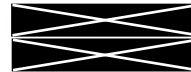


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Attorney for Petitioners
ELEONORA ABRAMIAN and
SEMEN ABRAMIAN

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ARIZONA
PHOENIX DIVISION**

ELEONORA ABRAMIAN and)
SEMEN ABRAMIAN,)
)
Petitioners,)
)
v.)
)
PAM BONDI, Attorney General,)
KRISTI NOEM, U.S. Secretary of)
Homeland Security,)
RODNEY S. SCOTT, Commissioner)
of U.S. Customs and Boarder Protection,)
MARK MORGAN, Director of U.S.)
Immigration Customs Enforcement,)
JOHN CANTU, Phoenix Field Office)
Director, ICE Enforcement and)
Removal Operations;)
DAVID MARIN, Los Angeles Field)
Office Director, ICE Enforcement and)
Removal Operations;)
[NAME], Assistant Field Office)
Director, Florence, AZ ICE ERO)
NAME, Assistant Field Office Director,)
Los Angeles ERO Adelanto;)
DAVID NEAL, Director,)
Executive Office for Immigration Review,)
DAREN K. MARGOLIN, Director, Board)
of Immigration Appeals;)
and JOHN DOES 1-10,)



Case No. _____

**VERIFIED PETITION FOR WRITS
OF MANDAMUS, HABEAS CORPUS
DECLARATORY AND INJUNCTIVE
RELIEF**

(Emergency TRÖ and
Preliminary Injunction Requested)

Respondents.

I. INTRODUCTION

This is an emergency civil action seeking mandamus, APA, and constitutional relief to prevent the unlawful and premature removal of Petitioners Eleonora and Semen Abramian, a married couple with long-standing ties to the United States, while their motion to reopen is pending before the Board of Immigration Appeals (“BIA”). Courts have recognized that sudden execution of long-dormant removal orders raises serious due process concerns. See Chhoeun v. Marin; Devitri v. Cronen, 290 F. Supp. 3d 86 (D. Mass. 2017).

On information and belief, ICE intends to remove Petitioner Eleonora Abramian to an undisclosed country **today, November 16, 2025, at approximately 6:00 p.m.**, following notice given to her at the Florence Detention Center in Florence, Arizona.

Petitioner Eleonora (age 67) suffers from hypertension and heart-related risk, and her treating doctor has recommended against long-distance air travel due to her medical instability. Petitioner Semen (age 67), detained at the Adelanto ICE Processing Center in California, likewise has high blood pressure and has also been advised against air travel.

Petitioners’ motion to reopen, filed on November 14, 2025, is still pending before the BIA raising, *inter alia*, ineffective assistance of prior counsel and new evidence relevant to eligibility for mandatory protection, as well as a motion for stay of removal. The BIA denied the stay motion without any explanation whatsoever, on November 14, 2025.

The motion to reopen was filed with less than 24 hours’ notice, as ICE abruptly transferred Eleonora from Adelanto to Florence, disrupting communication and preventing necessary case preparation. Counsel must file an amended motion to reopen to cure deficiencies, but removal now would severely impede that work and force it to occur from abroad without access to evidence or counsel.

Compounding this, Jamie, a BIA clerk expressly told counsel on November 14, that Petitioners “would not be removed over the weekend.” In reliance on that representation, counsel reasonably believed there would be an opportunity to seek federal court review on Monday. Nevertheless, ICE has now scheduled Eleonora’s removal for Sunday evening, November 16, 2025, effectively sandbagging Petitioners and cutting off meaningful access to judicial review.

Petitioners do not challenge the underlying 1995 removal orders in this action. Rather, they challenge the BIA’s arbitrary and unexplained denial of a stay, the Government’s attempt to

execute removal while a motion to reopen is pending, and the resulting deprivation of due process and meaningful access to BIA and judicial review.

Unless this Court immediately enjoins Respondents from removing Petitioners, Eleonora will be removed to an undisclosed country tonight and Semen will be subject to imminent removal thereafter, thereby obstructing their ability to meaningfully pursue their pending motion to reopen, forcing them to file an amended motion to reopen from abroad under severely burdensome and impractical conditions, and causing irreparable medical, procedural, and familial harm.

Petitioners therefore seek:

- (a) a temporary restraining order and preliminary injunction prohibiting Respondents from removing Eleonora and Semen while their motion to reopen and any subsequent petition for review are pending;
- (b) a declaration that the BIA's unexplained denial of a stay is arbitrary, capricious, and contrary to law; and
- (c) mandamus and/or APA relief compelling the agency to adjudicate Petitioners' motion and stay request in a lawful, reasoned manner that preserves their right to judicial review; and
- (d) equitable relief to remedy the prejudice caused when, on November 14, a BIA staff member named Jamie informed counsel that Eleonora would not be removed over the weekend—a representation on which counsel reasonably relied and which prevented timely judicial action; and an order preserving the status quo to ensure Petitioners can prepare and file an amended motion to reopen and meaningfully pursue review.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 1331 (federal question), as this case arises under the Constitution of the United States, the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 702–706, the mandamus statute, 28 U.S.C. § 1361, and the All Writs Act, 28 U.S.C. § 1651(a).

The APA waives sovereign immunity for non-monetary claims challenging final agency action or agency action unlawfully withheld or unreasonably delayed. 5 U.S.C. §§ 702, 704, 706.

The mandamus statute, 28 U.S.C. § 1361, provides this Court with jurisdiction to compel federal officers and agencies to perform clear, nondiscretionary duties owed to Petitioners,

including the duty to provide reasoned decision-making, to follow their own procedures, and to refrain from acting in a manner that renders judicial review meaningless.


The All Writs Act, 28 U.S.C. § 1651(a), empowers this Court to issue all writs necessary or appropriate in aid of its jurisdiction, including to preserve the Court's and the Ninth Circuit's prospective jurisdiction over Petitioners' claims.

This Court's jurisdiction is not barred by 8 U.S.C. § 1252(a)(5), (b)(9), or (g) because Petitioners do not challenge the validity of the removal orders themselves in this action. Rather, they challenge collateral agency conduct—the BIA's unexplained denial of a stay and ICE's attempt to execute removal while a motion to reopen is pending—in a manner that deprives them of due process and any meaningful opportunity for judicial review.


Venue is proper in the Central District of California under 28 U.S.C. § 1391(e) because:

- a. Petitioner Semen Abramian, the principal respondent in the motion to reopen pending with the BIA, is detained within this District at the Adelanto ICE Processing Center;
- b. A substantial part of the events or omissions giving rise to this action occurred within this District, including the implementation of the removal orders and custody of one Petitioner; and
- c. Several Respondents—including the Los Angeles Field Office Director and Assistant Field Office Director of ICE ERO, perform their official duties in this District.

III. PARTIES

Petitioner ELEONORA ABRAMIAN () is a native and citizen of Georgia, formerly USSR. She is currently detained at the Florence ICE Detention Center in Florence, Arizona, under the authority of ICE Enforcement and Removal Operations ("ERO") Phoenix.

Eleonora has been diagnosed with hypertension and heart-related risk, and her family doctor has recommended against long-distance air travel. Doctor's letter, attached as *Exhibit B*. Despite this, ICE has not conducted any medical travel-risk evaluation, even though ICE's own detention standards require an assessment of whether an individual is medically fit to travel before removal, including evaluation of cardiovascular conditions and the potential risks of long-duration flights. Declaration, attached as *Exhibit D*. By proceeding without any medical clearance, ICE is ignoring its duty to ensure that a detainee's health will not be jeopardized during transport, placing Eleonora at serious risk of hypertensive crisis or cardiac complications during an international flight.

Petitioner SEMEN ABRAMIAN () is Eleonora's husband, likewise a native and citizen of Georgia, formerly USSR. He is detained at the Adelanto ICE Processing Center in Adelanto, California, under the authority of ICE ERO Los Angeles.

Semen also suffers from high blood pressure, and his clinician has similarly recommended against long-distance air travel due to potential medical risk. Doctor's letter, attached as *Exhibit C*.

The Abramians' removal proceedings began decades ago, and final orders of removal were issued in or around 1995. Since then, they have remained in the United States, built their lives and community here, and sought, albeit with ineffective assistance from prior counsel, to regularize their status. For many years, Eleonora and Semen were released on orders of supervision and required to report only every six months. Like the petitioner in *Chhouhan*, this long period of supervised presence reasonably lulled them into believing that ICE did not intend to effectuate removal and that they would not be suddenly detained and deported without warning. The abrupt reversal of that expectation—paired with the accelerated removal timeline—has compounded the prejudice they now face.

Respondent PAM BONDI is the U.S. Attorney General.

Respondent KRISTINOEM is the Secretary of the U.S. Department of Homeland Security ("DHS") and is sued in her official capacity. DHS has ultimate authority over immigration enforcement and the execution of removal orders.

Respondent RODNEY S. SCOTT is the Commissioner of U.S. Customs and Border Protection and is sued in his official capacity.

Respondent MARK MORGAN is the Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. ICE is the DHS component responsible for detention and removal.

Respondent JOHN CANTU is the Field Office Director for ICE ERO Phoenix and is sued in his official capacity. He has authority over the detention and removal of Eleonora at Florence.

Respondent DAVID MARIN is the Field Office Director for ICE ERO Los Angeles and is sued in his official capacity. He has authority over the detention and removal of Semen at Adelanto.

Respondent [AFOD FLORENCE] is an Assistant Field Office Director for ICE ERO Phoenix assigned to the Florence Detention Center and is sued in his official capacity.

Respondent [AFOD ADELANTO] is an Assistant Field Office Director for ICE ERO Los Angeles assigned to Adelanto and is sued in his official capacity.

Respondent DAVID NEAL is the Director of the Executive Office for Immigration Review ("EOIR") and is sued in his official capacity. EOIR oversees the immigration courts and the BIA.

Respondent DAREN K. MARGOLIN is the Director of the Board of Immigration Appeals and is sued in his official capacity. The BIA adjudicates motions to reopen and stay requests.

Respondents JOHN DOES 1-10 are unknown DHS/ICE/EOIR officials responsible for effectuating Petitioners' removal and/or implementing the challenged decisions.

IV. FACTUAL BACKGROUND

A. Longstanding Orders and Ineffective Assistance

Petitioners were placed in removal proceedings decades ago and received final orders of removal in or about 1995.

Over the intervening years, Petitioners relied on prior counsel who provided ineffective assistance, including failing to pursue available relief, failing to present critical facts, and failing to preserve the right to meaningful review. Petitioners' current motion to reopen before the BIA raises this ineffective assistance of counsel (IAC) claims, supported by evidence and declarations.

Petitioners have lived in the United States for over 30 years, have U.S. citizen relatives residing here, and developed significant community ties, and based on new evidence and changed circumstances, now seek withholding of removal, CAT protection, and other relief that remain legally available despite the age of their removal orders.

B. The Motion to Reopen and Motion for Stay

On November 14, 2025, Petitioners, through undersigned counsel, filed with the BIA a motion to reopen their removal proceedings, supported by evidence of ineffective assistance and new risk-of-harm evidence.

At the same time, they filed a motion for stay of removal asking the BIA to stay execution of the removal orders while the motion to reopen is adjudicated. The motion to reopen remains pending before the BIA and has not yet been adjudicated on the merits.

On November 14, 2025, the BIA denied Petitioners' motion for stay of removal in a one-line order providing no explanation, no reasoning, and no indication that it considered Petitioners' evidence or the risk of undermining judicial review.

C. BIA Clerk's Assurance and Government "Whipsaw"

On Friday, November 14, 2025, undersigned counsel contacted the BIA clerk's office to inquire about the stay request and the risk of imminent removal.

A BIA clerk expressly informed counsel that Petitioners "would not be removed over the weekend." Counsel reasonably relied on this representation, understanding that she would have the opportunity to seek judicial intervention at the start of the business week if necessary. Notwithstanding that assurance, ICE has now scheduled Eleonora's removal for today, Sunday, November 16, 2025, at approximately 6:00 p.m. to an undisclosed location. This is precisely the sort of "whipsaw" tactic that deprives noncitizens of any meaningful opportunity to access the courts before removal.

Had counsel been told the truth - that ICE would, in fact, attempt removal over the weekend - she would have immediately sought an emergency stay in federal court. The BIA's misleading statement thus directly prevented Petitioners from seeking timely judicial review.

D. Medical Vulnerabilities and Risk of Harm

Eleonora suffers from hypertension and heart-related risk. Her treating clinician has recommended against long-distance air travel, particularly under stress, due to the risk of serious complications including hypertensive crisis, stroke, or cardiac events.

Semen likewise has high blood pressure and has been advised that long-distance air travel and extreme stress could pose serious health risks.

ICE's plan to forcibly remove Eleonora on a lengthy international flight in shackles, under stress, with limited access to medical care, is medically dangerous and contrary to her clinicians' recommendations.

If removed to Georgia, Petitioners will face irreparable harm, and they will be separated from their counsel and the legal process needed to pursue their motion to reopen and any subsequent petition for review.

E. Imminent and Irreparable Harm

Eleonora has been informed by ICE officers at Florence that she is scheduled for removal to Georgia today, November 16, 2025, at approximately 6:00 p.m. She may be transported hours earlier from Florence to Phoenix in preparation for boarding.

Semen, detained at Adelanto, faces imminent removal as soon as ICE executes removal of his wife, in line with ICE's operational practice of removing family members in close succession.

If Eleonora is removed today, she could sustain irreparable medical harm. Petitioners' pending motion to reopen will, as a practical matter, be rendered meaningless. The BIA may continue to adjudicate it in theory, but Petitioners' ability to assist in their own case, obtain evidence, and seek review in the Ninth Circuit will be gravely impaired. The harm to Petitioners is irreparable: removal, family separation, serious medical risk, and effective loss of their opportunity to obtain meaningful judicial review cannot be undone by later money damages or delayed relief.

V. LEGAL BACKGROUND

The Fifth Amendment's Due Process Clause protects noncitizens from arbitrary government action and guarantees a meaningful opportunity to be heard and to obtain judicial review before irreparable deprivations of liberty occur.

The APA, 5 U.S.C. § 706(2)(A), requires courts to set aside agency actions that are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. This includes unexplained denials of stay motions that effectively render pending motions and judicial review rights meaningless.

The BIA has a duty to provide reasoned decision-making, including when adjudicating stay motions whose denial may result in removal and diminished review.

The Suspension Clause and applicable statutes guarantee access to the courts to review the legality of detention and removal, and the Government may not "defeat the jurisdiction of the court" by executing removal in a manner that precludes review.

Courts, including in this District, have recognized that abrupt execution of long-dormant removal orders can violate due process when it deprives noncitizens of a fair opportunity to pursue a motion to reopen. See *Chhoeun v. Marin*. While *Chhoeun* addressed the denial of an initial opportunity to file such a motion, the same due process principles apply here, where Petitioners

have already filed a motion to reopen but - due to changed circumstances, ineffective assistance issues, and newly available evidence - must amend or supplement that motion. Removal at this stage would severely impair counsel's ability to prepare and file the necessary amended motion, thereby undermining Petitioners' right to meaningful review.

VI. CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act

(Arbitrary and Capricious Denial of Stay of Removal)

Petitioners re-allege and incorporate by reference the foregoing paragraphs as though fully set forth herein.

The BIA's denial of Petitioners' stay motion without any explanation constitutes arbitrary and capricious agency action under 5 U.S.C. § 706(2)(A).

By denying a stay without addressing Petitioners' medical vulnerabilities, ineffective assistance of counsel, and the risk that removal will impede meaningful review, the BIA acted in a manner that failed to consider important aspects of the problem.

The BIA's stay denial thereby violated the APA, and Petitioners are entitled to declaratory and injunctive relief setting aside the denial and preventing ICE from relying on it to effect removal.

COUNT II

Mandamus - Failure to Perform Clear, Nondiscretionary Duties

Petitioners re-allege and incorporate the foregoing paragraphs.

The BIA and EOIR have a clear, nondiscretionary duty to provide reasoned decision-making and to adjudicate motions in a manner consistent with due process and the APA.

DHS/ICE has a duty to refrain from executing removal in a manner that deprives noncitizens of a meaningful opportunity to pursue pending motions and judicial review.

By (a) denying the stay without explanation, and (b) proceeding to execute removal while the motion to reopen remains pending and after a clerk assured counsel there would be no weekend removal, Respondents have failed to perform their legal duties.

Petitioners have no adequate remedy other than mandamus relief compelling Respondents to suspend removal until the BIA lawfully adjudicates their motion to reopen and stay request and any resulting petition for review.

COUNT III

Violation of the Fifth Amendment Due Process Clause

Petitioners re-allege and incorporate the foregoing paragraphs.

The Fifth Amendment guarantees Petitioners a meaningful opportunity to be heard and to seek judicial review before being permanently removed. By giving counsel affirmative assurances that Petitioners would not be removed over the weekend, while simultaneously scheduling Eleonora's removal for Sunday evening, Respondents have engaged in misleading conduct that deprived Petitioners of a realistic chance to access the courts.

The combination of (a) the BIA's unexplained stay denial, (b) misleading assurances from the BIA clerk, and (c) ICE's attempt to remove Petitioners before they can seek meaningful review violates due process.

Unless enjoined, Respondents will continue this course of conduct, irreparably depriving Petitioners of their rights.

COUNT IV

(All Writs Act and 28 U.S.C. § 1331 – Relief in Aid of Jurisdiction)

Petitioners re-allege and incorporate the foregoing paragraphs.

This Court has authority under 28 U.S.C. § 1331 and 28 U.S.C. § 1651(a) to issue all writs necessary or appropriate in aid of its jurisdiction and the prospective jurisdiction of the Ninth Circuit.

Although removal does not divest the Ninth Circuit of jurisdiction in a petition for review, removing Petitioners now - before they can amend or supplement their pending motion to reopen

- would severely impair their ability to meaningfully pursue that review, including their ability to collect evidence, communicate with counsel, and participate in the proceedings. Relief under the All Writs Act is therefore necessary to preserve the Court's and the Ninth Circuit's ability to conduct meaningful review.

COUNT V

Equitable Relief and Declaratory Judgment

Petitioners re-allege and incorporate the foregoing paragraphs.

An actual, justiciable controversy exists between the parties regarding the lawfulness of the BIA's conduct and ICE's attempt to remove Petitioners while their motion to reopen is pending.

Petitioners seek a declaration under 28 U.S.C. § 2201 that the BIA's unexplained denial of their stay motion and the Government's attempt to execute removal in these circumstances violate the APA and the Constitution.

COUNT VI

(28 U.S.C. § 2241 – Habeas Corpus: Unlawful Custody and Interference With Access to the Courts)**

Petitioners re-allege and incorporate the foregoing paragraphs.

1. Petitioners are currently in DHS/ICE custody and thus are "in custody" for purposes of 28 U.S.C. § 2241.
2. ICE's abrupt transfer of Eleonora on less than 24 hours' notice, combined with the scheduled Sunday removal and the misleading information from the BIA, has prevented Petitioners from accessing the courts in time to protect their rights.
3. Such conduct unlawfully interferes with Petitioners' right to meaningfully pursue a motion to reopen and to seek judicial review, in violation of the Fifth Amendment's Due Process Clause.
4. Habeas relief under § 2241 is therefore warranted to prevent ICE from executing removal in a manner that undermines Petitioners' ability to develop the record, amend their motion to reopen, and communicate with counsel.

5. Petitioners seek a writ of habeas corpus prohibiting removal pending adjudication of their motion to reopen, any amended filing, and any subsequent petition for review.

COUNT VII

(28 U.S.C. § 2241 – Habeas Corpus: Unlawful Execution of Removal in Violation of Fifth Amendment Due Process)

Petitioners re-allege and incorporate the foregoing paragraphs.

1. Under Fifth Amendment due process principles, noncitizens with final orders may not be removed in a manner that denies a meaningful opportunity to pursue statutory motions, present newly available evidence, or obtain judicial review.
2. Petitioners have a pending motion to reopen and must file an amended or supplemental motion to correct deficiencies. Removal **today** would prevent meaningful participation in that administrative process.
3. ICE's actions - including giving less than 24 hours' notice, abruptly transferring Eleonora from Adelanto to Florence, scheduling a Sunday removal despite contrary BIA assurances, and failing to conduct any medical travel clearance - constitute an unlawful and unconstitutional execution of removal.
4. Removal conducted under these circumstances violates due process and warrants habeas corpus relief to preserve Petitioners' ability to pursue their motion and to maintain meaningful attorney-client access.
5. The writ is necessary to prevent the Government from executing removal in a manner that causes irreparable harm and renders Petitioners unable to effectively exercise statutory and constitutional rights.

COUNT VIII

(Injunctive Habeas Relief – All Writs Act / § 2241 Hybrid)

Petitioners re-allege and incorporate the foregoing paragraphs.

1. The Court has authority under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and the All Writs Act, 28 U.S.C. § 1651(a), to issue orders necessary to ensure the integrity of its jurisdiction and the prospective jurisdiction of the Ninth Circuit.
2. Although removal does not divest jurisdiction in the Ninth Circuit, removing Petitioners now, before they can amend their motion to reopen, would substantially impair their ability to:
 - o communicate with counsel
 - o obtain evidence and records
 - o prepare a complete amended motion
 - o effectively pursue judicial review
3. Injunctive habeas relief is therefore appropriate to preserve meaningful judicial review and prevent unconstitutional interference with the adjudication of Petitioners' claims.
4. Petitioners seek an order restraining ICE from removing them until they can amend their motion to reopen, the BIA adjudicates the motion, and any subsequent petition for review is fully resolved.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

A. Issue an immediate Temporary Restraining Order, followed by a preliminary injunction, prohibiting Respondents, their agents, and anyone acting in concert with them from removing Petitioners Eleonora and Semen Abramian from the United States while:

their motion to reopen (including amendments) remains pending before the BIA; and any resulting petition for review and associated stay motions remain pending before the U.S. Court of Appeals for the Ninth Circuit;

B. Declare that the BIA's denial of Petitioners' motion for stay of removal without explanation is arbitrary, capricious, and contrary to law in violation of the APA;

C. Declare that Respondents' attempt to execute removal under these circumstances violates the Fifth Amendment's Due Process Clause by depriving Petitioners of a meaningful opportunity to pursue their motion to reopen and obtain judicial review;

D. Issue a writ of mandamus compelling Respondents to:

Refrain from executing Petitioners' removal until the BIA has adjudicated their motion to reopen and stay request in a lawful, reasoned manner; and

Maintain Petitioners in locations where they can meaningfully communicate with counsel and participate in their proceedings;

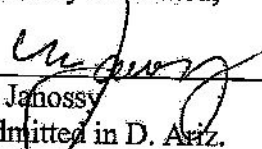
E. In the alternative, remand Petitioners' stay request to the BIA with instructions to provide a reasoned decision that considers their medical evidence, ineffective assistance claims, and the risk that removal will impede judicial review;

F. Award Petitioners their reasonable attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, or other applicable law; and

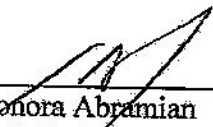
G. Grant such other and further relief as the Court deems just and proper.

Dated: November 16, 2025

Respectfully submitted,



Maria Janossy
Not admitted in D. Ariz.
Admission pending
Counsel assisting petitioner pro se for emergency filing



Eleonora Abramian
Pro Se Petitioner