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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 ASHOT OHANYAN,
12 Petitioner,

13 v.

14 WARDEN OF CALIFORNIA CITY
DETENTION FACILITY, ET AL.,
15 Respondents.
16

CASE NO. 1:25-CV-01661-TLN-SCR

**RESPONDENTS' OBJECTIONS TO
FINDINGS AND RECOMMENDATIONS**

1 Respondents respectfully object to the finding that Petitioner “identifies credible information
2 tending to show harsh conditions at California City . . .” to the extent that it is based on his counsel’s
3 hearsay declaration about what Petitioner told her and not on direct evidence. ECF 19 at 12:7-9. The
4 cited supporting cases did not conclusively determine that the conditions at California City are worse
5 than state facilities. *See, e.g., Doe v. Becerra*, 732 F. Supp. 3d 1071, 1089 (N.D. Cal. 2024) (stating this
6 “is a difficult comparison that would require comprehensive evidence”). The conditions at California
7 City are being litigated in a class action lawsuit pending in the Northern District of California, *Ruiz v.*
8 *U.S. Immigration and Customs Enforcement, et al.*, No. 3:25-cv-09757-MMC (N.D. Cal.), in which the
9 Warden submitted declaration testimony regarding the conditions there. *See Ruiz*, ECF 45-1 at 11-13.¹

10 Additionally, in rejecting Respondents’ argument that Petitioner lacks a protected liberty interest
11 in his release because he has been detained since arriving in the United States and spent no time outside
12 of DHS custody, the Findings and Recommendations do not mention or address the cases in this District
13 Respondents cited in support. *See, e.g., Carballo v. Andrews, et al.*, No. 1:25-cv-00978-KES-EPG,
14 2025 WL 2381464, at *4 (E.D. Cal. Aug. 15, 2025) (“[T]he liberty interests of [an individual] who is re-
15 arrested differ from the liberty interest of a detained person”) (quoting *Guillermo M.R. v. Kaiser*, No.
16 25-cv-05436-RFL, 2025 WL 1810076, at *1 (N.D. Cal. June 30, 2025)); *see also, e.g., Daley v.*
17 *Andrews*, No. 1:25-cv-00922-KES-CDB (HC), 2026 WL 101840, at *10, 13 (E.D. Cal. Jan. 14, 2026)
18 (recommending denial of habeas petition where petitioner had not been released from custody since his
19 arrest at the port of entry and therefore had no liberty interest entitling him to a hearing).

20 Dated: January 30, 2026

Respectfully submitted,

ERIC GRANT

United States Attorney

By: /s/ Lynn Trinka Ernce

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25 ¹ Respondents did not present such direct evidence in opposition to Petitioner’s habeas petition.
26 *See* ECF 15 at 9 (citing *Crawford v. Bell*, 599 F.2d 890, 891–92 (9th Cir. 1979) (stating that “the
27 writ of habeas corpus is limited to attacks upon the legality or duration of confinement”); *Brown v.*
28 *Blanckensee*, 857 F. App’x 289, 290 (9th Cir. 2021) (conditions of detention claims cannot be raised in
a habeas petition but must be brought, if at all, in a civil rights action); *Badea v. Cox*, 931 F.2d 573, 574
(9th Cir. 1991) (noting that a habeas petition was not “the proper method of challenging ‘conditions of
. . . confinement’”).