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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GRIGOR OGANESIAN, Petitioner, v. WARDEN of the California City Detention Center, Respondent.	Case No. 1:25-cv-01667-EFB **RESPONDENT'S NOTICE OF MOTION AND MOTION TO DISMISS PETITIONER'S HABEAS PETITION** DATE: February 5, 2026 TIME: 10:00 a.m. COURT: Hon. Edmund F. Brennan

PLEASE TAKE NOTICE that on February 5, 2026, at 10:00 a.m., or as soon thereafter as the matter can be heard in the Courtroom of the Honorable Edmund F. Brennan, United States Magistrate Judge for the Eastern District of California, Respondent,[1] through undersigned counsel, will bring on for hearing the following motion to dismiss.

[1] The caption reflects Petitioner's filing and is not a concession that Petitioner has filed against the proper parties.

MOTION TO DISMISS

The Respondent submits this motion to dismiss Petitioner Grigor Oganesian's habeas petition. For the reasons set forth herein, the motion should be granted.

I. BACKGROUND

A. Factual Background

Petitioner Grigor Oganesian is a citizen of Russia and Armenia. [ECF #1 at 10]. After arriving at the United States border on or around August 26, 2022, Petitioner was paroled into the United States pending his removal proceedings in Immigration Court. [ECF #1 at 10]; Decl. of Patrick J. Cruz ("Cruz Decl") ¶ 6. On August 28, 2022, Department of Homeland Security ("DHS") "issued [Petitioner] a Notice to appear and placed [him] in removal proceedings, charging Petitioner with removability pursuant to section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act ('INA')." [ECF #1 at 10]; Cruz Decl. ¶ 7.

On or around September 18, 2024, ICE detained Petitioner. [ECF #1 at 10]; Cruz Decl. ¶ 9.

On or around November 7, 2025, an Immigration Judge ordered Petitioner removed to Russia or in the alternative to Armenia. [ECF #1 at 10]; Cruz Decl. ¶ 5, Ex. 2. The Immigration Judge, however, deferred removal to both countries. [ECF #1 at 10]; Cruz Decl. ¶ 5, Ex.2.[2] Petitioner appealed the Immigration Judge's decision on or around December 4, 2025. Cruz Decl. ¶ 5, Ex.3. That appeal remains pending. Cruz Decl. ¶ 11.

Given the pending appeal, Petitioner is being detained subject to mandatory detention under INA § 235(b)(2). Cruz Decl. ¶ 12.

Petitioner is currently being held at the detention facility in California City, in the Eastern District of California. [ECF #1 ¶ 2].

B. Allegations in Petition

Although unclear, Petitioner states he is challenging his allegedly "prolonged (14 months) detention without a bond hearing" as in violation of due process pursuant to the Fifth Amendment.

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[2] Undersigned was informed the redactions are pursuant to DHS policy. But DHS confirmed that Petitioner was granted deferred removal as to both Russia and Armenia.

[ECF #1 ¶ 13]. In support, Petitioner claims that despite having "won [his] immigration case" he is still being detained. [ECF #1 ¶¶ 6, 13]. In his declaration, Petitioner restated the same claim while adding that "[t]here is no country where [he] can secure[ly] be deported . . . , mak[ing] [his] imprisonment de facto infinite." [ECF #1 at 10].

Petitioner also added that he has not violated the law while in the United States while also claiming health issues and that his family is dependent on him. [ECF #1 at 10].

II. LEGAL STANDARDS

A. Motion to Dismiss

"The Ninth Circuit . . . allow[s] respondents to file a motion to dismiss in lieu of an answer" to petitions for habeas relief. *Joseph v. Warden, FCI-Mendota*, No. 1:25-CV-00800-SKO (HC), 2025 WL 3187312, at *1 (E.D. Cal. Nov. 14, 2025) (citation omitted); *see Doe v. Garland*, 109 F.4th 1188, 1190 (9th Cir. 2024) (reversing denial of motion to dismiss Section 2241 petition by lower court). "The Advisory Committee Notes to Rule 8 [Governing Section 2254 Cases, in support,] indicate that [a court] may dismiss a petition for writ of habeas corpus, either on its own motion under Rule 4, pursuant to the respondent's motion to dismiss, or after an answer to the petition has been filed." *Y. M. v. Wofford*, No. 1:25-CV-01063-SKO (HC), 2025 WL 3228125, at *2 (E.D. Cal. Nov. 19, 2025); *see also id.* (explaining rule pertaining to Section 2255 Cases are made applicable by Rule 1(b) of said rules). "Under Rule 4, a . . . court must dismiss a habeas petition if it 'plainly appears' that the petitioner is not entitled to relief." *Doe v. Andrews*, No. 1:25-CV-00333-JLT-HBK (HC), 2025 WL 3280777, at *3 (E.D. Cal. Nov. 25, 2025) (citations omitted).

B. *Pro Se* Pleadings

Although courts are advised to construe *pro se* pleadings liberally, even under that relaxed standard, a "cursory and vague claim" is insufficient to warrant habeas relief. *Greenway v. Schriro*, 653 F.3d 790, 804 (9th Cir. 2011) (citing *James v. Borg*, 24 F.3d 20, 26 (9th Cir. 1994) ("Conclusory allegations which are not supported by a statement of specific facts do not warrant habeas relief.")).

C. Continuing Detention Under *Zadvydas*

When an alien becomes subject to a final removal order, Title 8, United States Code, Section 1231(a)(2) provides that the government "shall" detain the alien during a 90-day removal period. After

the removal period ends, the government "may" detain four categories of aliens: (1) those who are inadmissible on certain specified grounds; (2) those who are removable on certain specified grounds; (3) those it determines "to be a risk to the community;" and (4) those it determines to be "unlikely to comply with the order of removal."[3] *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 578-79 (2022) (quoting 8 U.S.C. § 1231(a)(6)).

In *Zadvydas v. Davis*, however, the Supreme Court construed section 1231(a)(6) not to permit "indefinite detention" to avoid any constitutional issues. 533 U.S. 678, 689 (2001). In so holding, the Court "limit[ed] an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States." *Id.* "Consequently, for the sake of uniform administration in the federal courts," the Court found a 6-month detention to be presumptively lawful. *Id.* at 701. After 6 months of detention, if "the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," the Government must rebut that showing. *Id.* In fashioning this framework, the Court recognized its application still "require[d] courts to listen with care when the Government's foreign policy judgments, including, for example, the status of repatriation negotiations, are at issue, and to grant the Government appropriate leeway when its judgments rest upon foreign policy expertise." *Id.* at 700. The Court further emphasized that the framework did not require release after 6-months detention, stating:

> This 6–month presumption, of course, does not mean that every alien not removed must be released after six months. To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.

Id. at 701.

D. Detention Under Section 1225

Title 8, United States Code, Section 1225 ("Section 1225") applies to "applicants for admission," defined as "[a]n alien present in the United States who has not been admitted or who arrives in the United States." 8 U.S.C. § 1225(a)(1).

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[3] In *Johnson v. Arteaga-Martinez*, the Supreme Court held that the text of Title 8, United States Code, Section 1231(a)(6) does not require a bond hearing before an Immigration Judge after six months of detention in which the government bears the burden of proving by clear and convincing evidence that a noncitizen poses a flight risk or a danger to the community. 596 U.S. 573, 576 (2022).

Applicants for admission "fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Section 1225(b)(1) applies to arriving aliens and "certain other" aliens "initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation." *Id.*; 8 U.S.C. § 1225(b)(1)(A)(i), (iii). These aliens generally are subject to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if the alien "indicates an intention to apply for asylum . . . or a fear of persecution," immigration officers will refer the alien for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii). An alien with a credible fear of persecution is "detained for further consideration of the application for asylum." 8 U.S.C. § 1225(b)(1)(B)(ii). If the alien does not indicate an intent to apply for asylum, express a fear of persecution, or is "found not to have such a fear," he is detained until removed. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

Section 1225(b)(2) is "broader" and "serves as a catchall provision," "appl[ying] to all applicants for admission not covered by § 1225(b)(1)." *Jennings*, 583 U.S. at 287. Under § 1225(b)(2), an alien "who is an applicant for admission" shall be detained for a removal proceeding "if the examining immigration officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A); *see Pena v. Hyde*, 25-cv-11983-NMG, 2025 WL 2108913, at *1 (D. Mass. July 28, 2025) ("[Section 1225] authorizes the detention of any alien who 1) is 'an applicant for admission' to the country and 2) is 'not clearly and beyond doubt entitled to be admitted." (citing 8 U.S.C. § 1225(b)(2)(A)); *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) ("[F]or aliens arriving in and seeking admission into the United States who are placed directly in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention 'until removal proceedings have concluded.'" (citing Jennings, 583 U.S. at 299)).

The Department of Homeland Security ("DHS") has the sole discretionary authority to temporarily release on parole "any alien applying for admission to the United States" on a "case-by-case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A); *see Biden v. Texas*, 597 U.S. 785, 806 (2022).

III. ARGUMENT

Construed liberally, given his references to "prolonged detention," the inability to remove him to a third-country and resulting indefinite detention, Petitioner appears to claim he has been subject to prolonged detention in violation of *Zadvydas*. This "cursory and vague claim," however, is unripe, and "plainly" insufficient to warrant habeas relief.

A. Petitioner's Zadyvdas Claim is Unripe

As an initial matter, Petitioner's *Zadvydas* claim, if any, is unripe. *See 18 Unnamed John Smith Prisoners v. Meese*, 871 F.2d 881, 883 (9th Cir. 1989) (claims are unripe where they involve "contingent future events that may not occur as anticipated, or indeed not occur at all" (citation and internal quotation marks omitted). Section 1231 begins to apply when the "removal period" begins. *Johnson v. Guzman Chavez*, 594 U.S. 523, 533–34 (2021). And as the Supreme Court explained, the "removal period" begins typically when an alien is "ordered removed" and the removal order becomes "administratively final." *Id.* at 534. A removal order becomes "administratively final" "when a noncitizen is ordered removed by an immigration judge and waives appeal, or when the time to file his appeal expires, or when the Board of Immigration Appeals upholds his order of removal." Bratlie & Lafaille, *A 180-Day Free Pass? Zadvydas and Post-Order Detention Challenges Brought Before the Six-Month Mark*, 30 Geo. Immigr. L.J. 213, 221 (2016) (citation omitted); *Johnson*, 594 U.S. at 541 ("By using the word 'administratively,' Congress focused our attention on the *agency's* review proceedings, separate and apart from any judicial review proceedings that may occur in a court." (citation omitted and emphasis in original)). Despite his statement to the contrary in the petition, Petitioner has appealed his final removal order. The appeal remains pending and the removal order therefore is not administratively final. *See also Steckman v. Hart Brewing, Inc.*, 143 F.3d 1293, 1295–96 (9th Cir.1998) ("[W]e are not required to accept as true conclusory allegations which are contradicted by documents referred to in the complaint."). Given that Petitioner's appeal remains pending, there is a chance that his removal order will be overturned. In that case, Section 1231 may never apply. Importantly, although ordered removed, Petitioner's detention, as Officer Cruz indicated, has never been based on Section 1231 given the pending appeal.

Given that Petitioner's claim is unripe, the Court should dismiss Petitioner's petition without prejudice. *See S. Pac. Transp. Co. v. City of Los Angeles*, 922 F.2d 498, 502 (9th Cir. 1990) ("If a claim is unripe, federal courts lack subject matter jurisdiction and the complaint must be dismissed."); *see also De La Cruz v. Noem*, No. 1:25-CV-01508-KES-SKO (HC), 2025 WL 3211721, at *4 (E.D. Cal. Nov. 18, 2025) ("[A] petition for habeas corpus should not be dismissed without leave to amend unless it appears that no tenable claim for relief can be pleaded were such leave granted." (citation omitted)).

B. Plaintiff's conclusory allegations are plainly insufficient to warrant habeas relief

Even if a claim pursuant to *Zadvydas* was ripe, Petitioner's claim would fail. As an initial matter, Petitioner would currently be subject to the initial 90 day mandatory detention period and then would be subject to the six-month presumptively constitutional period of detention. Moreover, even if Petitioner had been detained beyond the 6-month period beyond the 90-day mandatory period, Petitioner fails to "provide good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." As to that issue, Petitioner's only assertion is that he has been granted deferred relief as to removal to Russia and Armenia. But Section 1231(b) lists categories of countries to which an alien may be removed without being a citizen thereof, including those whose government would simply accept the alien. Petitioner fails to explain or provide evidence that there is no significant likelihood of removal in the reasonably foreseeable future to a third-country, even if that were the only possibility of removal from the United States.

As detailed above, Petitioner is "plainly" not entitled to habeas relief when considering the face of the petition and the allegations therein. *See Daniels v. Davey*, No. 1:15-CV-01211-DAD-MJS, 2016 WL 282694, at *1 n.1 (E.D. Cal. Jan. 25, 2016) ("[P]etitioner is the master of his complaint (or petition in this case."); *Kandi v. Langford*, 744 F. App'x 478, 479 (9th Cir. 2018) ("[W]e decline to address any arguments not raised in the habeas petition." (citation omitted)); *see also Sprewell v. Golden State Warriors*, 266 F.3d 979, 988–89 (9th Cir.) (holding plaintiff can plead himself out of claims), *opinion amended on denial of reh'g*, 275 F.3d 1187 (9th Cir. 2001).

C. Petitioner is currently being detained pursuant to Section 1225 and is not entitled to a bond hearing

As Officer Cruz indicated, Petitioner is currently detained under INA § 235(b)(2) or 8 U.S.C. § 1225(b)(2) while his removal proceedings are pending (at this point while his appeal of the removal order is pending). This is not a case where detention is indefinite. Rather, detention under § 1225(b)(2), like detention under § 1226(c), "has a definite termination point: the conclusion of removal proceedings." *Jennings*, 583 U.S. at 304 (internal quotation marks and citation omitted).

The Supreme Court has long held that "the Government may constitutionally detain deportable aliens during the limited period necessary for their removal proceedings." *Demore v. Kim*, 538 U.S. 510, 526 (2003) (describing this conclusion as the Court's "longstanding view"). In *Demore*, the Court upheld the constitutionality of a similar mandatory detention provision—8 U.S.C. § 1226(c), which mandates the detention during removal proceedings of aliens who have been convicted of an aggravated felony. *Id.* at 513. In reaching this holding, the Court explained that "[i]n the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens." *Id.* at 521. The Court noted that, for over a century, it has "recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process" because "deportation proceedings 'would be vain if those accused could not be held in custody pending the inquiry into their true character.'" *Id.* at 523 (quoting *Wong Wing v. United States*, 163 U.S 228, 235 (1896)).

Based on this established principle, the Court in *Demore* reaffirmed that immigration detention can be constitutional even in the absence of any showing that an individual detainee posed a flight risk or a danger to the community. *See id.* at 523-27 (discussing *Carlson v. Landon*, 342 U.S. 524 (1952), and concluding that detention was constitutional "even without any finding of flight risk" or "individualized finding of likely future dangerousness" (quotation marks omitted)). In short, in *Demore* "the Supreme Court recognized [that] there is little question that the civil detention of aliens during removal proceedings can serve a legitimate government purpose, which is 'preventing deportable … aliens from fleeing prior to or during their removal proceedings, thus increasing the chance that, if

ordered removed, the aliens will be successfully removed.'" *Prieto-Romero v. Clark*, 534 F.3d 1053, 1065 (9th Cir. 2008) (quoting *Demore*, 538 U.S. at 528).

Based on the reasoning of *Demore*, mandatory detention under 8 U.S.C. § 1225 is facially constitutional for the same reasons as is mandatory detention under § 1226(c).

In sum, Petitioner's detention is proper under § 1225(b)(2)(A), because he is an applicant for admission who is not "clearly and beyond doubt" entitled to admission. *See Pena*, 2025 WL 2108913, at *1 ("[Section 1225] authorizes the detention of any alien who 1) is 'an applicant for admission' to the country and 2) is 'not clearly and beyond doubt entitled to be admitted." (citing 8 U.S.C. § 1225(b)(2)(A))).[4]

IV. CONCLUSION

For the reasons set forth above, the Court should grant Respondents' motion to dismiss.

DATED: December 23, 2025

Respectfully Submitted,

ERIC GRANT
United States Attorney

By: */s/ Chan Hee Chu*
CHAN HEE CHU
Assistant United States Attorney

[4] Respondents acknowledge that, when challenged, the majority of courts have found similarly situated petitioners to be subject to Section 1226 and not Section 1225. Based on the conclusory allegations in the petition again, however, Petitioner appeared more concerned with a *Zadyvdas* like claim given the emphasis on detention following the Immigration Judge's order. Once the BIA decides Petitioner's appeal, any claims under Section 1225 and Section 1226 would also appear to become moot as detention would then be subject to Section 1231.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

Grigor Oganesian, Petitioner, v. Warden of California City Detention Center Respondents.	Case No. 1:25–CV–01667–DC–EFB **DECLARATION OF DEPORTATION OFFICER PATRICK J. CRUZ**

I, Patrick J. Cruz make the following statements under oath and subject to the penalty of perjury:

1. I am a Deportation Officer ("DO") employed by the Department of Homeland Security ("DHS"), United States Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO"), in the Bakersfield Sub-Office of San Francisco Field Office. I have been employed with the DHS since May of 2009, when I was hired as a Border Patrol Agent. On January 2012, I transferred to ICE as an Immigration Enforcement Agent and on September 2015, I was promoted to the position of DO.

2. I am currently assigned to the ERO Bakersfield Sub-Office's Detained Unit, which oversees the aliens detained at the California City ICE Processing Center, which is a contract detention facility in California City, California, that is managed by Core Civic, Inc. My responsibilities include, but are not limited to, tracking the progression of detained cases through removal proceedings, tracking detained cases with final removal orders, obtaining travel documents for aliens ordered removed, and effectuating the removal of aliens to their home countries.

3. I am familiar with ICE policy and procedures governing the detention and removal of aliens who lack lawful immigration status in the United States. The facts in this declaration are based on my personal knowledge, consultation with other DHS and ICE personnel, and review of official documents and records maintained by the agency and DHS and other relevant sources during the regular course of my duties. I provide this declaration based on the best of my knowledge, information, belief, and reasonable inquiry into the above-captioned case.

4. I am the DO assigned to the case of Grigor Oganesian ("Petitioner"). The facts in this declaration are based on my personal knowledge, consultation with other DHS and ICE personnel, and review of official documents and records maintained by the agency and DHS and other relevant sources during the regular course of my duties. I provide this declaration based on the best of my knowledge, information, belief, and reasonable inquiry for the above-captioned case.

5. I have obtained and attached to my declaration true and correct copies of the following documents from the above-named Petitioner's case file and records maintained by DHS, which will be referenced as Exhibits ("Exh.") as follows:

Exhibit 1: Notice to Appear ("NTA"), dated August 28, 2022.

Exhibit 2: Immigration Judge Decision, dated November 9, 2025.

Exhibit 3: Filing Receipt for Appeal with the Board of Immigration Appeals ("BIA"), dated December 4, 2025.

6. Petitioner is a native of Armenia and citizen of Armenia and Russia, who applied for entry into the United States at the San Ysidro Port of Entry on August 26, 2022. He did not possess or present a valid immigrant visa or other valid entry document. Petitioner was paroled into the United States pending his removal proceedings in Immigration Court.

7. On August 28, 2022, Petitioner was issued a Notice to appear and placed in removal proceedings, charging Petitioner with removability pursuant to section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act ("INA") as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality. Exh.1.

8. On August 15, 2023, Petitioner filed an application for relief.

9. On September 18, 2024, Petitioner was detained by ICE.

10. On November 7, 2025, Petitioner was ordered removed, but the Immigration Judge deferred that removal. Exh. 2.

11. On December 4, 2025, Petitioner filed an appeal with the Board of Immigration Appeals ("Board"). The appeal is currently pending. Exh.3

12. Petitioner is subject to mandatory detention under INA § 235(b)(2).

I declare, under penalty of perjury, under 28 U.S.C. § 1746, that the foregoing is true and correct to best of my knowledge, information, belief, and reasonable inquiry.

Dated: December 23, 2025,

PATRICK J CRUZ SR Digitally signed by PATRICK J CRUZ SR Date: 2025.12.23 13:49:36 -08'00'

Patrick J. Cruz
Deportation Officer
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

EXHIBIT 1

Uploaded on: 9/7/2022 at 11:44:28 a.m. (Central Daylight Time) Base City: BTV

Allegations: admi[illegible] citizen of Russia | Charges [illegible] see [illegible] motion
Designated Country: RUSSIA |

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act: Event No: [redacted]

Subject ID : [redacted] FIN #: [redacted]
SIGMA Event: [redacted] DOB: [redacted] File No: [redacted]

In the Matter of: OGANESIAN, GRIGOR

Respondent: OGANESIAN, Grigor currently residing at:

[redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☒ You are an arriving alien.

☐ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States.
2. You are a native of Russia and a citizen of Russia
3. On or about August 26, 2022 you applied for admission into the United States from Mexico at the San Ysidro Port of Entry and did not have any valid entry documents.
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document as required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

100 MONTGOMERY ST., SUITE 800,
San Francisco, CA, US 94104

(Complete Address of Immigration Court, including Room Number, if any)

on July 24, 2023 at 01:30 PM to show why you should not be removed from the United States based on the
(Date) *(Time)*

charge(s) set forth above. CHAVEZ, CAR27812 CBP OFFICER

(Signature and Title of Issuing Officer) (Sign in Ink)

Date: August 28, 2022 San Diego, CALIFORNIA

(City and State)

EOIR — 1 of 4

Allegations: Admitted/Conceded: 212(a)(6)(A)(i) see 212(a)(2)(A) for motion
Designated Country: RUSSIA

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form 1-589, Application for Asylum and for Withholding of Removal. The Form 1-589, Instructions, and information on where to file the Form can be found at **www.uscis.gov/i-589.** Failure to file the Form 1-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at **http://www.ice.gov/contact/ero,** as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent) (Sign in ink)

Date: _____

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on August 29, 2022, in the following manner and in compliance with section 239(a)(1) of the Act.

- [x] in person
- [ ] by certified mail, returned receipt # _____ requested
- [ ] by regular mail
- [ ] Attached is a credible fear worksheet.
- [x] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the RUSSIAN language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

CHAVEZ, CAR27812
CBP OFFICER

(Signature of Respondent if Personally Served) (Sign in ink)

(Signature and Title of officer) (Sign in ink)

ECIR - 2 of 4

Allegations: admitted; Charges: admitted; see Page 2 for Motion
Designated Country: RUSSIA |

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EOIR – 3 of 4

Allegations: admi[illegible] citizen of [illegible] Charges: [illegible] see [illegible] motion
Designated Country: RUSSIA |

U.S. Department of Homeland Security

Continuation Page for Form I862

Alien's Name	File Number	Date
OGANESIAN, GRIGOR	[redacted] SIGMA Event: [redacted] Event No: [redacted]	August 28, 2022

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

==

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature	Title
CHAVEZ, CAR27812	CBP OFFICER

EOIR — 4 of

Form I-831 Continuation Page (Rev. 08/01/07)

EXHIBIT 2

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT

Respondent Name:
OGANESIAN, GRIGOR

To:
Harutunyan, Liana --
14640 Victory Blvd.
Suite 205
Van-Nuys, CA 91411

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
11/09/2025

☐ Unable to forward - no address provided.

☑ Attached is a copy of the **decision of the Immigration Judge.** This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

☐ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

☐ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.

☐ Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review.** This is a final order. No appeal is available.

☐ Other:

Date: 11/07/2025

Immigration Judge: BADRINATH, VIKRAM 11/09/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : OGANESIAN, GRIGOR | A-Number [redacted]

Riders:

Date: 11/10/2025 By: CHAMBERS, KARINA, Court Staff

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT

Respondent Name:
OGANESIAN, GRIGOR

To:
Harutunyan, Liana --
14640 Victory Blvd.
Suite 205
Van-Nuys, CA 91411

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
11/09/2025

ORDER OF THE IMMIGRATION JUDGE

☑ This is a summary of the oral decision entered on 11/07/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
☐ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☐ removable ☑ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): Section 212(a)(7)(A)(i)(I) of the Immigration & Nationality Act, 8 U.S.C. § 1182(a)(7)(A)(i)(I) [not in possession of valid entry documents]

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

[redacted]

☑ [redacted] was ☐ granted ☑ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☑ [redacted] was ☐ granted ☑ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☑ [redacted] was ☐ granted ☑ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☑ [redacted] was ☑ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Respondent knowingly filed a frivolous application for [redacted] after notice of the consequences. [redacted]

B. Cancellation of Removal

☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

An Addendum of Law stating the standards of the law and the burdens of the proof relevant to the issues in the case will be served on the parties and copy placed into the official record of proceedings. The Addendum of Law is incorporated into the oral decision by reference. The Addendum of Law is marked as Exhibit 32.

III. Voluntary Departure

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a $ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.

☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:

☐ Further information regarding voluntary departure has been added to the record.

☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

☐ the presumptive civil monetary penalty amount of $3,000.00 USD

$ USD instead of the presumptive amount.
If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

IV. Removal

☑ Respondent was ordered removed to RUSSIA

☑ In the alternative, Respondent was ordered removed to ARMENIA

☑ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

> If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

V. Other

☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
☐ terminated without prejudice ☐ administratively closed.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:

Immigration Judge: BADRINATH, VIKRAM 11/09/2025

Appeal: Department of Homeland Security: ☐ waived ☑ reserved
Respondent: ☐ waived ☑ reserved

Appeal Due: 12/08/2025

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS
Respondent Name : OGANESIAN, GRIGOR | A-Number : [redacted]
Riders:
Date: 11/10/2025 By: CHAMBERS, KARINA, Court Staff

EXHIBIT 3

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

Harutunyan, Liana --
Law Offices of Liana Harutunyan
14640 Victory Blvd.
Suite 205
Van-Nuys, CA 91411

DHS/ICE OFFICE OF CHIEF COUNSEL - ADL
10250 RANCHO ROAD
Adelanto, CA 92301

Name:
OGANESIAN, GRIGOR [redacted]

Riders:

Date of Notice: 12/08/2025

FILING RECEIPT FOR APPEAL OR MOTION

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 12/04/2025 , in the above-referenced case, filed by the Respondent

Additional Comments
N/A

WARNING FOR APPEALS:

Departure. If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

Proof of posting voluntary departure bond. If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

Autostay Bond Appeals. Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90-day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

Form EOIR-27. If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

WARNING FOR MOTIONS:

Stay of removal. Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

Form EOIR-27. If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

FILING INSTRUCTIONS:

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is available on EOIR's website at www.justice.gov/eoir.

Accepted by: ChennubS

CC