the Ninth Circuit held that deliberate
20 indifference to serious medical needs constitutes unconstitutional punishment.
21
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23 40. Mr. Doganyan's medical condition—a rare blood disorder requiring
24 specialized treatment—has been met with systemic inaction. ICE officials and
25 medical staff have acknowledged their inability to administer essential diagnostic
26

1 and therapeutic procedures, or to treat an extremely painful dental abscess that is
2 infected and is rotting his jawbone, due to fear of exacerbating his condition. Such
3 indifference qualifies as egregious conduct under *Gordon v. County of Orange*, 888
4 F.3d 1118, 1124-25 (9th Cir. 2018).

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6 41. Because Mr. Doganyan has been suffering these ailments since he was
7 detained on August 14, 2024, Respondent's inability and unwillingness to provide
8 the needed care essentially amounts to torture with respect to its effect on Mr.
9 Doganyan.

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11 42. His well-documented grievances and repeated requests for transfer
12 underscore the severity and urgency of his needs, yet Respondents have failed to
13 act. This pattern of neglect constitutes a violation of his Fifth Amendment rights
14 and mandates judicial intervention.

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17 43. Lastly, it is worth mentioning that, pursuant to 8 U.S.C. §
18 1231(b)(2)(E), the government may only remove a noncitizen to a country of which
19 the alien is a citizen, subject, or national. Petitioner is not a citizen or national of
20 Armenia. He was born in the Armenian SSR, a part of the former Soviet Union, and
21 never acquired Armenian citizenship. In the absence of a receiving country willing
22 to accept Mr. Doganyan, removal is not reasonably foreseeable under *Zadvydas*.
23 Consequently, further detention lacks any rational relationship to the purpose of
24 removal and violates due process.

EXHIBITS

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Document	Exhibit No.
Lab test, 04/28/2025	1
LabCorp, "Factor II Activity"	2
Patient Assessment Plan, 04/28/2025	3
Detainee Grievances.....	4
U.S. Immigration and Customs Enforcement's National Detention Standards (Revised 2025), Standard 4.3 "Medical Care"	5