District Judge Tiffany M. Cartwright
Chief Magistrate Judge Theresa L. Fricke

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OGANES DOGANYAN,

Petitioner,

v.

CAMMILLA WAMSLEY, *et al.*,

Respondents.

Case No. 2:25-cv-01480-TMC-TLF

FEDERAL RESPONDENTS-DEFENDANTS' OPPOSITION TO PETITIONER'S EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER

Noted for Consideration:
August 6, 2025

I. INTRODUCTION

Petitioner Oganes Doganyan fails to make a clear showing that he is entitled to the extraordinary remedy of a temporary restraining order ("TRO") compelling his release from immigration detention.[1] Dkt. No. 2, TRO Mot. United States Immigration and Customs Enforcement ("ICE") lawfully detains Doganyan pursuant to 8 U.S.C. § 1226(c) pending his administrative removal proceedings. He is in ICE custody at the Northwest ICE Processing Center ("NWIPC"). Doganyan alleges that his continued detention violates his Fifth

[1] Doganyan also filed a habeas petition earlier this year. *Doganyan v. Noem*, No. 3:25-cv-5097-JLR-MLP.

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1201 PACIFIC AVE., STE. 700
TACOMA, WA 98402
(253) 428-3800

Amendment due process rights and the Immigration and Nationality Act ("INA"). He seeks his release from immigration detention either to home confinement or to "transfer him to a qualified medical facility immediately." TRO Mot., at 8-9.

Doganyan alleges that his detention is unlawful because the medical treatment available at the NWIPC is inadequate to properly treat his medical conditions. Specifically, Doganyan alleges that NWIPC "is not capable of treating, and is refusing to treat [his] rare medical problem, which if not treated properly, could cause death." TRO Mot., at 7. In the Petition, Doganyan primarily focuses on his "Factor II Deficiency" blood disorder and dental issues. Pet, ¶¶ 4, 5. Disregarding the fact that Doganyan does not allege that he has sought a transfer to a different detention facility, ICE specifically placed Doganyan at NWIPC because of the level of care that would be available to him. NWIPC has significant ability to provide medical care to the detainees, and if such medical care is not available, referrals to specialists are available and have been made on Doganyan's behalf.

This Court should not order Doganyan's immediate release. He has not established that the facts and law clearly favor his position that his detention is punitive and violates due process. To wit, Doganyan's continued detention does not violate substantive due process as the medical care at NWIPC provides for his reasonable safety. Furthermore, as the Supreme Court has repeatedly recognized, detention is a constitutionally permissible aspect of the Government's enforcement of the immigration laws and fulfills the legitimate purpose of ensuring that individuals appear for their removal proceedings. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 836 (2018); *Demore v. Kim*, 538 U.S. 510, 523 (2003); *Zadvydas v. Davis,* 533 U.S. 678, 690-91 (2001). Consistent with the requirements of due process, Doganyan's confinement is thus "reasonably related" to a legitimate government interest. *Bell v. Wolfish*, 441 U.S. 535, 538-39 (1979). Third, Doganyan also cannot clearly establish that the duration of his detention

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1201 PACIFIC AVE., STE. 700
TACOMA, WA 98402
(253) 428-3800

necessitates his release. Finally, because his constitutional claims lack merit and because the balance of equities and public interest tilt against granting a TRO, Federal Respondents respectfully request this Court deny Doganyan's TRO motion.

This Opposition is supported by the Declarations of Jermaine Mercado ("Mercado Decl.") and the Declaration of Dr. Eddie Ling-Tse Wang ("Wang Decl.").

II. FACTUAL BACKGROUND

Doganyan is a native of the Armenian province of the former Union of the Soviet Socialist Republic and a citizen of Armenia. Mercado Decl., ¶ 3. He was admitted to the United States in 1990 and was later recognized as a lawful permanent resident. *Id.*

In 2018, Doganyan was convicted of Mail Fraud, Aiding and Abetting and Causing an Act to be Done and Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. § 1341, 18 U.S.C. 2, and 18 U.S.C. § 1956(h). *Id.*, ¶ 4. He was sentenced to 33 months of confinement and ordered to pay restitution of $1,425,572.47. *Id.*

Doganyan is currently in administrative removal proceedings and detained pursuant to 8 U.S.C. § 1226(c). On August 14, 2024, ICE took Doganyan into custody and issued a Notice to Appear, charging him with removal under 8 U.S.C. § 1227(a)(2)(A)(iii). *Id.*, ¶ 5. ICE denied a Doganyan's request for humanitarian parole. *Id.*, ¶ 6. On May 1, 2025, an Immigration Judge ordered Doganyan's removal to Armenia and denied his applications for relief from removal. *Id.*, ¶ 9. Doganyan has appealed his removal order to the Board of Immigration Appeals ("BIA"). *Id.*, ¶ 10.

ICE Health Service Corps ("IHSC") provides medical, dental and mental health care at the NWIPC. Wang Decl., ¶ 5. The NWIPC is a Level 4 facility, meaning it can provide a higher level of medical care. *Id.* Prior to his arrival at NWIPC, IHSC was notified of Doganyan's blood clotting disorder and NWIPC was chosen to house Doganyan because of its capability to

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1201 PACIFIC AVE., STE. 700
TACOMA, WA 98402
(253) 428-3800

address his medical needs. *Id.* NWIPC can manage patients with complex medical issues and collaborates with multiple nearby emergency departments that can assist in assessing critical patients and hospitalize unstable patients. *Id.* NWIPC also has collaborative agreements with local specialty services that cover all aspects of medical specialties. *Id.* IHSC is treating Doganyan's various medical conditions, including by making referrals to outside specialists. *See id.*, ¶¶ 6-15.

Relevant to his claims here, Doganyan has Factor II deficiency blood disorder, which increases his risk for bleeding if he sustains major trauma or undergoes significant surgical procedures. *Id.*, ¶ 6. While in detention, Doganyan has reported dental problems. *Id.*, ¶ 9. Oral surgery for tooth extraction has been recommended, but due to Doganyan's blood disorder, IHSC determined that there would need to be collaboration with a hematology specialist. *Id.* Doganyan attended a hematology appointment on April 28, 2025. *Id.* The blood work from this appointment shows that Doganyan's Factor II level returned at 6 percent. *Id.*, ¶ 13. While levels less than 30 percent may indicate deficiencies that may lead to excessive bleeding after trauma or surgery, normal activities do not impose the same risks. *Id.* The hematology specialist did not recommend any changes to current Doganyan's medical management unless there is a planned surgical procedure. *Id.* The hematology specialist provided IHSC with detailed instructions if Doganyan is to have surgical procedures. *Id.*, ¶ 9. After the hematology appointment, Doganyan was referred for oral surgery to extract his tooth. *Id.* Currently, IHSC is waiting for the oral surgeon's office to schedule Doganyan for an evaluation. *Id.*

III. LEGAL STANDARD

The standard for issuing a temporary restraining order is "substantially identical" to the standard for issuing a preliminary injunction. *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). "It frequently is observed that a preliminary injunction is

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TACOMA, WA 98402
(253) 428-3800

an extraordinary and drastic remedy, one that should not be granted unless the movant, *by a clear showing*, carries the burden of persuasion." *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (emphasis in original) (internal quotations omitted); *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). A plaintiff seeking a preliminary injunction must show that: (1) he is likely to succeed on the merits, (2) he is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in his favor, and (4) an injunction is in the public interest. *See Winter*, 555 U.S. at 20 ("*Winter* factors").

"A preliminary injunction can take two forms." *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 878 (9th Cir. 2009). "A prohibitory injunction prohibits a party from acting and 'preserves the status quo pending a determination of the action on the merits.'" *Id.* (internal quotation omitted). "A mandatory injunction orders a responsible party to take action." *Id.*, at 879 (internal quotation omitted). "A mandatory injunction goes well beyond simply maintaining the status quo pendente lite and is particularly disfavored." *Id.* (internal quotation omitted). Where a plaintiff seeks mandatory injunctive relief, "courts should be extremely cautious." *Stanley v. Univ. of S. California*, 13 F.3d 1313, 1319 (9th Cir. 1994) (internal quotation omitted). Thus, in a mandatory injunction request, the moving party "must establish that the law and facts *clearly favor* [his] position, not simply that [he] is likely to succeed." *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (emphasis in original).

Here, rather than preserving the status quo, Doganyan seeks mandatory injunctive relief in the form of an order requiring his immediate release from immigration detention.

IV. ARGUMENT

A. This Court should require Doganyan to meet the heightened mandatory injunction standard.

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(253) 428-3800

Doganyan's request for an order releasing him from immigration detention goes well beyond simply maintaining the status quo. Such an order constitutes mandatory injunctive relief. As a result, Doganyan must establish that the laws and facts clearly favor his position. *Garcia*, 786 F.3d at 740. In contrast, Doganyan improperly applies the lesser standard for prohibitory injunctive relief. TRO Mot., ¶ 8. But Doganyan is not seeking to prevent future constitutional violations, "a classic form of a prohibitory injunction," by enjoining an agency policy. *Hernandez v. Sessions*, 872 F.3d 876, 998 (9th Cir. 2020). Instead, he asks this Court to require ICE to take affirmative action, by releasing him from immigration detention.

Furthermore, Doganyan incorrectly suggests that the alternative standard for injunctive relief would be appropriate here. TRO, ¶ 9; *see Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017) (stating that a plaintiff can show that there are "serious questions going to the merits and the balance of hardships tips sharply towards [plaintiff], as long as the second and third *Winter* factors are satisfied" (internal quotation omitted)). But given the greater showing required, courts have declined to apply the alternative, "serious questions" preliminary injunctive relief standard to cases involving mandatory injunctions. *See, e.g.*, *Maney v. Brown*, 516 F. Supp. 3d 1161, 1172 n.8 (D. Or. 2021) (citing *P.P. v. Compton Unified Sch. Dist.*, 135 F. Supp. 3d 1126, 1135 (C.D. Cal. 2015)).

Thus, this Court should require Doganyan to demonstrate that the law and facts clearly favor his position.

B. Doganyan has not established that the law and facts clearly favor injunctive relief.

To succeed on a habeas petition, Doganyan must show that he is "in custody in violation of the Constitution or laws or treaties of the United States." *See* 28 U.S.C. § 2241. Doganyan's constitutional claims are (1) that his prolonged detention violates *Zadvydas* because "the government lacks a current statutory basis to effectuate removal (TRO Mot, ¶¶ 11-13); and (2)

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(253) 428-3800

that his detention is unconstitutional because his conditions of confinement violate the Fifth Amendment (TRO, ¶¶ 14-17). Doganyan has not demonstrated that the law facts clearly favor his release for either claim.

1. ICE lawfully detains Doganyan pursuant to 8 U.S.C. § 1226(c).

Doganyan's detention is constitutional and statutorily mandated pursuant to 8 U.S.C. §1226(c). *Demore v. Kim*, 538 U.S. 510, 530 (2003) ("Detention during removal proceedings is a constitutionally permissible part of that process."). Section 1226 provides the framework for the arrest, detention, and release of noncitizens in removal proceedings. *See* 8 U.S.C. § 1226. Section 1226(a) grants DHS the discretionary authority to determine whether a noncitizen should be detained, released on bond, or released on conditional parole pending the completion of removal proceedings. In contrast, detention pursuant to Section 1226(c) is mandatory for noncitizens that commit certain criminal offenses. This detention may end prior to the conclusion of removal proceedings "only if the [noncitizen] is released for witness-protection purposes." *Jennings*, 583 U.S. at 305-06 (internal quotation marks and citations omitted). Section 1226(c) includes any non-citizen who "is deportable by reason of having committed any offense covered in section 1227(a)(2)(A)(ii), (A)(iii), (B), (C), or (D) of this title." 8 U.S.C. § 1226(c)(1)(B).

Here, Doganyan is charged as being removable pursuant to 8 U.S.C. § 1227(a)(2)(A)(iii) due to his criminal convictions. Mercado Decl., ¶ 5. Section 1227(a)(2)(A)(iii) states that any noncitizen "who is convicted of an aggravated felony at any time after admission is deportable." 8 U.S.C. § 1227(a)(2)(A)(iii). Because Doganyan has been convicted of aggravated felonies as defined by 8 U.S.C. §§ 1101(a)(43)(D), (a)(43)(M), & (a)(43)(U) after his admission to the United States, his detention is statutorily mandated by Section 1226(c) until his removal proceedings have concluded.

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(253) 428-3800

Doganyan's assertion that his detention violates *Zadvydas* is misplaced because *Zadvydas* involved the duration of detention after a removal order is issued. *See Zadvydas*, 533 U.S. at 689-701. Consequently, the fact that Doganyan's removal is not likely to occur in the reasonably foreseeable future does not make his pre-order detention unconstitutional. Pet., ¶ 37. That is not the appropriate standard for review of due process claims concerning prolonged detention under Section 1226(c). *See Martinez v. Clark*, 18-cv-1669, 2019 WL 5968089 (W.D. Wash. May 23, 2019) (Report and Recommendation) (applying multi-factor due process analysis), *adopted by*, 2019 WL 5962685 (W.D. Wash. Nov. 13, 2019). In any event, such a review is not necessary at this stage of these proceedings as Doganyan's immediate release would not be appropriate relief for his prolonged detention claim even if it was substantiated.

An alien is entitled to release if he can show that his immigration detention is indefinite as defined in *Zadvydas*. *Hong v. Mayorkas*, No. 2:20-cv-1784, 2021 WL 8016749, at *6 (W.D. Wash. June 8, 2021), *report and recommendation adopted*, 2022 WL 1078627 (W.D. Wash. Apr. 11, 2022). Detention becomes indefinite in situations where the country of removal refuses to accept the noncitizen or if removal is legally barred. *Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir. 2008). That is not the situation here. Although Doganyan's detention continues while his removal proceedings are ongoing, he cannot allege that his detention has become indefinite, unlike the detainees in *Zadvydas* who were subject to post-order removal. His Section 1226(c) detention will end once his administrative proceedings are complete.

2. Doganyan's conditions of confinement claim is not properly brought pursuant to habeas.

This Court should not consider Doganyan's conditions of confinement as part of a 28 U.S.C. § 2241 habeas corpus petition. Challenges to the legality or duration of confinement should be pursued in a habeas proceeding, *see Crawford v Bell*, 599 Fl2d 890, 891 (9th Cir.

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1201 PACIFIC AVE., STE. 700
TACOMA, WA 98402
(253) 428-3800

1979), while challenges to conditions of confinement should be pursued in a civil rights action. *See Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991). Doganyan alleges that his medical care at the NWIPC violates his right to substantive and procedural due process guaranteed by the Fifth Amendment, thus causing his detention to be unlawful. Although the relief he seeks is release from detention, his claim is squarely focused on alleged constitutional violations caused by the adequacy of his medical treatment at NWIPC.

To be clear, the Petition asserts that NWIPC "is not capable" of providing adequate medical care to Doganyan; it does not allege that detention *at any facility* would be unlawful or unconstitutional. As such, this is a challenge to the conditions of Doganyan's confinement at the NWIPC and not a direct challenge to the legality or duration of his confinement. Thus, "[t]he appropriate remedy for such constitutional violations, if proven, would be a judicially mandated change in conditions and/or an award of damages, but not release from confinement." *Crawford*, 599 F.2d at 891.

While courts in this District have adjudicated conditions of confinement claims related to the COVID-19 pandemic, those cases were decided under unique circumstances not present here. *See, e.g., Dawson v. Asher*, No. 20-cv-0409, 2020 WL 1704324, at *8-9 (W.D. Wash. Apr. 8, 2020) (explaining the circumstances under which the Court undertook consideration of COVID-19-related conditions of confinement claims in petitions brought under 28 U.S.C. § 2241). Accordingly, this Court should decline to extend such consideration to the claims in this case.

3. The conditions of Doganyan's confinement are constitutional.

a. Doganyan cannot demonstrate that NWIPC has failed to offer him adequate medical care.

Due process requires the government to assume some responsibility for civil detainees' safety and well-being, such as "food, clothing, shelter, medical care, and reasonable safety." *DeShaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489 U.S. 189, 200 (1989). Claims involving

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TACOMA, WA 98402
(253) 428-3800

the right to adequate medical care such as those at issue here "must be evaluated under an objective deliberate indifference standard." *Gordon v. Cnty. of Orange*, 888 F.3d 1118, 1124-25 (9th Cir. 2018). To demonstrate a due process violation, a petitioner must show:

> (i) The defendant made an intentional decision with respect to the conditions under which the plaintiff was confined;
>
> (ii) Those conditions put the plaintiff at substantial risk of suffering serious harm;
>
> (iii) The defendant did not take reasonable available measures to abate that risk, even though a reasonable officer in the circumstances would have appreciated the high degree of risk involved – making the consequences of the defendant's conduct obvious; and
>
> (iv) By not taking such measure, the defendant caused the plaintiff's injuries.

Castro v. Cty. of L.A., 833 F.3d 1060, 1071 (9th Cir. 2016) (en banc).

Doganyan cannot meet this standard. First, Doganyan cannot show that the medical care at NWIPC puts him at a substantial risk of suffering serious harm. Federal Respondents do not dispute that Doganyan has various medical conditions, including his Factor II deficiency. Wang Decl., ¶¶ 6, 9-12. In fact, ICE placed Doganyan at NWIPC because IHSC can provide a higher level of medical care to address his conditions and manage patients with complex medical issues. Wang Decl., ¶ 5. NWIPC is in a large urban center in proximity to several hospitals and specialists. *Id.*

Medical, dental and mental health care at the NWIPC is provided by IHSC. *Id.* IHSC comprises a multidisciplinary workforce that consists of U.S. Public Health Service Commissioned Corps officers, federal civil servants, and contract health professionals. *Id.* The medical clinic at the NWIPC currently includes Family Medicine physicians, Emergency Medicine physicians, Physician Aids, Advanced Nurse Practitioners, nurses, records technicians, psychiatrists and behavioral health specialists, dentists and dental technicians. *Id.* The medical

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clinic also has its own pharmacy, two pharmacists, and pharmacy technicians. *Id.* And for any treatment or issue not treated at NWIPC, there are collaborative agreements with local specialty services and numerous hospitals for treatment of critical patients. *Id.* Accordingly, Doganyan cannot show the substantial medical care available to him places him at substantial risk of sustaining serious harm.

Second, the medical care offered to Doganyan at NWIPC constitutes objectively reasonable measures to abate the risk of serious physical harm. The Ninth Circuit applies an objectively unreasonable test to failure-to-protect claims brought under the Due Process Clause. *Castro*, 833 F.3d at 1071. "[T]he defendant's conduct must be objectively unreasonable, a test that will necessarily 'turn on the facts and circumstances of each particular case.'" *Id.* (quoting *Kingsley v. Hendrickson*, 576 U.S. 389, 396 (2015) (alterations and internal quotation marks omitted)). A plaintiff must prove "more than negligence but less than subjective intent—something akin to reckless disregard." *Id.* (internal citation omitted). Neither general allegations of negligence nor a plaintiff's general disagreement with treatment received is enough to show deliberate indifference. *See Estelle v. Gamble*, 429 U.S. 97, 105-06 (1976). Rather, deliberate indifference arises "only when the decision by the [medical] professional is such a substantial departure from accepted professional judgment, practice, or standards as to demonstrate that the person responsible actually did not base the decision on such a judgment." *Youngberg v. Romeo*, 457 U.S. 307, 323 (1982).

In assessing whether government officials acted with a sufficient degree of recklessness to support a deliberate-indifference claim, courts must consider the particular "constraints facing the official." *Wilson v. Seiter*, 501 U.S. 294, 302-03 (1991). Although "the [government's] responsibility to attend to the medical needs of prisoners does not ordinarily clash with other equally important governmental responsibilities," that is not always the case. *Id.* Accordingly,

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when, as here, the government undertakes reasonable efforts to protect detainees' health and safety, the government cannot be deemed deliberately indifferent to a detainee's wellbeing, even if the policies through which the government operates are imperfect or the methods chosen are later determined to be suboptimal by a reviewing court. *Farmer*, 511 U.S. at 844-45. "[T]he Constitution does not require that detention facilities reduce the risk of harm to zero." *C.G.B. v. Wolf*, 464 F. Supp. 3d 174, 212 (D.D.C. 2020) (quoting *Benavides v. Gartland*, No. 20-cv-46, 2020 WL 1914916, at *5 (S.D. Ga. Apr. 18, 2020) & citing *Dawson v. Asher*, No. 20-cv-0409, 2020 WL 1704324, at *12 (W.D. Wash. Apr. 8, 2020)).

Federal Respondents acknowledge that Doganyan has a dental issue and is waiting to have a tooth extracted. Wang Decl., ¶ 9. IHSC sent Doganyan to a hematology consult because of the prospect of oral surgery. *Id.* While Doganyan argues that his Factor II Activity result from the blood work taken at the hematology consult is "potentially fatal," Pet., ¶ 4, Dr. Wang has explained that this level may lead to excess bleeding after trauma or surgery. Wang Decl., ¶ 13. Doganyan is not exposed to the same risks through normal activities. Furthermore, the hematology specialist did not recommend any changes to Doganyan's current medical management unless there is a planned surgical procedure. *Id.*

IHSC is providing Doganyan with appropriate, necessary medical care during his time at NWIPC. Wang Decl., ¶ 14. If a specialist is needed, arrangement for referrals and treatment with outside specialists will continue to be made. *See id.* Doganyan is incorrect that NWIPC cannot perform regular blood work to monitor his medical conditions. Pet., ¶ 23. Doganyan bases this assertion on a statement made by NWIPC "medical staff" that his labs would not be taken due to his bleeding disorder. *See id.* Although he was told that his labs would not be drawn, this is not the full context of the statement. The day after Doganyan was transferred to NWIPC, a physician's assistant did tell him that his labs would not be drawn. But Doganyan's

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labs had been drawn less than two months earlier while he was detained by BOP. Wang Decl., ¶ 7. Thus, IHSC requested this information from BOP and was able to review these lab results. *Id.* IHSC further determined that Doganyan's labs will be requested every six months instead of three months (usual IHSC protocol) due to his increased risk for bleeding. *Id.* When Doganyan has allowed blood work to be taken, IHSC has done so. *Id.*, ¶ 8. Thus, his claim that IHSC cannot perform blood draws is without merit.

With substantial medical treatment available to him – if he chooses to accept it – Doganyan also cannot demonstrate that his medical care at NWIPC places him in sufficiently imminent danger. "To satisfy the fourth element, a plaintiff need only prove a 'sufficiently imminent danger[],' because a 'remedy for unsafe conditions need not await a tragic event.'" *Roman v. Wolf*, 977 F.3d 935, 943 (9th Cir. 2020) (quoting *Helling v. McKinney*, 509 U.S. 25, 33–34 (1993)). Doganyan has not shown that his blood disorder or dental issue requires imminent treatment that either IHSC cannot provide or refer to an outside specialist. Without any showing that he is in sufficient imminent danger due to inadequate medical care at NWIPC, his due process claims concerning the lawfulness of his detention due to alleged inadequate medical care should be dismissed.

Accordingly, Doganyan's conditions of confinement do not violate his Fifth Amendment substantive due process right to reasonable safety.

b. Doganyan's detention is not punitive.

Doganyan's detention is not punitive because it is reasonably related to legitimate governmental objectives. When evaluating the constitutionality of civil detention conditions under the Fifth Amendment, a district court must determine whether those conditions "amount to punishment of the detainee." *Bell*, 441 U.S. at 535. A petitioner may show punishment through an express intent to punish or a condition that is not "reasonably related to a legitimate

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governmental objective." *Id.*; *see also Kingsley*, 576 U.S. at 398 (noting that "a pretrial detainee can prevail by providing only objective evidence that the challenged governmental action is not rationally related to a legitimate governmental objective or that it is excessive in relation to that purpose"). "A restriction is punitive where it is intended to punish, or where it is 'excessive in relation to [its] non-punitive purpose.'" *See Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Cir. 2004).

Doganyan presents no evidence that ICE or IHSC's medical treatment constitutes an express intent to punish him. Furthermore, the Supreme Court has recognized "a legitimate government interest in ensuring noncitizens appear for their removal or deportation proceedings and protecting the community from harm." *Bryan v. ICE Field Off. Dir.*, No. 21-cv-00154, 2021 WL 4556148, at *4 (W.D. Wash. June 14, 2021), *report and recommendation adopted*, 2021 WL 4552442 (W.D. Wash. Oct. 5, 2021) (citing *Jennings*, 583 U.S. at 285-88; *Demore*, 538 U.S. at 520-22; *Zadvydas*, 533 U.S. at 690-91). As the Supreme Court has emphasized, "[t]he wide range of 'judgment calls' that meet constitutional and statutory requirements [for federal detention] are confided to officials outside of the Judicial Branch of Government." *Bell*, 441 U.S. at 562. The Constitution thus leaves the Government latitude in determining how it may achieve its legitimate interest in executing the immigration laws. In evaluating those determinations, courts must be careful to impose only what the Constitution requires – not "a court's idea of how best to operate a detention facility." *Id.*, at 539.

Doganyan's detention is justified. He was convicted of serious fraudulent crimes. Mercado Decl., ¶ 4. Relevant to his current detention, ICE has considered his request for humanitarian parole and denied it. *Id.*, ¶ 6. Doganyan falls well short of demonstrating that this confinement at NWIPC with the medical treatment available is so excessive that it evinces "an expressed intent to punish on the part of detention facility officials." *Bell*, 441 U.S. at 538.

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Moreover, Doganyan's detention is proportionately related to the Government's non-punitive responsibilities and administrative purposes. While civil detainees retain greater liberty protections than individuals convicted of crimes, *see, e.g.*, *Youngberg*, 457 U.S. at 321-22; *Bell*, 441 U.S. at 535, Doganyan's continued immigration detention pending removal cannot be described as punitive or excessive in relation to the legitimate governmental purpose of protecting the public and ensuring his appearance at his immigration proceedings.

c. Release is not an appropriate remedy for the alleged violations.

The mandatory injunctive relief that Doganyan seeks is his release from detention. However, he fails to demonstrate that even if the alleged due process violations were established, they would warrant or require immediate release. Doganyan has not claimed that his detention anywhere would be unlawful. He limits his claims to NWIPC. Thus, it is unclear why release would be the appropriate form of emergency relief here. Or, "[e]ven if Petitioner could show a Fifth Amendment violation, he does not establish that such a violation would justify immediate release, as opposed to injunctive relief that would leave him detained while ameliorating any unconstitutional conditions at the NWIPC." *Ortiz v. Barr*, No. 20-cv-497, 2020 WL 13577427, at *7 n.8 (W.D. Wash. April 10, 2020); *accord Doe v. Bostock*, No. 24-cv-326, 2024 WL 3291033, at *8 (W.D. Wash. Mar. 29, 2024).

Therefore, even if this Court were to find a due process violation concerning Doganyan's medical care, immediate release would not be an appropriate form of relief.[2]

C. Doganyan has not shown irreparable harm.

Doganyan has not demonstrated that he will suffer irreparable injury absent the

[2] In the alternative to release, Doganyan requests to be transferred "to a qualified medical facility." TRO Mot., ¶ 24. But he fails to identify what he considers to be such a facility, and whether that facility would be a different ICE facility or a private facility (which would require his release from detention – his initial and primary request for relief). Moreover, the proposed order does not even include this alternative request for relief. Dkt. No. 2-1.

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(253) 428-3800

mandatory injunctive relief she seeks. To do so, he must demonstrate "immediate threatened injury." *Caribbean Marine Services Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *Los Angeles Memorial Coliseum Commission v. National Football League,* 634 F.2d 1197, 1201 (9th Cir.1980)). Merely showing a "possibility" of irreparable harm is insufficient. *See Winter*, 555 U.S. at 22. "Issuing a preliminary injunction based only on a possibility of irreparable harm is inconsistent with [the Supreme Court's] characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter*, 555 U.S. at 22.

Doganyan asserts – without any supporting evidence – that his jawbone is "rotting." Pet., ¶ 15. He acknowledges that his tooth extraction "requires special treatment due to his extremely rare blood disease." *Id.*, ¶ 18. That is exactly why IHSC sent Doganyan to a hematology specialist and is in the process of sending him to an outside oral surgeon. Besides speculation, Doganyan has provided no evidence that he is at risk of "death or irreversible injury." *Id.*, ¶ 19.

Accordingly, Doganyan has not demonstrated that he will be subject to immediate irreparable injury if not released.

D. The balance of the interests and public interests favor the Government.

The balance of equities and public-interest components of the preliminary injunction analysis typically "merge when the Government is the opposing party." *Nken v. Holder*, 556 U.S. 418, 435 (2009). It is well settled that the public interest in enforcement of United States' immigration laws is significant. *See, e.g.*, *United States v. Martinez-Fuerte*, 428 U.S. 543, 556-58 (1976); *Blackie's House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir. 1981) ("The Supreme Court has recognized that the public interest in enforcement of the immigration laws is significant.") (citing cases); *see also Nken*, 556 U.S. at 435 ("There is always a public interest in prompt execution of removal orders).

UNITED STATES ATTORNEY
1201 PACIFIC AVE., STE. 700
TACOMA, WA 98402
(253) 428-3800

Doganyan asks the Court to declare his detention unconstitutional, despite the Government's valid reasons and statutory basis for his detention. His detention satisfies due process and Doganyan has not satisfied his burden to demonstrate that the law and facts clearly favor the grant of mandatory injunctive relief. Lastly, he has not demonstrated that immediate release would be appropriate relief here in lieu of other forms of injunctive relief. Accordingly, this Court should deny the TRO motion.

CONCLUSION

For all of the foregoing reasons, Doganyan has not satisfied the heightened burden of establishing entitlement to mandatory injunctive relief, and his Motion should be denied.

DATED this 8th day of August, 2025.

Respectfully submitted,

TEAL LUTHY MILLER
Acting United States Attorney

s/ Michelle R. Lambert
MICHELLE R. LAMBERT, NYS #4666657
Assistant United States Attorney
United States Attorney's Office
Western District of Washington
1201 Pacific Avenue, Suite 700
Tacoma, Washington 98402
Phone: (206) 553-7970
Fax: (206) 553-4067
Email: michelle.lambert@usdoj.gov

Attorneys for Federal Respondents

I certify that this memorandum contains 4,979 words, in compliance with the Local Civil Rules.