

1 Reuven L. Cohen (CA Bar No. 231915)
Email: rcohen@cohen-williams.com
2 Daniel Natal (CA Bar No. 346662)
Email: dnatal@cohen-williams.com
3 COHEN WILLIAMS LLP
724 South Spring Street, 9th Floor
4 Los Angeles, CA 90014
Telephone: (213) 232-5160
5 Facsimile: (213) 232-5167
(*Pro Hac Vice Pending*)

6 Hardeep Sull (NV Bar No. 12108)
Email: dee@sullglobal.com
7 SULL AND ASSOCIATES PLLC
3753 Howard Hughes Parkway, Suite 200
8 Las Vegas, NV 89169
Telephone: (702) 953-9500

9 Attorneys for Petitioner-Plaintiff,
10 VARDAN GUKASIAN

11
12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 VARDAN GUKASIAN, an individual,
15
16 Petitioner-Plaintiff,

17 v.

18 KRISTI NOEM, Acting Secretary of the
Department of Homeland Security; TODD
19 LYONS, Deputy Director and Senior Official
Performing the Duties of Director, U.S.
Immigration and Customs Enforcement;
20 KENNETH PORTER, Assistant Field Office
Director, U.S. Immigration and Customs
Enforcement and Removal Operations; SDDO
21 CLOYDE UMALI, Supervisory and Detention
Officer, Immigration and Customs Enforcement,
22 Enforcement and Removal Operations, Salt Lake
City Field Office, Las Vegas Sub-Office,
23 Detained Unit; TYLER ADAMS, Supervisory
and Detention Officer, Immigration and Customs
24 Enforcement, Enforcement and Removal
Operations, Salt Lake City Field Office, Las
25 Vegas Sub-Office, Detained Unit; NAPHCARE,
INC.; and CAPTAIN FRANK D'AMICO,
26 Captain of Corrections, Henderson Detention
Center,

27 Respondents-Defendants.
28

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

INTRODUCTION

1. Vardan Gukasian (“Petitioner,” “Plaintiff,” or “Mr. Gukasian”) is a prominent Armenian political dissident and famous blogger, paramedic, military veteran, former law enforcement officer, lifelong public servant, and anti-corruption advocate seeking asylum from Armenia and Russia. For years, government officials in Armenia unsuccessfully attempted to imprison Mr. Gukasian on falsified criminal charges in an effort to return him to Armenia for political persecution. Six months ago, the Armenian government came one step closer to their long-held goal of silencing Mr. Gukasian: on February 20, 2025, despite a pending and timely-filed asylum claim, Mr. Gukasian was abruptly detained by the Department of Homeland Security (“DHS”) for allegedly overstaying his visa. He is currently being held without bond in the Henderson Detention Center (“HDC”) under the legal authority and physical control of Respondents; he awaits resolution of his pending removal proceedings and his application for asylum.

2. Mr. Gukasian’s now-prolonged civil detention has led to a serious medical emergency. Over the last several weeks, Mr. Gukasian has experienced an off-again, on-again hypertensive crisis—a life-threatening condition in which blood pressure skyrockets to 180/120 or higher.¹ This sudden and dangerous rise in both systolic and diastolic pressure can cause immediate and severe damage to the cardiovascular, renal, and central nervous systems. Without prompt treatment, which he needs but has not received, Mr. Gukasian is at increased risk of catastrophic end-organ damage, stroke, pulmonary edema, and myocardial infarction. The intense systolic and diastolic pressure can (and usually does) swiftly damage blood vessels and vital organs, including the heart, brain, kidneys, and eyes. Under such circumstances, the heart may be unable to pump blood effectively, necessitating urgent, life-saving medical intervention.

¹ As used throughout this Petition, blood pressure numbers represent a reading of one number (systolic blood pressure) over another number (diastolic blood pressure), measured in millimeters of mercury. NATIONAL INSTITUTES OF HEALTH, WHAT IS HIGH BLOOD PRESSURE? (April 25, 2024), available at <https://www.nhlbi.nih.gov/health/high-blood-pressure>. Combined, the numbers represent the force with which blood flows and is pumped throughout the body by the heart. *Id.* A healthy blood pressure reading is 120/80. *Id.* A reading of 180/120 or greater reflects a hypertensive crisis that requires immediate medical attention. *Id.*

3. As discussed more fully below, Respondent's treatment of Mr. Gukasian has been nothing less than shocking and un-American, and most significantly, is even more egregious and unconscionable when juxtaposed against the reasons underpinning why he is in immigration detention.

4. Mr. Gukasian is the founder and leader of the Armenian Democratic Party, a populist anti-corruption political party in Armenia. If elections for the Armenian Parliament were held today, some polls indicate that Mr. Gukasian's party would finish second.²

5. Mr. Gukasian is beloved by many in Armenia and the Armenian diaspora. He is widely known in the Armenian community for hosting an extraordinarily popular online podcast that is streamed on social media. In his podcast, Mr. Gukasian takes live calls from viewers, exposes political corruption, investigates criminal activity, and bluntly discusses a wide variety of topics—ranging from Armenian politics to social trends to his own support of President Trump and the MAGA brand of populism. Mr. Gukasian's social media posts are so popular that one Armenian press organization has observed that "it is obvious that [his] views are now higher than th[e] videos that Pashinyan[,] [the Prime Minister of Armenia,] puts out."³

6. For the same reasons he is beloved by the Armenian people, Mr. Gukasian is hated by the Armenian government, which has gone to extraordinary lengths to silence him. Serving for decades in the Armenian police department as an anti-corruption officer, Mr. Gukasian's investigations in Armenia stirred the ire of powerful political foes—including the then-President of Armenia. Mr. Gukasian's role in uncovering governmental corruption eventually resulted in his imprisonment for three years on charges unequivocally fabricated by the Armenian government and later expunged from his record. Persistent political persecution, threats of violence, and the weaponization of the criminal justice system eventually forced Mr. Gukasian to flee Armenia—first to Russia and then to the United States, where he applied for asylum as a political refugee in April of 2022.

² Poll reveals plummeting support for Pashinyan's party in Armenia, REPORT NEWS AGENCY, Jan. 29, 2025, available at <https://report.az/en/region/poll-reveals-plummeting-support-for-pashinyan-s-party-in-armenia/>.

³ Armine Martirosyan, *Who is the blogger Dog, what kind of game is he playing? Opinion of a media expert and political scientist*, JAM NEWS, Jun. 16, 2023, available at <https://jam-news.net/who-is-vardan-ghukasyan-nicknamed-dog/>.

1 7. As Mr. Gukasian's online following and popularity has grown, the Armenian government
2 has desperately tried to appeal to the international community to extradite him to Armenia for the almost-
3 certain purpose of political persecution, torture, and ultimately, his death. At least one international body
4 has refused to comply with Armenia's requests for extradition after it determined that the current
5 Armenian government would likely subject Mr. Gukasian to torture, serious bodily injury, or death were
6 he to be returned to Armenia. Other tribunals, including the European Court, have cited evidence that this
7 Armenian government has subjected other members of Mr. Gukasian's political party to torture and
8 persecution and have requested a response from Armenia to address that evidence.

9 8. In a final, transparently cynical effort to silence Mr. Gukasian, the Armenian government
10 filed paperwork to request his extradition to Armenia. Because the United States has no extradition treaty
11 with Armenia, the filing effectively became a request to deport Mr. Gukasian, ostensibly to face criminal
12 charges. It is plain that in this case a foreign sovereign, by bringing this action against Mr. Gukasian, has
13 effectively sought to weaponize the United States immigration system against Mr. Gukasian for its own
14 political purposes.

15 9. In his immigration proceedings, Mr. Gukasian is represented by retained immigration
16 counsel: Zachary Nightingale, Hardeep Sull, and Lorena Castillo. It is not hyperbolic to aver that
17 Mr. Gukasian's lawyers are literally fighting for his life by contesting his removal through the renewal of
18 his asylum application before the Immigration Court. Deportation to Armenia means almost certain
19 captivity, torture, and death at the hands of the Armenian government for Mr. Gukasian.

20 10. In order to adequately and competently represent Mr. Gukasian, his lawyers must meet,
21 consult, and speak with him to conduct an investigation and properly litigate his case. Because HDC does
22 not offer adequate virtual or video visitation, Mr. Gukasian's lawyers must visit him in-person at his place
23 of detention in Henderson Detention Center in Henderson, Nevada. Yet at every turn, Respondents have
24 made it nearly impossible for Mr. Gukasian and his counsel to meaningfully confer with one another.

25 11. For example, because Mr. Gukasian does not speak English, his counsel requires the use
26 of a Russian or Armenian interpreter to speak with him. In order to attend visits with Mr. Gukasian,
27 interpreters must be "cleared" by HDC staff. Frustratingly, Respondents and HDC have used the clearance
28 system to inconsistently and arbitrarily prohibit some interpreters from visiting Mr. Gukasian—despite

1 historically granting the same interpreters clearance in other matters. Last-minute denials of clearances
2 have sometimes forced Mr. Gukasian's counsel to scramble to find a replacement interpreter at the last
3 minute, causing costly and time-consuming delays in their ability to meet with him.

4 12. Furthermore, Mr. Gukasian's counsel have been punitively and arbitrarily forced by jail
5 staff to wait for hours both before and after in-person visits with Mr. Gukasian.

6 13. After clearing security and before seeing Mr. Gukasian, counsel for Mr. Gukasian have
7 consistently endured lengthy delays of up to two hours simply to be escorted down the hallway to a
8 visitation booth. These long waits have occurred for no apparent reason, with no other visitors in need of
9 an escort and with no explanation offered by jail staff for the delays.

10 14. Perhaps most concerning, after visits have concluded, counsel have been routinely and
11 involuntarily confined to a visitation cell for indefinite lengths of time. Visitation cells at HDC are locked
12 from the outside and do not have a phone or means of communicating with staff from the visitor's side of
13 the cell; the sole means of alerting HDC staff to open the cell is an intercom speaker on the inmate's side
14 of the cell. HDC staff remove inmates from the visitation cells first as a matter of policy, leaving counsel
15 and the interpreter alone in the cell. Cell phones, of course, are not permitted in contact visits at HDC.
16 Thus, after visits with Mr. Gukasian end, his counsel have frequently been confined in a cramped cell with
17 no means of escape or communication.

18 15. After Mr. Gukasian is removed from the visitation cell, his counsel and interpreters have
19 routinely been forced to wait for hours before being allowed to leave the visitation cell. While in the cell,
20 counsel have had to verbally call for help, bang on the cell door, and create noise in an attempt to gain the
21 attention of HDC staff. On several occasions, counsel have been ignored or told to wait longer by HDC
22 staff. On one occasion, counsel had to gain the attention of an inmate-trustee doing laundry, who
23 subsequently alerted HDC staff to release counsel from the cell.

24 16. The delays forced by Respondents' visitation policies have been far more pernicious than
25 mere wasted hours of time for Mr. Gukasian's counsel; more significantly, the delays have rendered
26 representation of his interests and attorney-client communication practically impossible. Already,
27 Respondents' policies have impaired counsel's preparation in Mr. Gukasian's immigration proceedings
28 and played a role in counsel needing to seek a continuance of Mr. Gukasian's immigration proceedings.

1 17. Without the ability to meaningfully communicate and confer with his lawyers at the
2 Henderson Detention Center, Mr. Gukasian's continued immigration custody effectively deprives him of
3 his right to counsel.

4 18. Mr. Gukasian's dire health condition only exacerbates the surreal custodial deprivations
5 caused by Respondents. Indeed, Respondents have weaponized Mr. Gukasian's inability to speak English
6 as it relates to his acute medical needs. Specifically, Respondents have consistently and cruelly denied
7 Mr. Gukasian's medical needs and due process rights because, among other reasons, Respondents and
8 their medical staff have repeatedly failed to provide language access services to translate from English to
9 Armenian or Russian, which are the only two languages Mr. Gukasian speaks fluently. Without adequate
10 interpreter services, Mr. Gukasian has both struggled to successfully obtain medical attention and
11 understand treatment plans and medication instructions provided by medical staff at HDC. As a result,
12 Mr. Gukasian's health has been repeatedly imperiled by blood pressure and cardiac issues directly
13 attributable to, and the sole creation of, Respondents' neglect and deliberate indifference towards his
14 health.

15 19. As a result of both his severe medical crisis and Respondents' actions, the Constitution
16 and § 2241 entitle Mr. Gukasian to release from detention.

17 20. Mr. Gukasian seeks immediate release from custody to remedy the ongoing constitutional
18 violations occurring as a result of his detention. If this Court does not grant the requested relief based
19 upon the allegations contained in this Writ, Mr. Gukasian requests a hearing as soon as possible. Given
20 the rapid deterioration of his health and the ongoing neglect of the Respondents, there is simply no time
21 to spare.

22 21. As set forth below, the medical danger and unacceptable conditions posed by
23 Mr. Gukasian's detention are both punitive and violative of his constitutional rights. Simply stated,
24 Mr. Gukasian's conditions of detention are "so grave that [they] violate[] contemporary standards of
25 decency to expose *anyone* unwillingly to such a risk" and violate his constitutional right to safety in
26 government custody. *Helling v. McKinney*, 509 U.S. 25, 36 (1993) (emphasis in original). Without this
27 Court's intervention, Mr. Gukasian will continue to be at imminent risk of severe injury, emotional
28 distress, and (without intervention from the Court) death.

Petitioner-Plaintiff

Respondents-Defendants

25. Respondent-Defendant Kenneth Porter is the Immigration and Customs Enforcement (“ICE”) Field Office Director (“FOD”) in Las Vegas. Although HDC retains physical custody of Petitioner, his detention is controlled as a matter of law by the Las Vegas Field Office of ICE. Respondent Porter is sued in his official capacity.

26. Respondent-Defendant Cloyde Umali is a Supervisory Detention and Deportation Officer for ICE working for the Enforcement and Removal Operations division in the Salt Lake City Field Office and Las Vegas Sub-Office. Respondent Umali is responsible for overseeing ICE detainees at HDC. He is sued in his official capacity.

27. Respondent-Defendant Tyler Adams is a Supervisory and Detention Officer for ICE working for the Enforcement and Removal Operations division in the Salt Lake City Field Office and Las Vegas Sub-Office. Respondent Adams is responsible for overseeing ICE detainees at HDC. He is sued in his official capacity.

28. Respondent-Defendant NaphCare, Inc. is contracted to provide healthcare services at HDC. At all times relevant, the company and its staff have been responsible for providing medical services to Petitioner at the direction and control of ICE, the Department of Homeland Security ("DHS"), and HDC staff.

29. Respondent-Defendant Todd Lyons is the acting director of ICE. As such, he is responsible for overseeing the agency's enforcement of immigration laws and criminal investigations related to transnational criminal organizations. Respondent Lyons is sued in his official capacity.

30. Respondent-Defendant Kristi Noem is the Secretary of DHS. As such, she is the acting head of the DHS and has ultimate responsibility for the administration and enforcement of immigration laws, as well as the detention and custody of immigration detainees. Secretary Noem is sued in her official capacity.

31. The true names or capacities of the Respondents-Defendants named herein as DOES 1 through 30, inclusive, are unknown to Mr. Gukasian at this time, and thus, he sues said Respondents-Defendants by such fictitious names. Mr. Gukasian will seek leave of Court to amend this Petition and insert the true names and capacities of DOES when they have been ascertained. Mr. Gukasian is informed and believes and, on that basis, alleges that each of the DOE Respondents-Defendants is legally responsible in some manner for the events and happenings herein alleged.

JURISDICTION AND VENUE

32. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (original jurisdiction), 5 U.S.C. § 702 (waiver of sovereign immunity), 28 U.S.C. § 2241 (habeas

corpus jurisdiction), 1361 (Mandamus Act), and Article I, Section 9, clause 2 of the United States Constitution (the Suspension Clause). This Court has the power in equity to issue declaratory and injunctive relief for violations of the Constitution by federal officials. *See Ex Parte Young*, 209 U.S. 123 (1907); *Philadelphia Co. v. Stimson*, 223 U.S. 605, 620 (1912).

33. Venue is proper in this judicial district under 28 U.S.C. § 1391 because at least one Respondent resides in this district, the Petitioner is imprisoned in this district, and a substantial part of the events giving rise to the claims in this action took place in this district. Moreover, venue is also proper under 28 U.S.C. § 2243 because the immediate custodians of Petitioner reside in this district.

FACTUAL ALLEGATIONS

I. Factual Background

A. Mr. Gukasian Came to the United States Because He Experienced Violence and Political Persecution in Both Armenia and Russia.

34. Mr. Gukasian was born on  From 1999 to 2011, he served in the Armenian military. In the military, he worked as a medic and rose to the rank of Captain due to his years of service and good conduct.

35. After leaving the military, Mr. Gukasian continued his public service when he went to work for the Armenian police from 2011 to 2014. He served as a law enforcement officer under the supervision of Vladimir Gasparyan ("Mr. Gasparyan"), the Minister of Police of Armenia. Mr. Gukasian's duties consisted of investigating crime, overseeing his subordinate officers, and investigating sensitive corruption scandals. Unfortunately, it was his honorable competence at his job that would ultimately lead to his falling out with his superiors.

36. Mr. Gukasian excelled in his work. Over time, he was able to uncover corruption involving high-ranking individuals within the police system, including the Vice Minister of Police. In one such investigation, Mr. Gukasian discovered that an Armenian general had sold 132 vehicles and other resources while pocketing the proceeds. Separately, Mr. Gukasian's investigative work also revealed that approximately 3,000 soldiers had not received their salaries for four years and had thus been used as free labor by high-ranking officers. Mr. Gukasian reported these instances of corruption to the Minister of

1 Police, Mr. Gasparyan, who, in turn, brought Mr. Gukasian to the attention of the then-President of
2 Armenia.

3 37. The corruption turned out to run even deeper, as Mr. Gukasian soon discovered that
4 Mr. Gasparyan and his team were themselves extorting money from recruits seeking to join the police
5 force as well as selling fuel that had been requisitioned for police vehicles. Understanding the personal
6 risk attendant to exposing corruption in his country, Mr. Gukasian nonetheless reported the corruption to
7 the President's office. At that time, Mr. Gukasian naively believed that the President himself would have
8 a genuine interest in cracking down on such corruption and would take internal reports of fraud, waste,
9 and abuse seriously. Mr. Gukasian was wrong.

10 38. The President's office and security service launched an investigation against one of
11 Mr. Gasparyan's team members. The investigation validated Mr. Gukasian's suspicions: it led to the
12 discovery of the extortion scheme along with the seizure of 1.5 kilograms of smuggled cocaine and \$1.5
13 million in illicit cash. However, rather than actually eliminate the corruption, the President used the
14 investigation to take a cut of the proceeds of the ongoing criminal activity within the police force. Having
15 dared to expose the pervasive corruption, Mr. Gukasian came to be viewed as an enemy by all levels of
16 the government authorities and the police force.

17 39. Following the seizure and exposure of the extortion scheme, Mr. Gukasian's colleagues
18 within the police force turned against him. In January 2014, the Police Investigation Department fired
19 Mr. Gukasian after confronting him with a fabricated video depicting him in engaging in sexual acts with
20 men. His superiors threatened to release the video if Mr. Gukasian contested his termination. Because
21 homosexuality carries a major social stigma in Armenia, Mr. Gukasian reluctantly acceded to his own,
22 forced termination.

23 40. Following his termination, Mr. Gukasian prepared a file with the evidence that he had
24 amassed vis-a-vis Gasparyan's corrupt activities. He again presented his findings to the office of the
25 President, still hoping justice would be done. He also made alternative, contingency plans, traveling to
26 Russia and applying for citizenship, based upon his birth in the Soviet Union.

27 41. In October of 2014, as a result of the now-intense animosity engendered by his anti-
28 corruption work which clearly threatened the political oligarchy, Mr. Gukasian and his mother

1 Ms. Kazarian began to sell their belongings in preparation to flee to Russia. He made one last visit to the
 2 office of the President to present his evidence against Gasparyan. Immediately after the visit, armed
 3 officers arrested Mr. Gukasian in his home. His mother attempted to intervene on his behalf, but instead
 4 found herself kidnapped by the police and threatened. The Armenian police brought specious extortion
 5 charges against Mr. Gukasian. They then showed him photos of his kidnapped mother, threatening to kill
 6 her if Mr. Gukasian did not confess to the false charges. Terrified for his mother, Mr. Gukasian offered a
 7 false confession and pleaded guilty to extortion. He was sentenced to three years in prison.⁴

8 42. In Armenian prison, Mr. Gukasian was subjected to violence, physical harm, solitary
 9 confinement, and psychological abuse from inmates and staff alike. Shortly after arriving in prison,
 10 Armenian officials began to circulate the fabricated video of Mr. Gukasian previously used to extort him
 11 and portray him as a homosexual—an effort to further isolate Mr. Gukasian. The video had its intended
 12 effect: inmates assaulted and abused Mr. Gukasian routinely in prison. He was ultimately placed in
 13 solitary confinement for most of his sentence, which itself is a form of torture. At points during his years
 14 in prison, he contemplated suicide. Ultimately, he persevered and survived until his release date.

15 43. In approximately 2017, immediately after his release from prison, Mr. Gukasian fled
 16 Armenia and settled in Russia with his mother. Determined to make a life for himself, Mr. Gukasian
 17 worked as a paramedic and a nurse. As an expatriate, Mr. Gukasian once again became politically active
 18 regarding Armenian political affairs. He found that his political activism did not inure to his benefit in
 19 Russia; he began to use his increasingly influential voice on social media to oppose not only the corruption
 20 in his beloved Armenia, but also as an instrument to oppose certain Russian interests. His activism met
 21 with predictable results.

22 44. In February of 2022, feeling endangered due to a series of escalating, threatening
 23 interactions with Russian security officials, Mr. Gukasian fled to the United States. He filed a timely
 24 claim for asylum on April 16, 2022. That claim is still pending adjudication before the Immigration Court.
 25
 26

27 ⁴ Underscoring the injustice surrounding his conviction and sentence, Mr. Gukasian's conviction was
 28 later expunged by the Armenian courts.

B. Since Coming to the United States, Mr. Gukasian Has Gained Support as an Influential Political Voice for Anti-Corruption Reform in Armenia.

45. Since entering the United States, Mr. Gukasian has continued to grow his social media following as an outspoken critic of the Armenian government. A substantial portion of the Armenian population now follows him online. As a result, news organizations in Armenia have routinely noted his ability to influence elections, even from abroad.

46. Until his detention by ICE in February of 2025, Mr. Gukasian posted regularly on social media, discussing Armenian politics with his followers, often by interacting with live callers on his show.

47. Mr. Gukasian has used his influence and political clout to found the Armenian Democratic Party (“DOC”). His substantial following provides a platform for him to advocate for his opposition party. His party has become so influential that “if nationwide elections were held in Armenia tomorrow, the DOC party would rank second.”⁵

48. Through his social media activity, Mr. Gukasian comments on national topics and local incidents, often calling out illegal abuse of government assets or outright corruption—both large and small in scale. Mr. Gukasian’s political commentary is not just limited to Armenian politics: he has used his platform to comment on American politics, “publicly express[ing] support for both President Donald Trump and Elon Musk, [and] endorsing” working-class populism. He has also criticized instances of what he perceives to be instances of corruption in the American government.⁶

49. Mr. Gukasian is viewed as a sort of political outsider both in Armenia and in the Armenian diaspora—a disruptor who advocates for the dismantling of corrupt institutions and bureaucracy. One Armenian media outlet has noted that his supporters are primarily “ordinary people who are not

⁵ *What would the results be if Yerevan City Council elections were held this week?* IRVUNK, Jul. 9, 2023, available in Armenian at <https://iravunk.com/?p=259950&l=am&fbclid=IwARldx2C4b4w9WnW4zvdktY2Hn8MIovY3ICZansC8AJAmCy3ZFMjyAqEu9E>.

⁶ Samson Martirosyan, *Controversial influencer Vardan Ghukasyan (Dog) detained by ICE in Las Vegas*, HETQ, Feb. 28, 2025, available at <https://hetq.am/en/article/172896>.

1 particularly versed in politics, disappointed in both the former and current authorities,”⁷ and has compared
 2 him favorably to President Trump in that he is “mocked by his fellow senators, who did not believe that
 3 he could win [an] election. [But] [t]he day may come in Armenia when Vardan Ghukasyan will be able
 4 to win serious votes.”⁸

5 50. Mr. Gukasian’s style is often rough and vulgar, but his followers appreciate his directness
 6 in calling out long-standing corruption in an effort to reform the Armenian political system. Apart from
 7 his political influence, Mr. Gukasian is well-respected within the Armenian community, and people
 8 frequently reach out to him for help and support to resolve government dysfunction and other problems
 9 with local government and civil service in Armenia. The Armenian government, on the other hand, views
 10 Mr. Gukasian as a negative influence and a dissident with growing political clout—a man who must be
 11 silenced.

12 **C. The Armenian Government Views Mr. Gukasian as a Threat to the Establishment**
 13 **and Has Repeatedly Sought His Return to Armenia for Political Persecution.**

14 51. In April 2023, as Mr. Gukasian grew his substantial political following abroad, the
 15 government of Armenia resorted to a familiar pattern of retribution: it sought to manipulate the justice
 16 system against Mr. Gukasian by submitting a Red Notice request to INTERPOL. A Red Notice is a
 17 worldwide request to law enforcement to locate and arrest an individual pending extradition. The charges
 18 underlying Armenia’s Red Notice were primarily based upon allegations that Mr. Gukasian had remotely
 19 led a criminal organization in Armenia from the United States. In reality, Mr. Gukasian had simply
 20 founded a political party.

21 52. After Armenia submitted a Red Notice request to INTERPOL, four members of
 22 Mr. Gukasian’s political party in Armenia were detained by the Armenian government and subjected to
 23 torture. Among other inhumane treatment, evidence suggested that the detainees were struck repeatedly
 24 in the face, legs, and upper body, doused with water, electrocuted, threatened, sexually assaulted, and
 25 almost pushed out of a window. Mr. Gukasian’s attorney in Armenia presented evidence of that torture

26 _____
 27 ⁷ Martirosyan, *supra* note 3.

28 ⁸ *Id.*

1 to INTERPOL, to the European Court, and to the Armenian government office charged with investigating
2 such abuses.

3 53. Recognizing that Mr. Gukasian would be at risk of similar torture in Armenia, INTERPOL
4 rejected Armenia's Red Notice request, declining to issue an arrest warrant for Mr. Gukasian. In rejecting
5 the request, INTERPOL noted a high likelihood that Mr. Gukasian would be subjected to torture in
6 Armenia, much like the other members of his political party. Likewise, the European Court found
7 evidentiary merit to the charges that Armenian officials had tortured the four DOC members. The court
8 has requested a response from the Armenian government. That case appears to still be ongoing.

9 54. During the same approximate time frame, an internal affair office in the Armenian
10 government was tasked with investigating the torture of the DOC detainees. That body initially recognized
11 that the allegations had merit and deserved further attention. Shortly after issuing this finding, however,
12 the Armenian government shifted responsibility for the investigation to a separate anti-corruption
13 committee. Inexplicably, the anti-corruption committee closed the investigation without further action.

14 55. In February of 2025, after INTERPOL rejected its request for a Red Notice, the Armenian
15 government requested that the United States initiate removal proceedings and deport Mr. Gukasian to
16 Armenia. As a basis for Mr. Gukasian's removal, Armenia effectively cited the same criminal charges
17 that had been rejected by INTERPOL in 2023.⁹ The timing of the removal request was telling. It came
18 just days after the Prime Minister of Armenia, Nikol Pashinyan, conducted a diplomatic visit to
19 Washington, D.C., and at nearly the same time as the Armenian election—an election in which the DOC
20 was gaining momentum.

21 56. Mr. Gukasian's Armenian attorney has been notified that the Armenian government is
22 proceeding with a criminal trial against him in absentia. Conducting a criminal trial without Mr.
23 Gukasian's presence—even as Armenian officials seek his removal to Armenia to face those same
24

25 ⁹ Armenia's extradition request also contains an added allegation of a child pornography offense in
26 September of 2024. Notably, although this alleged conduct occurred while Mr. Gukasian was living in
27 the United States, no United States law enforcement agencies have moved (nor could they move based
28 upon the absence of real world evidence) to prosecute Mr. Gukasian for these charges. This kind of
charge, which is nearly impossible for Mr. Gukasian to disprove, is the exact type of salacious charge
that the Armenian government frequently uses to discredit political figures.

charges—clearly underscores the Armenian government’s attempt to discredit Mr. Gukasian politically and socially immediately preceding the hotly-contested and rapidly-approaching Armenian parliamentary election.

II. Respondents and HDC Have Imposed Custodial Conditions on Mr. Gukasian that Restrict His Right to Counsel and Arbitrarily Punish Him

A. HDC’s Visitation Policies Significantly Limit and Restrict Mr. Gukasian’s Access to Counsel.

57. Mr. Gukasian’s health problems are just the beginning of the constitutional deprivations he has faced since for nearly six months. On February 20, 2025, at the behest of the Armenian government, ICE agents detained Mr. Gukasian outside of his home. DHS initiated removal proceedings against Mr. Gukasian, charging him as deportable and holding him without bond. Since that date, Mr. Gukasian has been housed at HDC in Henderson, Nevada.

58. Mr. Gukasian’s detention and Armenia’s manipulation of the United States’ immigration system has provoked shock and outrage from the Armenian diaspora. His arrest has inspired multiple peaceful protests across the country, and members of the Armenian community have routinely attended his immigration proceedings, spoken to the press, and appealed to President Trump in a show of support for Mr. Gukasian.¹⁰

59. While at HDC, Mr. Gukasian retained counsel to assist him in defending his removal from the United States to Armenia. Mr. Gukasian’s team includes attorneys, paralegals, and interpreters who regularly meet with Mr. Gukasian.

60. In order to properly defend and effectively represent Mr. Gukasian, members of his legal team must confer with him to collect information, review filings in his case with him, and discuss confidential and sensitive matters relating to the defense of his removal proceedings and matters affecting his bond status. These meetings take at least twice as long as most attorney-client meetings because

¹⁰ Joshua Peguero, *Supporters of Armenian held at Henderson ICE facility request President Trump’s help*, 8 NEWS NOW, Mar. 17, 2025, available at <https://www.8newsnow.com/news/local-news/supporters-of-armenian-held-at-henderson-ice-facility-request-president-trumps-help/>.

1 Mr. Gukasian requires an interpreter, as he speaks only Armenian and Russian. It is not uncommon for
2 Mr. Gukasian's counsel to spend up to five hours a day, multiple times a week in order to defend his case.

3 61. Furthermore, aside from one attorney hired as local counsel, the attorneys retained to
4 represent Mr. Gukasian reside in San Francisco, California. In order to visit Mr. Gukasian in-person at
5 all, his attorneys must fly from San Francisco to Las Vegas and then drive to Henderson, Nevada—a
6 journey requiring them to travel five hours round trip in the best of circumstances. Travel alone causes
7 Mr. Gukasian's attorneys to lose an entire work day. Accordingly, in-person visits of Mr. Gukasian by
8 his counsel of choice are inherently time-consuming, labor-intensive, and expensive even without
9 additional delays.

10 62. Because of limitations on visitation created by Respondents and HDC, in-person visitation
11 at HDC is the only meaningful way for Mr. Gukasian's attorneys to confer with him while preserving
12 attorney-client confidentiality.

13 63. Other than in-person visits, HDC offers three forms of communication with inmates: phone
14 calls, video visits, and written mail.

15 64. Phone communications at HDC are extremely limited. Attorneys do not have a way to call
16 inmates directly, and HDC staff refuse to relay messages from attorney to client or vice-versa. Although
17 HDC inmates can call their attorneys directly, there is no way to effectively schedule a time to receive a
18 call. Most importantly, phone calls at HDC are not confidential: inmate phones are located in common
19 spaces at HDC shared by other inmates who can overhear the calls, and the calls may be monitored by
20 HDC correctional staff. The calls also may have time limits of 20 minutes before they are terminated.
21 Finally, HDC prohibits three-way calls, preventing attorneys from merging a second attorney or staff
22 member, interpreters, and expert witnesses onto the call.

23 65. Similarly, although HDC offers video visits, the visits are extremely limited in length and
24 character. HDC offers remote video visits through Securus, an online system that permits confidential
25 communication with an inmate via video over a computer screen. However, Securus requires that the
26 remote visits be scheduled for a maximum of 20-to-40-minute time periods. The video call is terminated
27 at the conclusion of the allotted time period. Additionally, like phone calls at HDC, video visits do not
28

1 permit a third-party to join the meeting. Thus, interpreters, experts, and other attorney-staff cannot attend
2 video visits.

3 66. Counsel for Mr. Gukasian has requested that HDC staff permit longer time periods to meet
4 with Mr. Gukasian during video visits and allow for the presence of a third-party interpreter on remote
5 video calls. HDC has refused both requests.

6 67. HDC also offers onsite video visits. Much like remote visits, third-parties cannot be
7 merged onto an onsite video visit. Only two phones are available to speak to the detainee on the other end
8 of the call, limiting the number of attorneys and interpreters that can hear or speak to a detainee.
9 Problematically, unlike remote visits, onsite video visits are not confidential. Instead, they occur in open
10 booths directly next to the visiting area, where any visitor can hear attorneys speaking.

11 68. Finally, HDC permits inmates to send and receive legal mail. However, mailing inmates
12 written letters is far too slow and inefficient for attorney-client communications to occur effectively.
13 Between the time it takes to deliver the mail and for HDC to disseminate it, it can take weeks for inmates
14 at HDC to receive letters sent by counsel. Likewise, attorney-client conversations carried out in writing
15 do not allow for the fluid exchange of information often necessary to conduct interviews and coordinate
16 a defense of removal proceedings. Between delays in receiving mail and the limited nature of written
17 correspondence, sending legal mail to inmates at HDC cannot serve as a replacement for live
18 communications between attorney and client.

19 69. As a result of the above limitations on visitation and communication with inmates,
20 Mr. Gukasian's immigration counsel has had to resort to in-person visitation as the sole means of
21 providing him with effective representation during his immigration proceedings. Yet at every turn,
22 Respondents' visitation policies have created an environment that has made visiting and communicating
23 with Mr. Gukasian incredibly difficult, if not impossible.

24 70. For example, in order to attend visits with Mr. Gukasian, interpreters must be "cleared" by
25 HDC staff. Frustratingly, on one occasion, Respondents and HDC have used the clearance system to grant
26 an interpreter the right to visit Mr. Gukasian—only to revoke the same interpreter's clearance on a later
27 visit without any advanced warning. The seemingly arbitrary revocation of the interpreter's clearance
28

1 forced Mr. Gukasian's counsel to scramble for an alternative interpreter, forcing hours of delays in their
2 meeting with Mr. Gukasian.

3 71. Making matters worse, Mr. Gukasian's counsel has been punitively and arbitrarily forced
4 by jail staff to wait for hours both before and after in-person visits with Mr. Gukasian.

5 72. After clearing security and before seeing Mr. Gukasian, counsel for Mr. Gukasian has
6 consistently endured lengthy delays of up to two hours simply to be escorted down the hallway to a
7 visitation booth. These long waits have occurred for no apparent reason, with no other visitors in need of
8 an escort and with no explanation offered by jail staff for the delays.

9 73. Because visitors are not permitted to bring their cell phones into the visitation area, counsel
10 for Mr. Gukasian cannot perform work, make calls, or communicate with anyone outside of the jail while
11 awaiting escort to the visitation cell.

12 74. Perhaps most concerning, after visits have concluded, counsel have been routinely and
13 involuntarily confined to a visitation cell for indefinite lengths of time.

14 75. Visitation at HDC occurs in visitation cells separated by a plexiglass window. The
15 visitations cells are approximately 35 to 40 square feet on each side of the window, and are largely
16 identical to jail cells. On each side of the cell, there are several chairs and one door to enter and exit each
17 side of the cell. A narrow glass window on the doors offers the only visibility into the hallway outside of
18 the cell. There are no other windows or air conditioning in the visitation cells.

19 76. When an in-person visit begins at HDC, both the inmate's door and the visitor's door are
20 locked from the outside. The sole means to alert HDC staff to open the cell is an intercom speaker on the
21 inmate's side of the cell. Visiting counsel does not have a phone or means of communicating with staff
22 from the visitor's side of the cell.

23 77. When a visit concludes, the inmate must alert staff by pressing a button on the intercom
24 speaker. HDC staff remove inmates from the visitation cells first as a matter of practice, leaving counsel,
25 staff, and interpreters alone in the cell.

26 78. Cell phones are not permitted during visits at HDC, and internet access is not available.
27 Thus, after visits with Mr. Gukasian have concluded, his counsel have been confined in a cramped cell
28 with little ventilation, no air conditioning, and with no means of escape or communication.

1 79. After Mr. Gukasian is removed from the visitation cell, his counsel and interpreters have
2 routinely been forced to wait for hours before being allowed to leave the visitation cell. While in the cell,
3 counsel have had to verbally call for help, bang on the cell door, and create noise in an attempt to gain the
4 attention of HDC staff.

5 80. On several occasions, counsel has been ignored or told to wait longer by HDC staff. On
6 one occasion, counsel had to gain the attention of an inmate-trustee doing laundry, who subsequently
7 alerted HDC staff to release counsel from the cell.

8 81. In all, the delays forced by Respondents' visitation policies not only punish Mr. Gukasian's
9 counsel by falsely imprisoning them in a cramped and uncomfortable environment without means of
10 escape, but waste hours of invaluable time that counsel needs in order to prepare Mr. Gukasian's
11 immigration case. These policies make robust representation impossible.

12 82. Indeed, although the proceedings are only six months old, Respondents' policies have
13 already impaired counsel's preparation in Mr. Gukasian's immigration proceedings: delay caused by
14 Respondents' policies was a factor in counsel seeking a continuance of Mr. Gukasian's removal hearing.
15 Although that request for a continuance was granted, it was initially denied, requiring Mr. Gukasian's
16 attorneys to file a contested and lengthy motion for reconsideration. The hearing was also continued to
17 Mr. Gukasian's detriment, as he remains incarcerated without bond despite a compelling asylum claim.
18 Since his detention on February 20, 2025, Mr. Gukasian has had three substantive immigration court
19 hearings while detained: one on May 28, 2025, one on July 2, 2025, and one on August 29, 2025. The
20 matter has dragged on due to the fact-intensive nature of Mr. Gukasian's asylum claim. Specifically, his
21 July 2, 2025 hearing, which was eight hours long, consisted of the remainder of direct examination and
22 incomplete cross-examination. His most recent hearing, originally scheduled for June 23, 2025, was
23 rescheduled last minute by the Court and reset for August 29, 2025. Mr. Gukasian has presented multiple
24 expert witnesses on his case, each requiring coordination and consultation with Mr. Gukasian and the facts
25 of his case.

26 83. As of the filing of this Petition, Mr. Gukasian's immigration case has finished with the
27 presentation of evidence and is awaiting a final decision from the judge. However, regardless of outcome,
28

an appeal by either side is highly probable—meaning Mr. Gukasian will continue to be forced to pursue the merits of his case indefinitely from the strictures of his confinement at HDC.

B. HDC’s Use of Solitary Confinement and Inadequate Provision of Medical Care Have Created Punitive Custodial Conditions for Mr. Gukasian.

84. HDC’s arbitrary and punitive treatment of Mr. Gukasian goes well beyond its policies and practices governing attorney visitation.

85. In addition to significantly impairing Mr. Gukasian’s ability to meet with his attorneys, HDC and Respondents have arbitrarily created conditions of confinement for Mr. Gukasian that are similar or worse than conditions in a pretrial or post-conviction detention in a criminal matter.

86. For example, almost immediately upon being detained and placed in HDC on February 22, 2025, Mr. Gukasian was not given adequate access to medical treatment or prescriptions.

87. Mr. Gukasian has a number of serious health issues, including diabetes and hypertension. Mr. Gukasian takes several prescribed medications in order to manage his chronic health issues.

88. After being detained and housed at HDC, Mr. Gukasian was without access to his prescribed diabetes and hypertension medications. He immediately began requesting medical attention and treatment to address his need for his prescription medications; likewise, his counsel alerted HDC staff to Mr. Gukasian’s medical needs when he was detained.

89. Despite being on notice of Mr. Gukasian’s medical needs, Respondents and HDC failed to provide Mr. Gukasian with adequate medical treatment. As Mr. Gukasian waited for weeks to receive his medical prescriptions, he began to experience persistent symptoms commonly associated with cardiac episodes and high blood sugar, including chest pains, blurred vision, nosebleeds, and headaches. Mr. Gukasian also began to develop an eye infection that went untreated in the face of multiple requests for medical attention.

90. Even after his requests for medical treatment were initially heeded, the untimely and inadequate provision of additional medical care and blood pressure prescription medications has caused Mr. Gukasian to experience a number of severe medical issues in Respondents’ custody. Among other symptoms, Mr. Gukasian has experienced extremely high blood pressure resulting in persistent dizziness, nausea, and blackouts, alongside troubling vision and skin problems. He has also experienced

1 gastrointestinal distress and relentless, unending nosebleeds. Additionally, he has suffered from chronic
2 sleep deprivation, and there is credible concern that he may have suffered a stroke during a recent
3 hospitalization. This alarming constellation of symptoms underscores the urgent need for comprehensive
4 medical evaluation and intervention.

5 91. In the custodial context, serious hypertension is not a routine matter. It constitutes a serious
6 medical need under prevailing constitutional standards. Courts have consistently held that deliberate
7 indifference to such needs—particularly where symptoms are reported or elevated readings are
8 documented and no timely action is taken—can give rise to liability under 42 U.S.C. § 1983. *See Farmer*
9 *v. Brennan*, 511 U.S. 825 (1994); *Estelle v. Gamble*, 429 U.S. 97 (1976).

10 92. The failure to distinguish serious hypertension from routine cases—especially where
11 detainees are wholly reliant upon custodial authorities for medical attention—reflects not merely
12 negligence, but a reckless disregard for a known and substantial risk to health. This is precisely the type
13 of harm that constitutional protections attendant to custodial conditions are designed to guard against.

14 93. The results of Respondents' medical neglect is evinced by multiple medical emergencies
15 endured by Mr. Gukasian while he has been in their custody and control. After weeks of insufficiently
16 addressed complaints of chest pain, blurred vision, nosebleeds, and headaches, Mr. Gukasian collapsed in
17 his cell on June 25, 2025. Mr. Gukasian was discovered unconscious not by jail staff, but by his cellmate,
18 who alerted HDC staff. Mr. Gukasian was then transported to Henderson Hospital, where his condition
19 eventually stabilized.

20 94. This series of medical emergencies reached another predictable nadir on July 16, 2025,
21 when Mr. Gukasian's blood pressure skyrocketed to a perilous 215/110. In this life-threatening state, he
22 was administered two tablets of unknown medication and cruelly shackled to a wheelchair for an
23 agonizing five-to-six hours in isolation. Although his blood pressure eventually dropped to 150/114,
24 Mr. Gukasian was simply returned to his cell without further evaluation or treatment after the episode.
25 Throughout this horrifying experience, Mr. Gukasian was gripped by the fear of imminent death,
26 convinced that his life was being intentionally endangered, echoing the sinister threats from the Armenian
27 government.
28

1 95. And on August 18, 2025, Mr. Gukasian suffered his most recent and serious medical
2 emergency yet. While speaking to his elderly mother on the phone, Mr. Gukasian's blood pressure spiked,
3 causing his hands and feet to go numb. While medical personnel attended to him, he lost the ability to
4 breathe and lost consciousness, eventually waking up in Henderson Hospital. At the hospital,
5 Mr. Gukasian was diagnosed with an arrhythmia and low calcium and instructed by doctors to rest.
6 Instead, Mr. Gukasian was taken back to HDC barefoot, placed in two different enclosed rooms, and
7 subjected to alternating temperature extremes while he waited for several hours to be returned to his cell.
8 While waiting, Mr. Gukasian observed correctional staff outside of the room staring and laughing at him.
9 Later, a correctional officer accompanied by a nurse told Mr. Gukasian that he was being punished for
10 "putting on a show"—outright confirming that he was retaliated against because HDC staff believed his
11 cardiac event was an act of malingering.

12 96. Compounding the medical neglect and punitive conditions to which Mr. Gukasian has been
13 subjected, Respondents and HDC have inconsistently provided Mr. Gukasian an interpreter to
14 communicate with HDC staff. At times, Respondents have punished Mr. Gukasian for failing to follow
15 directions provided only in English.

16 97. In one noteworthy incident on or about February 28, 2025, Mr. Gukasian was asked in
17 English to take an unknown substance or medication by HDC staff. When Mr. Gukasian refused due to a
18 lack of understanding, he was handcuffed, given a disciplinary write-up, and placed in solitary
19 confinement for five days.

20 98. On other occasions, Mr. Gukasian has been provided with medication or medical advice
21 and instructions in English without an interpreter, leading to confusion about his treatment plan. On still
22 other occasions, Mr. Gukasian has attempted to request medical care but has been unable to successfully
23 obtain the requested care due to a language barrier.

24 99. Ultimately, Respondents bear the responsibility of providing for Mr. Gukasian's health and
25 well-being while he remains in custody. By neglecting Mr. Gukasian's serious medical needs, and by at
26 times failing to provide him with language services necessary for adequate medical care, Respondents
27 have caused Mr. Gukasian unnecessary suffering and created a punitive custodial environment for him.
28

C. Respondents' and HDC's Custodial Conditions Violate Mr. Gukasian's Constitutional Rights

1. Respondents' and HDC's Restrictions on Attorney-Client Communications Violate Mr. Gukasian's Right to Counsel and Free Speech.

100. All of Respondents' restrictions on attorney-client communication at HDC profoundly hinder Mr. Gukasian's ability to communicate with counsel and deprive his attorneys of their ability to provide him effective and timely representation while he is detained.

101. Respondents' in-person visitation policies and practices inhibit all aspects of attorney-client communication necessary for Mr. Gukasian's attorneys to effectively represent him in immigration proceedings including: (1) conducting initial and thorough assessments of his legal claims and eligibility for relief such as asylum; (2) interviewing Mr. Gukasian to obtain a lengthy, personal declaration that often details traumatic facts about physical and political violence; (3) counseling Mr. Gukasian as to his legal options and updating him in a timely fashion on the developments in his case; (4) obtaining his signature on release forms for records; and (5) preparing him to potentially testify in court, including to face cross-examination by an experienced attorney. These conversations are often intricate and complex, and necessitate hours-long discussions with Mr. Gukasian, always through a Russian or Armenian interpreter. Respondents' restrictions on communicating efficiently with Mr. Gukasian hinder him and his attorneys from having these critical exchanges and performing essential legal services on his behalf.

102. Upon information and belief, Respondents' refusal to remedy the above underlying issues with visitation chills Mr. Gukasian's willingness and ability to communicate with his attorneys and other members of his attorneys' team visiting from outside of the detention facility, as is necessary for him to fight his legal cases.

103. Respondents' numerous restrictions on communication, which prevent Mr. Gukasian from accessing confidential telephone calls and receiving telephone messages from attorneys, effectively delay or prevent Mr. Gukasian from having crucial conversations with his counsel necessary to defend against his removal proceedings.

104. Upon information and belief, if wait times before and after in-person visits were significantly reduced and access to telephonic and video communications improved, Mr. Gukasian's

1 counsel would be able to overcome the barriers to communicating with Mr. Gukasian that are currently
2 preventing effective, timely, and efficient representation of his interests in his immigration removal
3 proceedings.

4 105. In addition to limiting access to timely modes of communication, Respondents and their
5 policies further impede vital attorney-client exchanges by limiting the means by which Mr. Gukasian can
6 communicate confidentially. Without the means of communicating confidentially with Mr. Gukasian via
7 telephone or onsite video visits, his lawyers cannot fully assess whether he has a basis for contesting
8 removability or is otherwise eligible for immigration relief. To determine whether Mr. Gukasian is
9 eligible for asylum, for instance, his lawyers must build sufficient trust and rapport to explore highly
10 sensitive topics, such as whether he has been the victim of physical assault, whether he has fled persecution
11 because of social stigmatization, and/or traumatic events related to his close friends and family.

12 106. Likewise, in order to show an immigration judge why Mr. Gukasian should be released on
13 bond or have his removal withheld, his attorneys must frequently explore, often over the course of several
14 hours, a number of sensitive personal matters. These conversations may include, for example, the harm
15 that he and his elderly mother may face should he be deported, details surrounding his criminal conviction
16 and subsequent expungement, and what efforts Mr. Gukasian has made to assist governmental
17 investigations after uncovering crimes. When his attorneys need to include this information in a written
18 declaration or prepare Mr. Gukasian to testify in an adversarial proceeding, as is required for most forms
19 of immigration relief, the conversations can often take several hours and require multiple visits in order
20 to solicit the relevant information and counsel Mr. Gukasian.

21 107. Upon information and belief, Mr. Gukasian's counsel generally anticipates that they need
22 at least fifteen to twenty individual meetings to prepare him for a merits hearing, which amounts to
23 approximately 40 to 80 hours, not including wait times and travel.

24 108. Without a confidential setting where clients feel safe, detained noncitizens like
25 Mr. Gukasian are less willing to share private information about their cases, which undermines attorneys'
26 ability to provide clients with legal advice and to represent them effectively in court. In cases that involve
27 asylum applications, with personal information that must be shared, this concern is even more heightened.
28 Similarly, without a way of ensuring attorney-client confidentiality during in-person meetings, attorneys

1 are limited in the types of questions that they can ask and the feedback that they can provide to detained
2 noncitizens.

3 109. By imposing substantial restrictions on attorney-client communication, HDC and
4 Respondents effectively limit, impede, hinder, and inhibit Mr. Gukasian's right to counsel and his right to
5 consult with his attorneys.

6 **2. The Conditions of Custody Imposed by Respondents and HDC Violate**
7 **Mr. Gukasian's Due Process Rights.**

8 110. At HDC, Respondents' restrictions on attorney-client communication, their inadequate
9 provision of healthcare, and their liberal use of solitary confinement as discipline create conditions of
10 confinement that are similar or worse to those imposed upon pre-trial detainees and convicted prisoners.

11 111. Upon information and belief, in addition to being subjected to the practices alleged above,
12 Mr. Gukasian has been detained in the same manner, using the same facilities, and subjected to the same
13 treatment as pre-trial criminal detainees facing state criminal charges at the Henderson Detention Center.

14 112. Upon information and belief, Mr. Gukasian and his fellow detainees at HDC are also
15 subjected to subpar living conditions that fall far short of acceptable standards of treatment. The detainees
16 are forced to wear clothing that is unclean, and they are deprived of basic necessities such as pillows.
17 Their bedding consists of merely two sheets changed only once every twenty days. The food provided is
18 questionable in quality and has, on occasion, been served past its expiration date, raising significant
19 concerns regarding the health and well-being of Mr. Gukasian. Furthermore, Mr. Gukasian rarely enjoys
20 the opportunity for yard time, with outdoor recreational activities limited to just twice a month.
21 Mr. Gukasian also faces daily lockdowns, and the use of solitary confinement is regularly used as a
22 punitive tool for discipline against both him and other pretrial criminal detainees. These abysmal
23 conditions of confinement—considered separately and when combined with the inadequate medical care,
24 liberal use of solitary confinement, and restrictions on attorney visitation—amount to the unconstitutional
25 imposition of punitive jail conditions on Mr. Gukasian.

26 113. Lastly, Respondents' prolonged detention of Mr. Gukasian violates his right to due process.

27 114. Respondents are constitutionally permitted to detain Mr. Gukasian, but only insofar as is
28 reasonably necessary to secure his removal.

115. Mr. Gukasian has been in immigration detention since February 20, 2025. His prolonged immigration detention is unlawful because of the unreasonable length of his detention and the fact that his removal is neither foreseeable nor imminent, requiring him to be released.

116. Consequently, both the length of Mr. Gukasian's confinement and the conditions of his confinement violate his right to due process.

FIRST CLAIM FOR RELIEF

Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution (Against all Respondents)

117. Petitioner incorporates by reference all preceding allegations as though fully set forth herein.

118. The Due Process Clause of the Fifth Amendment guarantees detained noncitizens the right to a full and fair hearing in their removal cases. *Colmenar v. I.N.S.*, 210 F.3d 967, 971 (9th Cir. 2000).

119. The Due Process Clause of the Fifth Amendment also guarantees detained noncitizens the right to be represented by counsel of their choice at no expense to the government. *Baltazar-Alcazar v. I.N.S.*, 386 F.3d 940, 944 (9th Cir. 2004); *Tawadrus v. Ashcroft*, 364 F.3d 1099, 1103 (9th Cir. 2004); *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554, 565 (9th Cir. 1990). This due process right includes the right to effective assistance of counsel. *See Ahmed v. Mukasey*, 548 F.3d 768, 771 (9th Cir. 2008); *Ray v. Gonzales*, 439 F.3d 582, 587 (9th Cir. 2006) ("[T]his Circuit has long recognized that an alien's due process right to obtain counsel in immigration matters also includes a right to competent representation from a retained attorney."); *see also Ardestani v. I.N.S.*, 502 U.S. 129, 138 (1991) ("We are mindful that the complexity of immigration procedures, and the enormity of the interests at stake, make legal representation in deportation proceedings especially important.").

120. Respondents' conduct has violated and continues to violate Petitioner's Fifth Amendment rights by preventing him from communicating effectively with counsel.

121. Respondents' conduct also violates Petitioner's Fifth Amendment rights by preventing him from providing evidence to, and communicating with, witnesses, experts, and interpreters, as is necessary for him to meaningfully prepare and present his legal case.

122. Mr. Gukasian has suffered and will continue to suffer injury as a proximate result of Respondents' interference with his right to a full and fair hearing, his right to be represented by counsel of their choice, and his right to competent counsel and freedom from prolonged detention under the Due Process Clause of the Fifth Amendment.

SECOND CLAIM FOR RELIEF

**Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution
(Against all Respondents)**

123. Petitioner incorporates by reference all preceding allegations as though fully set forth herein.

124. "Under the Due Process Clause, detainees have a right against jail conditions or restrictions that 'amount to punishment.'" *Pierce v. Cnty. of Orange*, 526 F.3d 1190, 1205 (9th Cir. 2008) (quoting *Bell v. Wolfish*, 441 U.S. 520, 535–37 (1979)). "This standard differs significantly from the standard relevant to convicted prisoners, who may be subject to punishment so long as it does not violate the Eighth Amendment's bar against cruel and unusual punishment." *Id.*

125. Respondents' restrictions and practices surrounding in-person visitation, solitary confinement, and the inadequate provision of medical care for Mr. Gukasian violate the Due Process Clause.

126. Moreover, upon information and belief, in addition to being subjected to the practices alleged above, Mr. Gukasian has been detained in the same manner, using the same facilities, and subjected to the same treatment as pre-trial criminal detainees facing state criminal charges at the Henderson Detention Center.

127. Respondents' restrictions and practices surrounding limited in-person visitation, the liberal use of solitary confinement, and the inadequate provision of medical care at HDC act in combination to: (1) impose conditions identical to, similar to, or more restrictive than those in which pre-trial detainees and individuals convicted of criminal offenses within the same or comparable facilities are held; (2) are not reasonably related to legitimate government objectives and/or are excessive in relation to those objectives; and (3) are employed to achieve objectives that could be accomplished in alternative and less harsh methods.

1 128. Mr. Gukasian has suffered and will continue to suffer injury as a proximate result of
 2 Respondents' violation of his right to be free from unlawful punishment under the Due Process Clause of
 3 the Fifth Amendment.

4 **THIRD CLAIM FOR RELIEF**

5 **Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution**
 6 **(Against all Respondents)**

7 129. Plaintiff incorporates by reference all preceding allegations as though fully set forth herein.

8 130. The Fifth Amendment Due Process Clause forbids the government to deprive a person of,
 9 among other rights, liberty without due process of law, and "[f]reedom from bodily restraint has always
 10 been at the core of the liberty protected by the Due Process Clause[.]" *Foucha v. Louisiana*, 504 U.S. 71,
 11 80 (1992).

12 131. In terms of immigration detention, the Supreme Court has found that those detained under
 13 8 U.S.C. § 1231(a)(6) (immigrants detained under relevant conditions, similar to Mr. Gukasian) cannot be
 14 detained beyond a "period reasonably necessary to secure removal," which is presumably six months.
 15 *Zadvydas v. Davis*, 533 U.S. 678, 680 (2001). After the six months, once a noncitizen provides "good
 16 reason to believe that there is no significant likelihood of removal in the reasonabl[e] foreseeable future,"
 17 then the government must rebut this showing or release the individual. *Id.* An example of the "no
 18 significant likelihood" standard is when a government lacks an extradition treaty with the receiving
 19 country or repatriation negotiations have ceased. *Id.*

20 132. The Ninth Circuit, adhering to the presumption in *Zadvydas* that six months constitutes a
 21 prolonged detention, found that a noncitizen detained under 8 U.S.C. § 1231(a)(6) is entitled to a bond
 22 hearing at the six-month mark if removal is not imminent. *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir.
 23 2011) [hereinafter *Diouf II*]. Similarly, a 2018 habeas case found that a noncitizen was entitled to a bond
 24 hearing because his removal was not "imminent." *Cortez v. Sessions*, 318 F. Supp. 3d 1134, 1146 (N.D.
 25 Cal. 2018) ("Moreover, there is no indication that Mr. Solano's removal is 'imminent,' given that the next
 26 hearing on his application for withholding of removal is scheduled for June 5, 2018, over two months
 27 from now.").

133. The Supreme Court later clarified that there is no requirement for bond hearings after the six months of detention under but stated that 8 U.S.C. § 1231(a)(6) can imply that there is a time limit on detention. *Jennings v. Rodriguez*, 583 U.S. 281, 299 (2018). Furthermore, *Jennings* did not overrule *Diouf II* in terms of whether 8 U.S.C. § 1231(a)(6) may be construed to require a custody hearing over prolonged detention.

134. Mr. Gukasian is detained under 8 U.S.C. § 1226(a) because he does not have a final order of removal. However, the same principles that bar detention for a prolonged period that have no imminent end should apply to him as well to limit the amount of time that he can be detained without bond. The Supreme Court addressed this issue in *Demore v Kim*, 538 U.S. 510, 530–31 (2003), although the underpinnings of that decision rested on the assumption that removal hearings would normally not last longer than 180 days. However, the government later acknowledged that the statistic provided to the Supreme Court regarding the average time that a detained removal case was pending was incorrect.¹¹ Moreover, in the case of Mr. Gukasian, his case is now pending for over 180 days, with no end in sight. This means that all the above principles also apply in Mr. Gukasian's case.

135. The case-specific facts in Mr. Gukasian's detention require that he be released from detention. Mr. Gukasian has been detained for more than 180 days as of August 19, 2025. He remains in custody at HDC without an adjudication in his removal proceedings. And while the Court has not adjudicated his asylum case, win or lose, an appeal to the Board of Immigration Appeals by either party is a distinct probability. His removal is neither reasonably foreseeable nor imminent, so he should be released while awaiting removal proceedings.

136. Mr. Gukasian has suffered and will continue to suffer injury as a proximate result of Respondents' violation of his right to be free from prolonged detention under the Due Process Clause of the Fifth Amendment.

¹¹ IAN HEATH GERSHENGORN & JEAN C. KING, RE: DEMORE V. KIM, S. CT. NO. 01-1491 (August 26, 2016), available at <https://www.wsj.com/public/resources/documents/Demore.pdf>.

FOURTH CLAIM FOR RELIEF

Violation of the First Amendment of the United States Constitution

(Against all Respondents)

137. Plaintiff incorporates by reference all preceding allegations as though fully set forth herein.

138. The First Amendment guarantees prisoners and detainees the right to communicate with the outside world. *Valdez v. Rosenbaum*, 302 F.3d 1039 (9th Cir. 2002). This protection includes the right to make telephone calls, exchange correspondence, and receive in-person visitors. *See id.*; *see also Strandberg v. City of Helena*, 791 F.2d 744, 747 (9th Cir. 1986) (“Courts have recognized detainees’ and prisoners’ first amendment right to telephone access.”).

139. The First Amendment further protects the right to consult with an attorney. *Mothershed v. Justices of Supreme Court*, 410 F.3d 602, 611 (9th Cir. 2005), *opinion amended on denial of reh’g*, 2005 WL 1692466 (9th Cir. July 21, 2005). The state may not unreasonably restrict this right. *Id.*

140. By depriving and limiting Mr. Gukasian of means of communicating with his attorneys, Defendants have violated and continue to violate Mr. Gukasian’s rights under the First Amendment.

141. Mr. Gukasian has suffered and will continue to suffer injury as a proximate result of Respondents’ violation of his rights under the First Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests this Court take jurisdiction over this matter and:

142. Issue a Writ of Habeas Corpus and order Petitioner’s immediate release on the ground that his continued detention violates the Due Process Clause and First Amendment;

143. In the alternative, issue injunctive relief ordering Respondents to immediately release Petitioner, on the grounds that his continued detention violates the Due Process Clause and First Amendment;

144. Issue a declaration that the conditions under which Petitioner is confined in at Henderson Detention Center place him at unreasonable risk of severe injury and death, and are unduly punitive, in violation of his Due Process Rights;

1 145. Award Mr. Gukasian costs and reasonable attorneys' fees in this action under 28 U.S.C.
2 § 2412, the Equal Access to Justice Act, as amended, 5 U.S.C. § 504, and on any other basis justified
3 under law; and

4 146. Grant any other and further relief that the Court may deem just and proper.
5

6 Dated: September 9, 2025

COHEN WILLIAMS LLP

7
8 By: /s/ Reuven L. Cohen

9 Reuven L. Cohen

10 Daniel Natal

11 Attorneys for Vardan Gukasian

(Pro Hac Vice Pending)

12 Dated: September 9, 2025

SULL AND ASSOCIATES, PLLC

13
14
15 By: /s/ Hardeep Sull

16 Hardeep Sull

17 Attorney for Vardan Gukasian
18
19
20
21
22
23
24
25
26
27
28