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DETAINED

District Judge Tiffany M. Cartwright
Magistrate Judge Michelle L. Peterson

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

OGANES DOGANYAN,

Petitioner,

v.

CAMMILLA WAMSLEY, *et al.*;

Respondents.

CASE NO.: 2:25-cv-01480-TMC-MLP

**PETITIONER'S SUPPLEMENTAL
BRIEF IN SUPPORT OF MOTION
FOR TEMPORARY
RESTRAINING ORDER**

PLEADING TITLE

PETITIONER'S
SUPPLEMENTAL BRIEF
CASE NO.: 2:25-CV-01480-
TMC-MLP

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Petitioner Oganeg Doganyan respectfully submits this supplemental brief to address whether his Emergency Motion for Temporary Restraining Order (“TRO Motion”) is now moot following his transfer from the custody of U.S. Immigration and Customs Enforcement (“ICE”) at the Northwest ICE Processing Center to the custody of the U.S. Marshals Service at the Federal Detention Center SeaTac. It is not. The relief Mr. Doganyan seeks—a court order requiring his release due to life-threatening medical neglect—remains fully available and justiciable, and the Petition and TRO Motion are not moot.

Moreover, the Court retains jurisdiction over the habeas petition pursuant to 28 U.S.C. § 2241. The transfer does not eliminate the Court’s jurisdiction, and the appropriate legal remedy is joinder or substitution of the current custodian under Rules 21 and 25(d) of the Federal Rules of Civil Procedure and longstanding habeas doctrine.

II. THE TRO MOTION IS *NOT* MOOT

A case becomes moot only when it is impossible for a court to grant any

1 effectual relief whatever to the prevailing party. *Knox v. SEIU, Local 1000*, 567
2 U.S. 298, 307 (2012). Moreover, “[t]he voluntary cessation of challenged conduct
3 does not ordinarily render a case moot because the conduct could be resumed as
4 soon as the case is dismissed.” *Id.*

5
6 Mr. Doganyan remains at this time a person who is “in custody under or by
7 color of the authority of the United States or is committed for trial before some
8 court thereof” (28 U.S.C. § 2241(c)(1)), in that he is currently in the custody of
9 the U.S. Marshal at FDC SeaTac, under register number 12214-097, as is
10 confirmed by Bureau of Prisons. *See* Request for Judicial Notice, Exhibit 1
11 thereto, concurrently filed. Petitioner’s TRO asks the following relief:

12
13 Grant a Temporary Restraining Order (1) immediately
14 enjoining Respondents from continuing to detain
15 Petitioner; and (2) ordering Respondents to either
16 release Petitioner to home confinement or transfer him
17 to a qualified medical facility immediately pending the
18 adjudication of the habeas petition.

19 TRO Motion at 8-9, Doc. 2.

20 The transfer of custody from ICE to the U.S. Marshals Service does not
21 make it impossible for this Court to grant the requested relief – release – which
remains necessary. Mr. Doganyan’s underlying medical crisis remains acute, and

1 he continues to face irreparable harm from the government’s failure to provide
2 treatment for his rare and potentially fatal Factor II blood disorder and associated
3 conditions.

4 This is not a case where the petitioner has been released from custody or
5 has obtained the relief sought. Instead, Mr. Doganyan has merely been transferred
6 from one custodial authority to another. Courts have consistently held that the
7 Government cannot avoid a writ of habeas corpus by artificially procuring the
8 absence of the detained individual: “[j]urisdiction is not defeated by the transfer of
9 the petitioner and the accompanying custodial change.” *Rumsfeld v. Padilla*, 542
10 U.S. 426, 441 (2004). Rather:

11
12
13 **[W]hen the Government moves a habeas petitioner**
14 **after she properly files a petition naming her**
15 **immediate custodian, the District Court retains**
16 **jurisdiction and may direct the writ to any**
17 **respondent within its jurisdiction who has legal**
18 **authority to effectuate the prisoner's release.**

19 *Id.* at 441 (emphasis added); *Ex parte Endo*, 323 U.S. 283, 306 (1944).

20 Because the central relief sought in the TRO Motion—Mr. Doganyan’s
21 release so he may receive essential medical treatment—has not been granted, the
motion is not moot. The harm is ongoing, and this Court remains capable of

1 ordering meaningful relief. *See Francis v. Roson*, 894 F.2d 353, 354 (9th Cir.
2 1990) (“jurisdiction attaches on the initial filing for habeas corpus relief, and it is
3 not destroyed by a transfer of the petitioner and the accompanying custodial
4 change”).

5
6 **III. ADDITIONAL RESPONDENTS MAY BE JOINED TO REFLECT**
7 **CURRENT CUSTODY**

8 Rule 25(d) of the Federal Rules of Civil Procedure permits substitution of
9 public officers sued in their official capacity when a change in office or position
10 occurs. Here, the proper course is to allow Petitioner to join or substitute the
11 current Warden of the Federal Detention Center SeaTac—where Mr. Doganyan is
12 now confined—as an additional Respondent. This ensures that the habeas
13 proceeding remains directed at the person with immediate physical custody and
14 authority to comply with any release order.

15
16 Furthermore, the joinder is appropriate under Rule 21 of the Federal Rules
17 of Civil Procedure, which authorizes the Court to add or drop parties “at any time,
18 on just terms.” Such joinder is consistent with habeas practice and the “in
19 custody” requirement under 28 U.S.C. § 2241(c).

20
21 /// ///

1 **IV. CONCLUSION**

2 For the foregoing reasons, Mr. Doganyan respectfully urges the Court to:

- 3 1. Find that the pending TRO Motion is not moot despite the change in
4 physical custody;
- 5 2. Permit Petitioner to join or substitute the current Warden of FDC
6 SeaTac as an additional Respondent; and
- 7 3. Proceed to adjudicate the TRO Motion on its merits without delay,
8 given the continuing irreparable harm Mr. Doganyan faces.
9

10 Respectfully submitted,

11 Date: August 18, 2025

12
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