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VARDAN GUKASIAN

11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 VARDAN GUKASIAN, an individual,

14 Petitioner-Plaintiff,

15 v.

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

27 Respondents-Defendants.

Case No. 2:25-cv-01697

MOTION FOR TEMPORARY
RESTRAINING ORDER

INTRODUCTION

1. If this Court takes no action, Vardan Gukasian will die in the Henderson Detention Center.

2. Mr. Gukasian has been detained in the Henderson Detention Center (“HDC”) since February 20, 2025. Almost immediately thereafter, Respondents were informed that Mr. Gukasian suffers from diabetes, hypertension, and high blood pressure. Despite being on notice about his serious and chronic health condition, Respondents have horribly neglected Mr. Gukasian’s health problems and failed to provide him with adequate treatment instructions in a language he can understand. Consequently, Mr. Gukasian has been hospitalized three times with an ongoing hypertensive crisis. At times, Mr. Gukasian’s blood pressure has erratically spiked, causing him to suffer from routine loss of consciousness, nosebleeds, chest pains, and severe headaches.

3. Most concerning, rather than increasing the level of care and oversight provided to Mr. Gukasian, and rather than complying with their statutorily-mandated language access policies, staff at HDC have explicitly told Mr. Gukasian that they believe he is malingering and have actively sought to retaliate against him for it—an unconscionable stance given that his ongoing health issues are well-documented by medical professionals. Respondents plainly do not take Mr. Gukasian’s health issues seriously, but there is little doubt that if they continue in their deliberate indifference to his medical needs, he will join the multiple other immigration detainees who have died in ICE custody this year.

4. Respondents’ complete and utter failure to safeguard Mr. Gukasian’s health is not the only constitutionally-obligated responsibility they have failed to observe. In addition to exposing Mr. Gukasian to poor general conditions at HDC—including serving him expired food, refusing to allow him outdoors, and forcing him to wear clothing stained in blood—Respondents have also failed to provide Mr. Gukasian with meaningful access to counsel. Indeed, lawyer-client communications at HDC are so limited in character and confidentiality that practically the only way for Mr. Gukasian’s lawyers to speak to him privately is by traveling to Henderson, Nevada and speaking to him in person. Meanwhile, Mr. Gukasian has been held in prolonged detention at HDC for over seven months with no final relief in sight, in violation of his due process rights.

5. It is not hyperbolic to posit that only this Court can stop the continued flagrant violation of Mr. Gukasian's rights. For the reasons set forth below, the Court should grant Mr. Gukasian's motion for a temporary restraining order and immediately release him on bail pending these proceedings.

PARTIES

Petitioner-Plaintiff

6. Petitioner-Plaintiff Vardan Gukasian is a 48-year-old native of the former Soviet Union who became a citizen of Armenia and a citizen of Russia. In February of 2022, in response to significant threats to his life from his adopted home of Russia and from his native home of Armenia, Mr. Gukasian fled to the United States seeking asylum. Although his asylum claim remains adjudicated, Mr. Gukasian was granted a work permit to lawfully work in the United States. He has resided in this country continuously since his arrival. He is currently in immigration custody at Henderson Detention Center ("HDC") and is being held without bond. Mr. Gukasian suffers from hypertension, high blood pressure, and diabetes, and requires various medications to manage his health conditions.

Respondents-Defendants

7. Respondent-Defendant Captain Frank D'Amico is the Captain of Corrections at HDC. Respondent D'Amico is the lead official responsible for Petitioner's physical custody at HDC and one of the officials responsible for the conditions of confinement at HDC. He is sued in his official capacity.

8. 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.

9. 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.

10. 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

1 Las Vegas Sub-Office. Respondent Adams is responsible for overseeing ICE detainees at HDC. He is
 2 sued in his official capacity.

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

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

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

14 14. The true names or capacities of the Respondents-Defendants named herein as DOES 1
 15 through 30, inclusive, are unknown to Mr. Gukasian at this time, and thus, he sues said Respondents-
 16 Defendants by such fictitious names. Mr. Gukasian is informed and believes and, on that basis, alleges
 17 that each of the DOE Respondents-Defendants is legally responsible in some manner for the events and
 18 happenings herein alleged.

19 JURISDICTION AND VENUE

20 15. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C.
 21 § 1346 (original jurisdiction), 5 U.S.C. § 702 (waiver of sovereign immunity), 28 U.S.C. § 2241 (habeas
 22 corpus jurisdiction), 1361 (Mandamus Act), and Article I, Section 9, clause 2 of the United States
 23 Constitution (the Suspension Clause). This Court has the power in equity to issue declaratory and
 24 injunctive relief for violations of the Constitution by federal officials. *See Ex Parte Young*, 209 U.S. 123
 25 (1907); *Philadelphia Co. v. Stimson*, 223 U.S. 605, 620 (1912).

26 16. Venue is proper in this judicial district under 28 U.S.C. § 1391 because at least one
 27 Respondent resides in this district, the Petitioner is imprisoned in this district, and a substantial part of the
 28

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 BACKGROUND

I. Factual Background

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

17. Mr. Gukasian was born on  in current-day Armenia within the former USSR. From 1999 to 2011, he served in the Armenian military, and later worked for the Armenian police as an internal affairs officer from 2011 to 2014. While serving as an internal affairs officer, Mr. Gukasian uncovered government corruption at the highest levels that ultimately put him in the crosshairs of political elites in the country.

18. In January of 2014, Mr. Gukasian's years-long nightmare at the hands of a corrupt Armenian government began. At the behest of political oligarchs, senior officials in the police force seeking to retaliate against Mr. Gukasian's effective investigations into public corruption and bribery terminated Mr. Gukasian from his job and accused him of extortion. He was arrested, his mother was kidnapped by Armenian authorities, and he was coerced into pleading guilty.¹ Mr. Gukasian served his sentence for three years in an Armenian prison, where he was subjected to harassment, violence, and inhumane conditions. Upon his release from prison, he immediately fled to Russia with his mother to seek safety from further persecution.

19. Determined to make a life for himself, Mr. Gukasian worked as a paramedic and nurse while in Russia. As an expatriate, Mr. Gukasian once again became politically active regarding Armenian political affairs. He found that his political activism did not inure to his benefit in Russia; he began to use his increasingly influential voice on social media to oppose not only corruption in Armenia, but also as an instrument to oppose certain Russian interests. His activism against the political establishment in Russia was met with predictable results. In February of 2022, feeling endangered due to a series of escalating, threatening interactions with Russian security officials, Mr. Gukasian fled to the United States. He filed

¹ Armenian courts have since expunged Mr. Gukasian's conviction.

1 a timely claim for asylum in the United States on April 16, 2022. That claim is still pending adjudication
2 before an Immigration Court.

3 20. On February 20, 2025, Mr. Gukasian was detained by DHS and placed in immigration
4 detention in HDC for allegedly overstaying a tourist visa. He has remained in custody there since his
5 initial detention, detained with both criminal pre-trial and post-conviction inmates. During all times
6 described within this Motion, Mr. Gukasian has been in the custody and control of Respondents and their
7 staff at HDC.

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

10 ***A. HDC Has Imposed Punitive Conditions of Confinement on Mr. Gukasian.***

11 21. While at HDC, Respondents have arbitrarily created conditions of confinement for
12 Mr. Gukasian that are similar or worse than conditions in a pretrial or post-conviction detention in a
13 criminal matter.

14 22. Notably, Mr. Gukasian has shared cells and cell blocks with detainees undergoing criminal
15 prosecution—including pre-trial detainees and post-conviction inmates. At one point, Mr. Gukasian
16 shared a cell with a convicted inmate, and later with a mentally-ill homeless individual. For almost three
17 weeks, the latter individual kept Mr. Gukasian in constant and sleepless fear by talking and laughing to
18 himself, passing gas, and masturbating openly in their shared cell.

19 23. Mr. Gukasian's general conditions of confinement—which he shares with other inmates
20 serving criminal sentences at HDC—have been extremely poor. For one, Mr. Gukasian has been exposed
21 to extremely unhygienic and unsafe conditions. At times, he has been provided with jail uniforms that are
22 soiled, improperly cleaned, or covered in dried blood. At other times, he has not been provided clean
23 bedsheets for up to twenty days, leaving him to sleep in a dirty bed. And on several occasions,
24 Mr. Gukasian has been served food past its expiration date.

25 24. Mr. Gukasian has been routinely confined to his cell during regular lockdowns that prevent
26 him from leaving his cell. On many days, he has not been provided yard time at all. At other times,
27 frequent lockdowns and other unexplained interruptions to recreation time have prevented Mr. Gukasian
28 from being allowed outside for more than 45 days straight.

1 25. Similarly, Respondents have used solitary confinement to discipline Mr. Gukasian. These
2 punishments have been imposed without any opportunity for a hearing or to contest the disciplinary
3 findings upon which they are based.

4 26. Most concerning, in addition to being exposed to generally poor conditions of
5 confinement, Mr. Gukasian has not been given adequate access to medical treatment or prescriptions since
6 he was placed in confinement at HDC.

7 27. Mr. Gukasian is a diagnosed diabetic who suffers from hypertension. His health issues
8 were well-managed prior to his detention, and he was in generally good health on his initial date of
9 detention. Mr. Gukasian informed Respondents of his health conditions when he was initially taken into
10 custody in February of 2025, as noted in his Form I-213.

11 28. Despite being on notice of Mr. Gukasian's medical needs, Respondents and HDC have
12 failed to provide Mr. Gukasian with adequate medical treatment. Respondents' inadequate provision of
13 healthcare began almost immediately after Mr. Gukasian was detained, when he began to develop an eye
14 infection that went untreated in the face of multiple requests for medical attention. Even after
15 Mr. Gukasian saw a doctor for his infected eye, HDC staff delayed for months in providing him with
16 medication and specialist follow-ups necessary to properly treat his condition.

17 29. More concerning, Respondents have utterly failed to oversee and provide adequate
18 treatment options for Mr. Gukasian's heart condition. Respondents' negligence in treating Mr. Gukasian's
19 high blood pressure—compounded by the lack of language access services provided to Mr. Gukasian—
20 has caused Mr. Gukasian to experience a number of severe medical issues in Respondents' custody.
21 Among other symptoms, Mr. Gukasian has experienced extremely high blood pressure resulting in
22 persistent dizziness, nausea, and blackouts, alongside troubling vision problems. He has also experienced
23 relentless, unending nosebleeds and chronic sleep deprivation. This alarming constellation of symptoms
24 underscores the urgent need for comprehensive medical evaluation and intervention.

25 30. In the custodial context, serious hypertension is not a routine matter. Rather, it constitutes
26 a serious medical need under prevailing constitutional standards. Courts have consistently held that
27 deliberate indifference to such needs—particularly where symptoms are reported or elevated readings are
28

1 documented and no timely action is taken—can give rise to liability under 42 U.S.C. § 1983. *See Farmer*
 2 *v. Brennan*, 511 U.S. 825 (1994); *Estelle v. Gamble*, 429 U.S. 97 (1976).

3 31. The results of Respondents’ medical neglect are readily provable: Mr. Gukasian has
 4 endured multiple medical emergencies while he has been in custody. After weeks of insufficiently-
 5 addressed complaints of chest pain, blurred vision, nosebleeds, and headaches, Mr. Gukasian collapsed in
 6 his cell on June 25, 2025. Mr. Gukasian was discovered unconscious not by jail staff, but by his cellmate,
 7 who alerted HDC staff. Mr. Gukasian was then transported to Henderson Hospital, where his condition
 8 eventually stabilized. Upon discharge, Mr. Gukasian was instructed by doctors to follow-up with a
 9 neurologist—yet Respondents never had Mr. Gukasian assessed by a neurologist.

10 32. Likewise, on August 18, 2025, Mr. Gukasian while speaking to his elderly mother on the
 11 phone, Mr. Gukasian’s blood pressure spiked, causing his hands and feet to go numb. While medical
 12 personnel attended to him, he lost the ability to breathe and lost consciousness, eventually waking up in
 13 Henderson Hospital. At the hospital, Mr. Gukasian was diagnosed with an arrhythmia and low calcium
 14 and instructed by doctors to rest. Instead, at 3:00 a.m., Mr. Gukasian was taken back to HDC barefoot,
 15 placed in an austere cell, and subjected to freezing temperatures and blasting air conditioning while he
 16 waited for *six* hours to be returned to his cell. As he waited, Mr. Gukasian observed correctional staff
 17 outside of the room staring and laughing at him. Later, a correctional officer accompanied by a nurse told
 18 Mr. Gukasian that he was being punished for “putting on a movie”—outright confirming that he was
 19 retaliated against because HDC staff believed his cardiac event was an act of malingering.

20 33. Compounding Respondents’ medical neglect and delayed care for Mr. Gukasian,
 21 Respondents and HDC have inconsistently provided Mr. Gukasian an interpreter to communicate with
 22 HDC staff and doctors. Mr. Gukasian does not speak English; rather, he is fluent in Armenian and
 23 Russian. Language access services have not been consistently provided to Mr. Gukasian despite the fact
 24 that ICE ERO acknowledges that language access services are required under the Civil Rights Act of
 25
 26
 27
 28

1 1964² and despite ICE ERO purporting to offer language access services 24/7 for any inmate medical or
 2 detention-related matters in its National Detainee Handbook.³

3 34. Respondents have repeatedly blamed Mr. Gukasian's poor health on his lack of medication
 4 compliance. But since his detention, Mr. Gukasian has been frequently provided with unknown
 5 medication without any translated explanation for what the medication is, how often to take it, and when
 6 to take it. Likewise, after his hospital visits, Mr. Gukasian is provided with oral and written discharge
 7 instructions—but only in English, despite his right to receive Armenian or Russian translations of such
 8 instructions. This deprivation has resulted in confusion and mixed medication compliance for
 9 Mr. Gukasian, who is understandably skeptical of being asked to consume unknown substances by
 10 government officials who consistently and demonstrably show no concern for his welfare.

11 35. Making matters worse, Respondents have also used Mr. Gukasian's inability to speak or
 12 otherwise understand English as an excuse to punish him for failing to follow directions provided only in
 13 English. In one noteworthy incident on or about February 28, 2025, Mr. Gukasian was given directions
 14 and instructions in English by HDC staff. When Mr. Gukasian refused due to a lack of understanding, he
 15 was handcuffed, given a disciplinary write-up, and placed in solitary confinement for five days. While in
 16 solitary confinement, Mr. Gukasian was confined to an austere cell for five days with no recreation time,
 17 no exposure to the outdoors, no opportunity for interaction with other inmates, and no visitation or
 18 personal contact privileges. He was not provided a hearing or any ability to contest his placement in
 19 solitary confinement.

20 36. A similar event occurred on June 3, 2025, when Mr. Gukasian was placed in solitary
 21 confinement for five days again for allegedly failing to obey staff instructions and failing to abide by a
 22 lockdown order—instructions and orders once again provided in English, not Armenian or Russian. As
 23 with his previous instance of discipline, Mr. Gukasian was provided no opportunity for a hearing or any
 24 ability to contest his placement in solitary confinement.

25
 26 ² U.S. IMMIGRATIONS AND CUSTOMS ENFORCEMENT, ERO LANGUAGE ACCESS INFORMATION (June 23,
 2025), available at <https://www.ice.gov/detain/language-access>.

27 ³ U.S. IMMIGRATIONS AND CUSTOMS ENFORCEMENT, NATIONAL DETAINEE HANDBOOK (2024) at 7,
 28 available at <https://www.ice.gov/doclib/detention/ndHandbook/ndhEnglish.pdf>.

1 37. Ultimately, Respondents bear the responsibility of providing for Mr. Gukasian's health and
 2 well-being and providing Mr. Gukasian with language access while he remains in custody. By neglecting
 3 Mr. Gukasian's serious medical needs, and by often failing to provide him with language services
 4 necessary for adequate medical care, Respondents have caused Mr. Gukasian unnecessary suffering and
 5 created a punitive custodial environment for him.

6 ***B. HDC's Visitation Policies Significantly Limit and Restrict Mr. Gukasian's Access to***
 7 ***Counsel.***

8 38. Mr. Gukasian's health problems are just the beginning of the constitutional deprivations he
 9 has faced for nearly six months.

10 39. Since his initial detention at HDC, Mr. Gukasian retained counsel to assist him in defending
 11 his removal from the United States to Armenia. Mr. Gukasian's team includes attorneys, paralegals, and
 12 interpreters who regularly meet with Mr. Gukasian.

13 40. In order to properly defend and effectively represent Mr. Gukasian, members of his legal
 14 team must confer with him to collect information, review filings in his case with him, and discuss
 15 confidential and sensitive matters relating to the defense of his removal proceedings and matters affecting
 16 his bond status. These meetings take at least twice as long as most attorney-client meetings because
 17 Mr. Gukasian requires an interpreter, as he speaks only Armenian and Russian. It is not uncommon for
 18 Mr. Gukasian's counsel to spend up to five hours a day, multiple times a week in order to defend his case.

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

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

1 43. Other than in-person visits, HDC offers three forms of communication with inmates: phone
2 calls, video visits, and written mail.

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

11 45. Similarly, although HDC offers video visits, the visits are extremely limited in length and
12 character. HDC offers remote video visits through Securus, an online system that permits confidential
13 communication with an inmate via video over a computer screen. However, Securus requires that the
14 remote visits be scheduled for a maximum of 20-to-40-minute time periods. The video call is terminated
15 at the conclusion of the allotted time period. Additionally, like phone calls at HDC, video visits do not
16 permit a third-party to join the meeting. Thus, interpreters, experts, and other attorney-staff cannot attend
17 video visits.

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

23 47. Finally, HDC permits inmates to send and receive legal mail. However, mailing inmates
24 written letters is far too slow and inefficient for attorney-client communications to occur effectively.
25 Between the time it takes to deliver the mail and for HDC to disseminate it, it can take weeks for inmates
26 at HDC to receive letters sent by counsel. Likewise, attorney-client conversations carried out in writing
27 do not allow for the fluid exchange of information often necessary to conduct interviews and coordinate
28 a defense of removal proceedings. Between delays in receiving mail and the limited nature of written

1 correspondence, sending legal mail to inmates at HDC is beyond archaic; it simply cannot serve as a
2 replacement for live communications between attorney and client.

3 48. As a result of the above limitations on visitation and communication with inmates,
4 Mr. Gukasian's immigration counsel has resorted to in-person visitation, which is the sole means of
5 providing him with effective representation during his immigration proceedings. Yet at every turn,
6 Respondents' visitation policies have created an environment that has made visiting and communicating
7 with Mr. Gukasian incredibly difficult, if not impossible.

8 49. For example, in order to attend visits with Mr. Gukasian, interpreters must be "cleared" by
9 HDC staff. Frustratingly, on one occasion, Respondents and HDC have used the clearance system to grant
10 an interpreter the right to visit Mr. Gukasian—only to revoke the same interpreter's clearance on a later
11 visit without any advanced warning. The seemingly arbitrary revocation of the interpreter's clearance
12 forced Mr. Gukasian's counsel to scramble for an alternative interpreter, forcing delays in their meeting
13 with Mr. Gukasian.

14 50. Making matters worse, Mr. Gukasian's counsel has been punitively and arbitrarily forced
15 by jail staff to wait for hours both before and after in-person visits with Mr. Gukasian. Because visitors
16 are not permitted to bring their cell phones into the visitation area, counsel for Mr. Gukasian cannot
17 perform work, make calls, or communicate with anyone outside of the jail while awaiting escort to the
18 visitation cell.

19 51. Perhaps worst of all, counsel and interpreters that are visiting Mr. Gukasian in-person have
20 been involuntarily confined in locked visitation cells at HDC and forced to wait for hours before being
21 allowed to leave the visitation cell. While in the cell, counsel have had to verbally call for help, bang on
22 the cell door, and create noise in an attempt to gain the attention of HDC staff. On one occasion, counsel
23 had to gain the attention of an inmate doing laundry, who subsequently alerted HDC staff to release
24 counsel from the cell.

25 52. In short, the delays forced by Respondents' visitation policies not only punish
26 Mr. Gukasian's counsel by falsely imprisoning them in a cramped and uncomfortable environment
27 without means of escape, but waste hours of invaluable time that counsel needs in order to prepare
28

1 Mr. Gukasian's immigration case. These policies make constitutionally-effective representation
2 impossible.

3 53. As of the filing of this Motion, the parties in Mr. Gukasian's immigration case have
4 finished with the presentation of evidence and now await a final decision from the judge. Regardless of
5 the outcome, an appeal by either side is highly probable—meaning both that Mr. Gukasian will continue
6 to be forced to pursue the merits of his case indefinitely from the strictures of his confinement at HDC—
7 and that his defense team will continue to be burdened by Respondents' arbitrary restrictions on legal
8 communications.

9 LEGAL STANDARD

10 54. In considering whether to grant a TRO pursuant to Fed. R. Civ. P. 65(a), a court must
11 consider whether "(1) [the plaintiff] is likely to succeed on the merits, (2) [they are] likely to suffer
12 irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in [their] favor, and
13 (4) an injunction is in the public interest." *East Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 668 (9th
14 Cir. 2021); *Chamber of Commerce of the U.S. v. Bonta*, 62 F.4th 473, 481 (9th Cir. 2023) (citing *All. for*
15 *the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011)). "The first factor—likelihood of success
16 on the merits—is the most important factor." *Chamber of Commerce of the U.S.*, 62 F.4th at 481 (quoting
17 *California ex rel. Becerra v. Azar*, 950 F.3d 1067, 1083 (9th Cir. 2020) (en banc)). When the government
18 is the defendant, "the balance of the equities and public interest factors merge." *Id.* (citing *Drakes Bay*
19 *Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)). As long as the Plaintiff raises "serious
20 questions" as to the merits of his claims, the court can grant relief if the balance of hardships tips "sharply"
21 in Plaintiff's favor, and the remaining equitable factors are satisfied. *All. for the Wild Rockies*, 632 F.3d
22 at 1135.

23 ARGUMENT

24 **I. Mr. Gukasian is Likely to Succeed on the Merits of All of His Claims**

25 **A. Mr. Gukasian's Continued Detention is Punitive in Violation of the Due Process** 26 **Clause.**

27 55. The Government has an affirmative duty to provide conditions of reasonable health and
28 safety for immigration detainees. This is because "when the State takes a person into its custody and holds

1 [them] there against [their] will, the Constitution imposes upon it a corresponding duty to assume some
 2 responsibility for [their] safety and general well-being.” *DeShaney v. Winnebago Cnty. Dept. of Soc.*
 3 *Servs.*, 489 U.S. 189, 199-200 (1989). As a result, the government must provide those in its custody with
 4 “food, clothing, shelter, medical care, and reasonable safety[.]” *Id.* at 200.

5 56. In the criminal detention context, the Eighth Amendment prohibits cruel and unusual
 6 punishment, which in turn requires that “inmates be furnished with the basic human needs, one of which
 7 is ‘reasonable safety.’” *Helling v. McKinney*, 509 U.S. 25, 33 (1993) (quoting *DeShaney*, 489 U.S. at
 8 200).

9 57. But immigration detainees, even those with prior criminal convictions, are not criminal
 10 detainees. Instead, they are *civil detainees* who are held due to alleged violations of civil immigration
 11 laws. *Zadydas v. Davis*, 533 U.S. 678, 690 (2001). Accordingly, immigration detainees are entitled to
 12 even greater protections than a person convicted of a crime: while the Eighth Amendment permits
 13 punishment so long as it is not cruel and unusual, the Fifth Amendment due process clause does not permit
 14 punishment of immigration detainees at all. *Bell v. Wolfish*, 441 U.S. 520, 535 n.16 (1979) (“Due process
 15 requires that a pretrial detainee not be punished.”).

16 58. As the Ninth Circuit has held, “[u]nder the Due Process Clause, detainees have a right
 17 against jail conditions or restrictions that ‘amount to punishment.’” *Pierce v. Cnty. of Orange*, 526 F.3d
 18 1190, 1205 (9th Cir. 2008) (quoting *Bell*, 441 U.S. at 535–37). The Ninth Circuit has made clear that this
 19 means that immigration detainees like Mr. Gukasian are entitled to conditions of confinement that are
 20 superior to those of convicted prisoners and to those of criminal pretrial detainees. *Jones v. Blanas*, 393
 21 F.3d 918, 933-34 (9th Cir. 2004), *cert. denied*, 546 U.S. 820 (2005); *see also King v. Cnty. of L.A.*, 885
 22 F.3d 548, 557 (9th Cir. 2018) (finding presumption of punitive treatment where conditions of confinement
 23 for civil detainees were similar to those faced by pre-trial criminal detainees). Importantly, because an
 24 immigration detainee’s right to reasonable safety in custody is grounded in the Due Process Clause, the
 25 Eighth Amendment’s “deliberate indifference” standard does not apply to Mr. Gukasian. *Jones*, 393 F.3d
 26 at 934.

27 59. Instead, Mr. Gukasian can establish that his conditions of confinement are punitive when
 28 he shows that the conditions are either (1) “intended to punish” or (2) when the conditions or restrictions

1 are “employed to achieve objectives that could be accomplished in so many alternative and less harsh
2 methods[.]” *Id.* at 934 (quoting *Hallstrom v. City of Garden City*, 991 F.2d at 1484) (citation and internal
3 quotation marks omitted).

4 60. If Mr. Gukasian can make a showing that he was subjected to conditions of confinement
5 expressly intended to punish, the inquiry ends and his rights to be free from punitive conditions of
6 confinement has been violated. *See Perkins v. Demeyeo*, No. 2:12-CV-01242-GMN, 2012 WL 3763546,
7 at *4 (D. Nev. Aug. 28, 2012) (“[A] detainee’s substantive due process rights will be found to have been
8 violated if the restrictions are ‘imposed for the purpose of punishment.’”). Otherwise, Mr. Gukasian can
9 prove that his right to be free from punitive treatment in custody has been violated “if [his custody]
10 imposes some harm to [him] that significantly exceeds or is independent of the inherent discomforts of
11 confinement and is not reasonably related to a legitimate governmental objective or is excessive in relation
12 to the legitimate governmental objective.” *Unknown Parties v. Johnson*, No. CV-15-00250-TUC-DCB,
13 2016 WL 8188563, at *5 (D. Ariz. Nov. 18, 2016).

14 61. Here, Mr. Gukasian is likely to establish that he is being subjected to punitive conditions
15 of confinement in violation of his right to due process.

16 62. *First*, Mr. Gukasian is likely to establish that his punitive conditions of confinement stem
17 from Respondents’ express intent to punish him. *See Valdez v. Rosenbaum*, 302 F.3d 1039, 1045 (9th Cir.
18 2002) (“In distinguishing between a permissible restriction and impermissible punishment, we first
19 examine whether the restriction is based upon an express intent to inflict punishment.”). As Mr. Gukasian
20 and his immigration attorneys have noted, Respondents appear to be retaliating against both Mr. Gukasian
21 and his retained counsel because Mr. Gukasian has raised complaints about his conditions of confinement
22 and requested access to basic services to which he is legally entitled. (Sull Decl. ¶ 25; Nightingale Decl.
23 ¶ 27; Gukasian Decl. ¶ 12.) This punishment has not only taken the form of subjecting Mr. Gukasian to
24 subpar conditions of confinement, but also consisted of restricting his access to counsel by making it as
25 frustrating and difficult as possible for his defense counsel to meet with him.

26 63. Indeed, at one point, HDC staff *explicitly told* Mr. Gukasian that their conduct towards him
27 was being motivated by animus and a desire to punish. On August 18th, just after being released from the
28 hospital for a cardiac event, Respondents and their staff placed a barefoot Mr. Gukasian in an empty room

1 with a toilet and a concrete slab to sit on. (Gukasian Decl. ¶¶ 34-35; Nightingale Decl. ¶ 33.) Once he
 2 was locked inside, Mr. Gukasian was exposed to blasting air conditioning and extremely frigid
 3 temperatures. (Gukasian Decl. ¶¶ 34-35; Sull Decl. ¶ 59.) While he was left isolated for over six hours,
 4 Mr. Gukasian spotted HDC staff watching him and laughing at him from outside of the room. (Gukasian
 5 Decl. ¶ 34; Sull Decl. ¶ 59.) When staff finally arrived to return him to his cell, he was explicitly told that
 6 he was being punished for “putting on a movie” by experiencing a cardiac event requiring hospitalization.
 7 (Gukasian Decl. ¶¶ 34-35; Nightingale Decl. ¶ 33; Sull Decl. ¶ 59.) Thus, Respondents have outwardly
 8 and openly admitted that their medical neglect and the punitive conditions they have imposed upon
 9 Mr. Gukasian have both been motivated by an intent to punish him.

10 64. *Second*, even if this Court does not find Respondents expressly intend to punish
 11 Mr. Gukasian, Respondents’ general conditions of confinement have created unconstitutionally punitive
 12 conditions for Mr. Gukasian that clearly violate his right to due process. Most obviously (and alarmingly),
 13 Respondents have utterly failed to provide adequate medical care for Mr. Gukasian’s worsening
 14 hypertension and diabetes. Respondents have been on notice about Mr. Gukasian’s health needs since he
 15 was first detained. (Sull Decl. ¶ 27; Nightingale Decl. ¶ 26; Gukasian Decl. ¶ 11.) Despite his acute
 16 conditions, Mr. Gukasian has suffered from delays in necessary medical care, has had follow-up referrals
 17 and prescriptions ignored or not provided for unreasonable lengths of time, and has been inconsistently
 18 provided language access to understand instructions and treatment regimens from doctors and staff.
 19 (Gukasian Decl. ¶ 24; Nightingale Decl. ¶ 27; Sull Decl. ¶ 36-40.) On one occasion, Mr. Gukasian
 20 experienced an emergency medical event that staff responded to only when alerted by other inmates
 21 banging on cell doors. (Gukasian Decl. ¶ 26; Sull Decl. ¶ 50; Nightingale Decl. ¶ 29.) And when
 22 Mr. Gukasian has been provided medication, staff have often failed to explain what he is taking and why
 23 in a language he can understand. (Nightingale Decl. ¶¶ 27, 30; Gukasian Decl. ¶ 30; Sull Decl. ¶ 49.)
 24 This has led to situations where Mr. Gukasian has refused medication out of confusion,
 25 miscommunication, or skepticism of jail officials offering him unknown substances. (Nightingale Decl.
 26 ¶¶ 27, 30; Gukasian Decl. ¶ 30; Sull Decl. ¶ 56.)

27 65. The cumulative effect of Respondents’ medical negligence is that Mr. Gukasian has been
 28 hospitalized three times because of high blood pressure and arrhythmias—including most recently on

1 September 11, just days ago. (Gukasian Decl. ¶ 39; *see generally* Exhibit F.) Currently, he continues to
 2 suffer from inadequately treated and chronic high blood pressure while under constant observation and
 3 isolation in a medical unit. (Gukasian Decl. ¶ 45.) Because of Respondents' negligence, Mr. Gukasian
 4 "believe[s] that [he] [is] going to die in th[e] facility." (*Id.* ¶ 46.)

5 66. Even after three hospitalizations for high blood pressure and arrhythmias, and even after
 6 assessment by a doctor for an eye infection, Respondents have continued to neglect Mr. Gukasian's health
 7 issues, declined to pursue alternative treatments, and blamed his health condition on malingering.

8 67. After his first hospitalization in June of 2025, doctors referred Mr. Gukasian to follow-up
 9 with a neurologist—yet Mr. Gukasian was never brought to see one. (Exhibit D at 2; Sull Decl. ¶ 55;
 10 Gukasian Decl. ¶ 24.) After his second hospitalization on August 18th, Mr. Gukasian was diagnosed with
 11 an abnormal heart arrhythmia and instructed by doctors to rest. (Exhibit E at 2; Sull Decl. ¶¶ 58-59;
 12 Gukasian Decl. ¶ 33.) Instead, Respondents and HDC staff retaliatorily confined Mr. Gukasian in two
 13 separate waiting rooms for six hours, one freezing cold and the other without air conditioning,
 14 intentionally exposing him to cold and hot temperatures. (Gukasian Decl. ¶¶ 33-34.)

15 68. In addition to Respondents' outright failure to provide for Mr. Gukasian's medical needs,
 16 a confluence of other conditions at HDC have been imposed upon him that are similar to or worse than
 17 those imposed on convicted prisoners.

18 69. Notably, Mr. Gukasian is housed at Henderson Detention Center with criminal pre-trial
 19 detainees and convicted criminals. He intermingles with them during the day and is subject to the same
 20 rules, regulations, treatment, and conditions at HDC as they are. (Gukasian Decl. ¶ 21; Sull Decl. ¶ 41.)
 21 Mr. Gukasian even shared a cell with a convicted criminal upon arriving at HDC. (Gukasian Decl. ¶ 13.)
 22 Later, he shared a cell with a mentally-ill homeless man awaiting prosecution who kept Mr. Gukasian
 23 awake by talking to himself and masturbating openly in their shared cell. (*Id.* ¶ 14.)

24 70. Mr. Gukasian, like the rest of the inmates at HDC, is supposed to be provided with 45
 25 minutes of outdoor recreation time a day. Yet on many days he has not been provided yard time at all;
 26 instead, he has routinely spent up to 22 hours a day confined to his cell. (Sull Decl. ¶ 40.) At one point,
 27 Mr. Gukasian went 45 days without being permitted outside. (Gukasian Decl. ¶ 36); *see Graves v. Arpaio*,
 28 No. CV-77-0479-PHX-NVW, 2008 WL 4699770, at *10 (D. Ariz. Oct. 22, 2008) ("Pretrial detainees who

1 are held for more than a short time and spend much of their time inside their cells are ordinarily entitled
2 to five to seven hours of exercise per week outside of their cells.”) (citation omitted).

3 71. In addition to frequent lockdowns and little time for recreation, Mr. Gukasian has been
4 exposed to unhygienic and inhumane conditions at HDC. At times, he has been provided with jail
5 uniforms that are soiled, improperly cleaned, or—in at least one instance—covered in dried blood.
6 (Gukasian Decl. ¶ 21; Sull Decl. ¶¶ 40, 47.) At other times, he has not been provided clean bedsheets for
7 up to twenty days, leaving him to sleep in a dirty bed. (Gukasian Decl. ¶ 21; Sull Decl. ¶ 40.) And on
8 several occasions, Mr. Gukasian has been served food past its expiration date—directly endangering his
9 health and wellbeing. (Gukasian Decl. ¶ 21); *see Graves*, 2008 WL 4699770, at *11 (“Food provided to
10 inmates must not only be ‘nutritionally adequate,’ but also ‘prepared and served under conditions which
11 do not present an immediate danger to the health and well being of the inmates who consume it.’”)
12 (quoting *Ramos v. Lamm*, 639 F.2d 559, 570–71 (10th Cir. 1980)).

13 72. Similarly, on at least two other occasions, Respondents have used solitary confinement—
14 an inherently punitive tool—to discipline Mr. Gukasian. (Gukasian Decl. ¶¶ 15, 25.) Each time
15 Respondents have forced Mr. Gukasian into solitary confinement, they have punished him for failing to
16 follow directions—directions, remarkably, provided only in English to the non-English speaking
17 Mr. Gukasian. And each time they have imposed solitary confinement on Mr. Gukasian, they have failed
18 to give him adequate opportunity to contest his discipline at a fairly noticed hearing. (Gukasian Decl. ¶¶
19 15, 25; Exhibit C at 2.)

20 73. Finally, as highlighted in more detail *infra* in Part I.B, Respondents have imposed
21 substantial restrictions on Mr. Gukasian’s ability to communicate and confer with his attorneys and the
22 outside world. These restrictions on communication impede Mr. Gukasian’s ability to receive assistance
23 of counsel and are identical to the conditions experienced by convicted inmates at HDC. In addition to
24 violating his right to effective assistance of counsel, Respondents’ policies surrounding communication
25 and visitation at HDC constitute punitive conditions of confinement. *See S. Poverty Law Ctr. v. U.S.*
26 *Dep’t of Homeland Sec.*, No. CV 18-760 (CKK), 2020 WL 3265533, at *31 (D.D.C. June 17, 2020)
27 (finding likelihood of success on the merits based on claim alleging punitive confinement caused by
28 COVID policies inhibiting visitation and inmate communication); *see also Torres v. U.S. Dep’t of*

1 *Homeland Sec.*, 411 F. Supp. 3d 1036, 1064 (C.D. Cal. 2019) (finding immigrant detainee plaintiffs had
2 successfully alleged punitive conditions by alleging that detention center's inmate visitation policies were
3 unnecessarily restrictive and "similar, if not identical" to restrictions for convicted inmates at the facility).

4 74. Each of the above practices individually and collectively represent presumptively punitive
5 conditions for a civil detainee like Mr. Gukasian.

6 75. Once Mr. Gukasian has demonstrated presumptively punitive conditions, "the burden shifts
7 to the defendant[s] to show (1) 'legitimate, non-punitive interests justifying the conditions of [the
8 detainee's confinement' and (2) 'that the restrictions imposed...[are] not excessive [or unreasonable] in
9 relation to these interests.'" *King*, 885 F.3d at 557 (quoting *Jones*, 393 F.3d at 935) (cleaned up).
10 Conditions that are imposed to pursue even legitimate interests are excessive or unreasonable "if they are
11 'employed to achieve objectives that could be accomplished in so many alternative and less harsh
12 methods.'" *Id.* at 558 (quoting *Jones*, 393 F.3d at 934).

13 76. Because Respondents have to this point provided little reason for Mr. Gukasian's
14 conditions of confinement to counsel, one can only speculate as to why they have imposed such harsh
15 conditions. Indeed, it is difficult to fathom *any* justifications for the substandard and restrictive standards
16 of confinement maintained by Respondents, which are only one part of a broader, systemic issue with
17 immigration detention facilities run by Respondents.⁴

18 77. Moreover, this is not the first time HDC has struggled to maintain basic standards of
19 detention set by ICE. As recently as 2022, HDC failed a compliance inspection with ICE's Office of
20

21 ⁴ Jasmine Gard, *In recorded calls, reports of overcrowding and lack of food at ICE detention centers*,
22 NPR (Jun. 6, 2025), <https://www.npr.org/2025/06/05/nx-sl-5413364/concerns-over-conditions-in-u-s-immigration-detention-were-hearing-the-word-starving>; AMERICAN IMMIGRATION COUNSEL,
23 IMMIGRATION DETENTION IN THE UNITED STATES BY AGENCY (Aug. 20, 2025),
24 <https://www.americanimmigrationcouncil.org/fact-sheet/immigration-detention-united-states-agency/#:~:text=Despite%20these%20policies%2C%20noncitizens%20held,with%20ensuring%20sufficient%20medical%20staffing> (noting that "[t]here are numerous examples of poor conditions in ICE
25 detention, including inadequate mental and physical health care, moldy food, lack of clean water,
26 inadequate bedding, verbal and physical abuse by detention staff, overcrowding, and similar concerns");
27 ACLU, CIVIL RIGHTS ORGANIZATIONS RAISE ALARM OVER CONDITIONS AND RIGHTS VIOLATIONS AT
28 IMMIGRANT DETENTION FACILITIES RUN BY FEDERAL AGENCIES (May 29, 2025),
<https://www.aclu.org/press-releases/civil-rights-organizations-raise-alarm-over-conditions-and-rights-violations-at-immigrant-detention-facilities-run-by-federal-agencies>.

1 Detention Oversight (“ODO”) for—among other things—prescribing detainees psychotropic medication
 2 without written consent, failing to provide sufficient outdoor recreation time to detainees, and failing to
 3 provide requested medical treatment to a detainee suffering from kidney stones.⁵ Compliance inspections
 4 at HDC since 2022 have continued to note repeated and varying levels of deficient standards of detention
 5 at the facility.⁶ No compliance reports for the current year appear to be publicly available, but
 6 Mr. Gukasian’s anecdotal experience at HDC reflects that the facility continues to fall short of ICE’s own
 7 basic standards of confinement for immigration detainees.⁷

8 78. But even if Respondents can proffer a “legitimate, non-punitive” interest for *all* of
 9 Mr. Gukasian’s conditions of confinement, Respondents will not be able to demonstrate that “the
 10 restrictions imposed...[are] not excessive [or unreasonable] in relation to these interests.” *King*, 885 F.3d
 11 at 557 (internal quotations omitted). As the Ninth Circuit has made clear, a proffered interest for a

12 _____
 13 ⁵ IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF PROFESSIONAL RESPONSIBILITY,
 14 UNANNOUNCED COMPLIANCE INSPECTION OF THE HENDERSON DETENTION CENTER (Aug. 2022),
 15 [https://www.ice.gov/doclib/foia/odo-compliance-](https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntrHendersonNV_Aug2022.pdf)
 16 [inspections/hendersonDetCntrHendersonNV_Aug2022.pdf](https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntrHendersonNV_Aug2022.pdf).

17 ⁶ IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF PROFESSIONAL RESPONSIBILITY,
 18 UNANNOUNCED COMPLIANCE INSPECTION OF THE HENDERSON DETENTION CENTER (Apr. 2023),
 19 [https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Apr4-](https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Apr4-6_2023.pdf)
 20 [6_2023.pdf](https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Apr4-6_2023.pdf); IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF PROFESSIONAL RESPONSIBILITY,
 21 UNANNOUNCED COMPLIANCE INSPECTION OF THE HENDERSON DETENTION CENTER (Sept. 2023),
 22 [https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Sep19-](https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Sep19-21_2023.pdf)
 23 [21_2023.pdf](https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Sep19-21_2023.pdf); IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF PROFESSIONAL RESPONSIBILITY,
 24 UNANNOUNCED COMPLIANCE INSPECTION OF THE HENDERSON DETENTION CENTER (Mar. 2024),
 25 [https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Mar19-](https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Mar19-21_2024.pdf)
 26 [21_2024.pdf](https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Mar19-21_2024.pdf); IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF PROFESSIONAL RESPONSIBILITY,
 27 UNANNOUNCED COMPLIANCE INSPECTION OF THE HENDERSON DETENTION CENTER (Sept. 2024),
 28 [https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Sep17-](https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Sep17-19_2024.pdf)
 29 [19_2024.pdf](https://www.ice.gov/doclib/foia/odo-compliance-inspections/hendersonDetCntr_HendersonNV_Sep17-19_2024.pdf).

30 ⁷ Notably, Respondents are currently named in a separate lawsuit for allegedly shuttering the ODO and
 31 cutting staff, functionally eliminating compliance checks and oversight for facilities like HDC. *See RFK*
 32 *Human Rights v. U.S. Dep’t of Homeland Sec.*, Case No. 1:25-cv-01270-ACR, Dkt. No. 1 (filed
 33 4/24/25); *see also* Angélica Franganillo Díaz, *Cuts to DHS watchdogs spark more questions as*
 34 *deportation efforts increase*, CNN (Jul. 8, 2025), [https://www.cnn.com/2025/07/08/politics/homeland-](https://www.cnn.com/2025/07/08/politics/homeland-security-watchdog-cuts)
 35 [security-watchdog-cuts](https://www.cnn.com/2025/07/08/politics/homeland-security-watchdog-cuts) (noting that DHS slashed compliance personnel overseeing immigration
 36 detention facilities from hundreds of employees to about a dozen, and reporting that “[a]dvocates have
 37 raised alarm about the lack of accountability, citing inhumane conditions, medical neglect, and abuse in
 38 some federal detention facilities”).

1 condition of confinement is considered unreasonable if it is “employed to achieve objectives that could be
2 accomplished in so many alternative and less harsh methods.” *Jones*, 393 F.3d at 934.

3 79. Here, any legitimate, non-punitive interest Respondents may have could certainly be
4 “accomplished in so many alternative and less harsh methods.” *Id.* After all, immigration detention in
5 general is not a legal or factual necessity. ICE has discretion to release immigration detainees—especially
6 those with serious medical issues—pending the outcome of their immigration cases. Doing so in
7 Mr. Gukasian’s case would allow him to obtain adequate healthcare from outside of ICE’s facilities, while
8 simultaneously alleviating him of his subpar conditions of confinement and permitting him to receive legal
9 visitation. Moreover, Mr. Gukasian can attend (and be required to attend) any future immigration
10 proceedings from the safety and comfort of his own home—no doubt a “less harsh” alternative to keeping
11 him in custody and thereby imperiling his life and right to counsel.

12 80. Accordingly, Mr. Gukasian’s detention is punitive in violation of the Due Process Clause.

13 ***B. Henderson Detention Center’s Limitations on Attorney-Client Visitation Violate***
14 ***Mr. Gukasian’s Due Process Rights to Counsel and a Full and Fair Hearing.***

15 81. Respondents’ conduct also continues to violate Petitioner’s procedural due process rights
16 under the Fifth Amendment, on two fronts: first by preventing him from communicating effectively with
17 counsel, and second, by preventing him from providing evidence to, and communicating with, witnesses,
18 experts, and interpreters, as is necessary for him to meaningfully prepare and present his legal case.

19 82. “Rooted in the Due Process Clause . . . noncitizens have the right to counsel in removal
20 proceedings[.]” *Usubakunov v. Garland*, 16 F.4th 1299, 1303 (9th Cir. 2021); *see also Biwot v. Gonzales*,
21 403 F.3d 1094, 1098 (9th Cir. 2005). Noncitizens in removal proceedings are entitled not only to time to
22 retain counsel, but time “to permit counsel to prepare for the [immigration] hearing.” *Rios-Berrios v. INS*,
23 776 F.2d 859, 863 (9th Cir. 1985) (citation omitted). Governmental impediments to “an established, on-
24 going attorney-client relationship” thus constitute a “constitutional deprivation.” *Comm. of Cent. Am.*
25 *Refugees v. INS*, 795 F.2d 1434, 1439 (9th Cir. 1986) (“The key factor present in each of these cases
26 showing a constitutional deprivation is the existence of an established, on-going attorney-client
27 relationship[.]”); *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554, 565-66 (9th Cir. 1990) (affirming
28 injunction against “numerous obstacles” the government had erected, “the cumulative effect of which was

1 to prevent aliens from contacting counsel and receiving any legal advice” including a pattern of restricting
 2 detainee access to telephones, making it difficult to reach counsel); *Torres*, 411 F. Supp. 3d at 1061
 3 (finding already-represented plaintiffs face a “less stringent” standard to establish procedural due process
 4 claim, and met the standard by alleging various impediments to vital attorney-client exchanges and limited
 5 means of confidential communication); *Orantes-Hernandez v. Meese*, 685 F. Supp. 1488, 1511 (C.D. Cal.
 6 1988) (right to “effective” representation of counsel violated by undue restriction on attorney visitation,
 7 failing to provide proper private telephone and visitation facilities, and failure to provide adequate phone
 8 access), *aff’d* 919 F.2d 549 (9th Cir. 1990) (pattern of practices impeded communication with counsel and
 9 warranted an injunction).

10 83. Here, Mr. Gukasian has an established attorney-client relationship with undersigned
 11 counsel and his immigration attorneys, the latter of whom entered an appearance for him with a G-28 in
 12 his immigration proceedings on or about February of 2025. (Sull Decl. ¶ 2; Natal Decl. ¶ 2; Cohen Decl.
 13 ¶ 2; Nightingale Decl. ¶ 2.) The legal team cannot call Mr. Gukasian, and HDC staff refuses to relay
 14 messages. (Sull Decl. ¶ 6; Natal Decl. ¶ 4; Cohen Decl. ¶ 4; Nightingale Decl. ¶ 5.) Mr. Gukasian cannot
 15 initiate confidential calls from the detainee common area, where everything is monitored, calls cannot
 16 exceed 20 minutes, and the loud atmosphere impedes concentrated exchanges necessary for effective legal
 17 consultation and hearing preparation. (Sull Decl. ¶ 6; Natal Decl. ¶ 4; Cohen Decl. ¶ 4; Nightingale Decl.
 18 ¶ 5.) HDC prohibits three-way calls with interpreters or other staff, which is facially absurd for a facility
 19 that hosts dozens of immigration detainees, who may not understand the arcane immigration law
 20 procedure conveyed only in English. (Sull Decl. ¶ 6; Natal Decl. ¶ 4; Cohen Decl. ¶ 4; Nightingale Decl.
 21 ¶ 5.) Video-visits are similarly restrictive, requiring 24-hours advanced notice, lasting a maximum of 20-
 22 40 minutes, costing up to \$15.90 per call charged to the attorney, and with no possibility of three-way
 23 calls with interpreters or potential witnesses in Mr. Gukasian’s case. (Sull Decl. ¶¶ 4, 8; Natal Decl. ¶ 6;
 24 Cohen Decl. ¶ 6; Nightingale Decl. ¶ 5.) These restrictions are not remotely constitutional.

25 84. The Constitution does not allow the government—acting through a warden—to impose
 26 limits on a detainee’s right to prepare a defense. When counsel has resorted to exceedingly costly and
 27 burdensome travel for in-person visits, HDC has denied an interpreter and expert witness’s visitation rights
 28 without warning, made counsel wait hours before seeing Mr. Gukasian, and even left counsel in visitation

1 cells with no means of safe escape or communication for hours. (Sull Decl. ¶¶ 44-46; Natal Decl. ¶¶ 15,
 2 20-23; Cohen Decl. ¶¶ 15, 20-23.) Counsel has had to resort to verbal shouts for help, and was ignored
 3 until an inmate doing laundry heard counsel and alerted HDC staff. (Natal Decl. ¶¶ 20-23; Cohen Decl.
 4 ¶¶ 20-23.) At every turn, HDC and Respondents have made reaching Mr. Gukasian unduly burdensome,
 5 frustrating, expensive, and at times, dangerous and frightening.

6 85. These impediments are not just frustrating—they constructively sabotage Mr. Gukasian's
 7 immigration defense. This also violates Mr. Gukasian's due process right to "a full and fair hearing of
 8 [his] claims and a reasonable opportunity to present evidence." *Ibarra-Flores v. Gonzales*, 439 F.3d 614,
 9 620 (9th Cir. 2006) (quoting *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000)). A vital hallmark of a
 10 full and fair hearing is the opportunity to present evidence and testimony on one's behalf. *Colmenar*, 210
 11 F.3d at 971; *see also Vargas-Hernandez v. Gonzales*, 497 F.3d 919, 926-27 (9th Cir. 2007) ("Where an
 12 alien is given a full and fair opportunity . . . to present testimony and other evidence in support of the
 13 application, he or she has been provided with due process."). Restrictions imposed by the government on
 14 the ability to gather evidence have thus been held to violate the Fifth Amendment. *Baires v. INS*, 856 F.2d
 15 93 (9th Cir. 1988) ("attorney was deprived of a fair opportunity to prepare his case and Portillo Baires
 16 was left without any evidence to present at the hearing, other than his own testimony"); *Cruz Rendon v.*
 17 *Holder*, 603 F.3d 1104, 1109 (9th Cir. 2010) (denial of continuance to gather additional evidence
 18 contributed to Fifth Amendment violation); *Ibarra-Flores*, 439 F.3d at 621 (the right to "seek evidence"
 19 prior to the hearing is logically part of the right to present evidence in removal proceeding); *Balam-Chuc*
 20 *v. Mukasey*, 547 F.3d 1044, 1050 (9th Cir. 2008) (if a hearing is so unfair the noncitizen is prevented from
 21 "reasonably presenting" his case, there may be ineffective assistance of counsel and a denial
 22 of due process) (quoting *Lopez v. INS*, 775 F.2d 1015, 1017 (9th Cir. 1985)).

23 86. By limiting Mr. Gukasian and his counsel's access to multi-party calls, to interpreters, and
 24 to experts and witnesses, HDC has achieved what immigration prosecutors cannot, and what an
 25 immigration judge would never allow: gatekeeping of witnesses, choking off communication with
 26 counsel, and impairing the organization of a defense. Even with the conclusion of the presentation of
 27 evidence of Mr. Gukasian's individual removal hearing, Mr. Gukasian's immigration lawyers anticipate
 28 that appeals in his case will continue following a final decision, and that they will need to continue to

1 confer and communicate with Mr. Gukasian on an ongoing basis in the future in order to continue to
 2 effectively represent him in any appeal. (Nightingale Decl. ¶ 23; Sull Decl. ¶ 21.) Accordingly,
 3 Respondents' visitation policies have violated, and will continue to violate, Mr. Gukasian's due process
 4 rights under the Fifth Amendment.

5 ***C. Henderson Detention Center's Limitations on Attorney-Client Visitation***
 6 ***Unconstitutionally Chill Mr. Gukasian's First Amendment Right to Consult His***
 7 ***Attorneys.***

8 87. By depriving Mr. Gukasian of reasonable means of communicating with his attorneys,
 9 Defendants have also violated and continue to violate Mr. Gukasian's rights under the First Amendment.

10 88. The First Amendment guarantees prisoners and detainees the right to communicate with
 11 the outside world. *Valdez v. Rosenbaum*, 302 F.3d 1039, 1048 (9th Cir. 2002). This protection includes
 12 the right to make telephone calls, exchange correspondence, and receive in-person visitors. *See generally*
 13 *id.*; *see also Strandberg v. City of Helena*, 791 F.2d 744, 747 (9th Cir. 1986) ("Courts have recognized
 14 detainees' and prisoners' first amendment right to telephone access."). The "right to hire *and consult* an
 15 attorney" is likewise "protected by the First Amendment's guarantee of freedom of speech, association
 16 and petition." *Mothershed v. Justices of Sup. Ct.*, 410 F.3d 602, 611 (9th Cir. 2005) (citations omitted),
 17 *amended on denial of reh'g*, 2005 WL 1692466.

18 89. The *Bell v. Wolfish* test for restriction of pretrial detainees' constitutional rights is apt: a
 19 given restriction is unconstitutional if it is imposed for purposes of punishment, but is constitutional if it
 20 is "but an incident of some other legitimate governmental purpose," such as to assure that the individual
 21 will be present for his trial, or "to maintain security and order at the institution."

22 90. For the same reasons stated *supra*, Part I.A, Mr. Gukasian's treatment has been punitive.
 23 The cumulative restrictions on attorney visits and organization of the defense either evince an express
 24 intent to punish, or the court may infer that purpose, given the excessiveness of the legal visitation
 25 restrictions in relation to any pretexts of legitimacy the government may seek to assign. ICE's *own*
 26 *detention standards* illustrate the illegitimacy of HDC's conduct: each detainee must be permitted to meet
 27 "privately" with legal representatives "and their legal assistants," including interpreters, seven days a
 28

1 week, including holidays, for a *minimum* of eight hours per day on regular business days.⁸ Likewise, a
 2 facility may neither “restrict the number” of calls to legal representatives “nor limit the duration” of such
 3 calls, whether “by rule or automatic cut-off.”⁹ HDC’s pattern of conduct infringes these standards and
 4 unconstitutionally chills Mr. Gukasian’s First Amendment right to consult his attorneys.

5 ***D. Mr. Gukasian’s Prolonged Detention Violates His Right to Due Process Because His***
 6 ***Removal is Neither Reasonably Foreseeable Nor Imminent.***

7 91. The Fifth Amendment Due Process Clause forbids the government to deprive a person of,
 8 among other rights, liberty without due process of law, and “[f]reedom from bodily restraint has always
 9 been at the core of the liberty protected by the Due Process Clause[.]” *Foucha v. Louisiana*, 504 U.S. 71,
 10 80 (1992) (citation omitted). In terms of immigration detention, the Supreme Court has found that those
 11 detained under 8 U.S.C. § 1231(a)(6) (immigrants detained under relevant conditions, similar to
 12 Mr. Gukasian) cannot be detained beyond a “period reasonably necessary to secure removal,” which is
 13 presumably six months. *Zadvydas v. Davis*, 533 U.S. 678, 680 (2001). After the six months, once a
 14 noncitizen provides “good reason to believe that there is no significant likelihood of removal in the
 15 reasonabl[e] foreseeable future,” then the government must rebut this showing or release the individual.
 16 *Id.* An example of the “no significant likelihood” standard is when a government lacks an extradition
 17 treaty with the receiving country or repatriation negotiations have ceased. *Id.*

18 92. The Ninth Circuit, adhering to the presumption in *Zadvydas* that six months constitutes a
 19 prolonged detention, found that a noncitizen detained under 8 U.S.C. § 1231(a)(6) is entitled to a bond
 20 hearing at the six-month mark if removal is not imminent. *Diouf v. Napolitano*, 634 F.3d 1081, 1091-92
 21 (9th Cir. 2011) [hereinafter *Diouf II*]. Similarly, a 2018 habeas case found that a noncitizen was entitled
 22 to a bond hearing because his removal was not “imminent.” *Cortez v. Sessions*, 318 F. Supp. 3d 1134,
 23 1146 (N.D. Cal. 2018) (“Moreover, there is no indication that Mr. Solano’s removal is ‘imminent,’ given

24 ⁸ See generally, SECTION 5.7, VISITATION, PBNDS 2011 (as revised 2016),
 25 <https://assets.aila.org/files/67bfde5c-9126-470a-8fd3-ebb60b176015/17031406.pdf?1697589740>; see
 26 also SECTION 5.5(G), 2019 NATIONAL DETENTION STANDARDS, [https://www.ice.gov/doclib/detention-](https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf)
 27 [standards/2019/nds2019.pdf](https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf) (the “facility *shall* permit translators and interpreters to accompany legal
 representatives and legal assistants on legal visits”).

28 ⁹ *Id.* 5.6(F).

1 that the next hearing on his application for withholding of removal is scheduled for June 5, 2018, over two
2 months from now.”).

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

8 94. Mr. Gukasian is detained under 8 U.S.C. § 1226(a) because he does not have a final order
9 of removal. However, the same principles that bar detention for a prolonged period that have no imminent
10 end should apply to him as well to limit the amount of time that he can be detained without bond. The
11 Supreme Court addressed this issue in *Demore v Kim*, 538 U.S. 510, 530–31 (2003), although the
12 underpinnings of that decision rested on the assumption that removal hearings would normally not last
13 longer than 180 days. However, the government later acknowledged that the statistic provided to the
14 Supreme Court regarding the average time that a detained removal case was pending was incorrect.¹⁰
15 Moreover, in the case of Mr. Gukasian, his case is now pending for over 180 days, with no end in sight.
16 This means that all the above principles also apply in Mr. Gukasian’s case.

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

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27 ¹⁰ IAN HEATH GERSHENGORN & JEAN C. KING, RE: DEMORE V. KIM, S. CT. NO. 01-1491 (August 26,
28 2016), <https://www.wsj.com/public/resources/documents/Demore.pdf>.

II. The Remaining Factors Weigh Heavily in Favor of Granting a Temporary Restraining Order

A. *Mr. Gukasian is Likely to Suffer Irreparable Harm Absent a Temporary Restraining Order.*

96. The Ninth Circuit has made clear that “the deprivation of constitutional rights ‘unquestionably constitutes irreparable injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (citation omitted). Separately, exposing an immigration detainee to dangerous and unsafe conditions in custody also constitutes irreparable harm and warrants injunctive relief—particularly where, like here, the unsafe conditions at issue put the detainee’s life at risk. *Banks v. Booth*, 459 F. Supp. 3d 143, 159 (D.D.C. 2020) (citing *Al-Joudi v. Bush*, 406 F. Supp. 2d 13, 20 (D.D.C. 2005)) (“Facing requests for preliminary injunctive relief, courts often find a showing of irreparable harm where the movant’s health is in imminent danger.”). Broadly speaking, the Ninth Circuit has recognized that irreparable harm exists where government action threatens to worsen an individual’s health. *See M.R. v. Dreyfus*, 663 F.3d 1100, 1111 (9th Cir. 2011), *as amended by* 697 F.3d 706 (9th Cir. 2012); *see also Indep. Living Cent. of S. Cal., Inc. v. Shewry*, 543 F.3d 1047, 1050 (9th Cir. 2008) (recognizing that Medi-Cal beneficiaries would suffer irreparable harm where new policy would limit beneficiaries’ access to “much-needed pharmaceuticals”).

97. Thus, Mr. Gukasian faces a likelihood of irreparable harm if Respondents continue to hold him in custody.

B. *The Public Interest and Balance of the Equities Weigh Heavily in Mr. Gukasian’s Favor.*

98. The balance of the equities and public interest factors merge in light of the fact that the government is the opposing party in this case. *See Chamber of Commerce of the U.S.*, 62 F.4th at 481 (citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)). Both factors also weigh heavily in favor of granting the Motion.

99. As to the interests of the public, “the public has a strong interest in upholding procedural protections against unlawful detention, and the Ninth Circuit has recognized that the costs to the public of immigration detention are staggering.” *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021) (citations omitted) (cleaned up). Moreover, the Ninth Circuit has

frequently proclaimed that “[i]t is always in the public interest to prevent the violation of a party’s constitutional rights.” *Index Newspapers LLC v. U.S. Marshals Serv.*, 977 F.3d 817, 838 (9th Cir. 2020) (quoting *Padilla v. Immigration & Customs Enforcement*, 953 F.3d 1134, 1147–48 (9th Cir. 2020)). This is because “all citizens have a stake in upholding the constitution.” *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005).

100. On the other hand, whatever interest that the government asserts in their continued detention cannot be outweighed by the irreparable harm facing Mr. Gukasian if he continues to be detained in violation of his constitutional rights. “Faced with . . . preventable human suffering, [the Ninth Circuit] ha[s] [had] little difficulty concluding that the balance of hardships tips decidedly in plaintiffs’ favor.” *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017) (quoting *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983)); *see also Nadarajah v. Gonzales*, 443 F.3d 1069, 1084 (9th Cir. 2006) (“The balance of hardships also favor releasing [the detainee]. There is undisputed evidence in the record that his health is deteriorating, a deterioration that is only exacerbated by continuing detention.”). Because all four *East Bay* factors weigh in Mr. Gukasian’s favor, the Court should grant the Motion.

III. The Court Retains Authority to Order Mr. Gukasian’s Release, and Such Relief is Appropriate Here.

101. “Federal courts possess whatever powers are necessary to remedy constitutional violations because they are charged with protecting these rights.” *Stone v. City & Cnty. of San Francisco*, 968 F.2d 850, 861 (9th Cir. 1992). As a result, “[o]nce a right and a violation have been shown, the scope of a district court’s equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.” *Swann v. Charlotte–Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971).

102. Likewise, “there is abundant authority that federal district judges in habeas corpus... proceedings have inherent power to admit applicants to bail pending the decision of their cases,” *Cherek v. U.S.*, 767 F.2d 335, 337 (7th Cir. 1985), though a grant of release requires a showing that the case is “extraordinary,” “involv[es] special circumstances or [invokes] a high probability of success.” *Land v. Deeds*, 878 F.2d 318, 318 (9th Cir. 1989). The power to release an inmate is “necessary to make the habeas remedy effective,” *Mapp v. Reno*, 241 F.3d 221, 226 (2d Cir. 2001), and necessary to abide by the statutory mandate to decide habeas petitions “as law and justice require.” 28 U.S.C. § 2243.

103. Courts have found special circumstances to release a detainee when an immigration detainee's continued custody imperils their health, imperils their right to speak freely, or would otherwise expose them to unsafe conditions of confinement. *See, e.g., Ozturk v. Trump*, 783 F. Supp. 3d 801, 812 (D. Vt. 2025) (releasing detainee based on First Amendment and Due Process violations because "the evidence before the Court showed that [the detainee's] health [] declined precipitously over the last six weeks, and she is at risk for needing emergency medical care, which may be difficult to obtain in detention," and because "detention necessarily constitutes an infringement of [the detainee's] First Amendment rights and her right to liberty"); *Leslie v. Holder*, 865 F. Supp. 2d 627, 639 (M.D. Pa. 2012) (finding detainee's prolonged length of detention and "cascading array of medical problems" established extraordinary circumstances warranting release on bail); *D'Alessandro v. Mukasey*, No. 08CV914RJAVEB, 2009 WL 799957, at *4 (W.D.N.Y. Mar. 25, 2009) (releasing detainee pursuing habeas corpus because his "chronic and debilitating health conditions... certainly constitute exceptional circumstances setting his case apart and making bail necessary to make the habeas remedy effective, and to prevent further deterioration of his health"). Indeed, even ICE's own regulatory guidelines state that serious medical conditions are a reason to parole an individual, as "continued detention would not be appropriate" in such cases. 8 C.F.R. § 212.5(b)(1).

104. Here, Mr. Gukasian's case invokes a high probability of success and constitutes special circumstances because of his extremely poor and declining health. Not only has Mr. Gukasian established egregious and repeated violations of his constitutional rights, but the deleterious impact of those violations on his health has been substantial. Since entering his initial period of custody at HDC in relatively good health, Mr. Gukasian has been repeatedly hospitalized and experienced multiple adverse cardiac events that threaten his life. At this stage of his detention, and because of Respondents' actions, he suffers from chronic high blood pressure, a condition that could mean stroke or heart attack at any moment. Continued time in Respondents' custody imperils his safety and well-being, constituting the special circumstances that warrant release. Thus, a grant of bail is warranted in this case.

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IV. The Court Should Not Require Mr. Gukasian to Provide Security Prior to Issuing a Temporary Restraining Order.

105. Federal Rule of Civil Procedure 65(c) provides that “The court may issue... a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” However, “Rule 65(c) invests the district court with discretion as to the amount of security required, if any.” *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003) (internal quotation marks and citation omitted). District courts routinely exercise this discretion to require no security in cases brought by incarcerated people. *See Toussaint v. Rushen*, 553 F. Supp. 1365, 1383 (N.D. Cal. 1983) (state prisoners); *Orantes-Hernandez v. Smith*, 541 F. Supp. 351, 385 n. 42 (C.D. Cal. 1982) (detained immigrants). Because Mr. Gukasian has been incarcerated for the last seven months with no ability to earn income, the Court should do the same here.

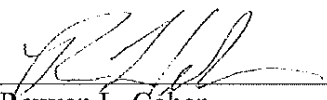
CONCLUSION

106. For the foregoing reasons, Mr. Gukasian’s motion for a temporary restraining order should be granted and he should immediately be released on bail pending these proceedings.

Dated: September 19, 2025

COHEN WILLIAMS LLP

By:


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 Attorneys for Vardan Gukasian
 (Pro Hac Vice Pending)

Dated: September 19, 2025

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