

1 applies as, “‘applicants for admission,’ [is] defined as [a]n alien present in the United States who
2 has not been admitted or who arrives in the United States.’ 8 U.S.C. §1225(a)(1).” The government
3 misapplies §1225 to Mr. Oganessian. §1225 applies to aliens who present themselves for the first
4 time, or who were encountered within the United States after having failed to present themselves
5 upon initial entry.

6 At the time of his initial arrival, Mr. Oganessian presented himself at the United States border
7 on or around August 26, 2022. ECF 11, Decl. of Patrick J. Cruz (“Cruz Decl.”) ¶6. Mr. Oganessian
8 was released into the United States pending removal and asylum proceedings. ECF 1 at 10. On
9 August 28, 2022, Department of Homeland Security (DHS) “issued [Petitioner] a Notice to Appear
10 and placed [him] in removal proceedings. ECF 1 at 10; ECF 11, Cruz Decl. ¶7.

11 On or around September 18, 2024, ICE detained Petitioner. ECF 1 at 10; ECF 11, Cruz Decl.
12 ¶9. On or around November 7, 2025, an Immigration Judge (IJ) ordered Petitioner removed to Russia
13 or in the alternative to Armenia. ECF 1 at 10; ECF 11, Cruz Decl. ¶5, Ex. 2. The IJ deferred removal
14 to both countries. ECF 1 at 10; ECF 11 at 2. Petitioner appealed the IJ’s decision on or around
15 December 4, 2025. ECF 11, Cruz Decl. ¶5, Ex 3. That appeal remains pending. ECF 11, Cruz Decl.
16 ¶11; ECF 11 at 6.

17 ARGUMENT

18 Petitioner’s Claim is Ripe

19 Between his initial presentment at the border on August 26, 2022 and his remand on
20 September 18, 2024, Mr. Oganessian was placed on GPS location monitoring and then was removed
21 from GPS location monitoring. He was subsequently detained on September 18, 2024. The present
22 detention began 17 months ago.

23 Mr. Oganessian presented himself at the border upon his initial arrival and was released
24 pending removal proceedings on August 28, 2022. Accordingly, Mr. Oganessian’s eligibility for bond
25 should be evaluated under 8 U.S.C. §1226(a), which provides for discretionary detention. *Ramon*
26 *Rodriguez Vazquez v. Drew Bostock* 3:25-cv-05240-TMC (W.D. Wash. 2025) (recognizing that a
27 noncitizen who has lived in the United States for years and was later apprehended “encountered long
28 after entering” is in a different legal position than one “released at border”).

1 By the government’s own admissions, Mr. Oganessian was “paroled” into the community
2 in 2022. ECF 11 at 2. After he was paroled into the community for 25 months, he was remanded
3 into custody. He has been detained for 17 months, and his appeal has been pending since August
4 28, 2022. Those appeal proceedings commenced 30 months ago. And while Petitioner waits for
5 his appeal to be decided, he remains in custody, for 17 months and counting—with significant
6 consequences to his health, family, and ability to prepare his defense to removal—when he would
7 otherwise be a strong candidate for release on bond. Moreover, Respondents acknowledged that,
8 “when challenged, the majority of courts have found similarly situated petitioners subject to
9 Section 1226 and not Section 1225.” ECF 11 at 9.

10 Given that his removal case has been pending for 30 months, there is no significant likelihood
11 that Mr. Oganessian will be removed in the near future. The post-removal-period detention statute,
12 read in light of the Constitution’s demands, implicitly limits an alien’s detention to a period
13 reasonably necessary. Mr. Oganessian’s detention is well in excess of any reasonably necessary
14 period.

15 **Petitioner’s Claim is Sufficient**

16 Further, the government claims that Mr. Oganessian’s claims in his petition constitute a
17 cursory or vague claim. However, his claims are concrete and explicit. Mr. Oganessian’s removal
18 order was stayed, and is therefore not final. Given that there is no final removal order, the 90-day
19 period of detention as authorized by §1231(a)(6) has not commenced and may or may not commence
20 at any time. Moreover, as Respondents admit, courts are advised to construe *pro se* pleadings
21 liberally.

22 Here, Mr. Oganessian provided a declaration detailing the harm he suffers: he presented
23 himself at the border to request asylum after he was persecuted and tortured for his race and political
24 opinion which resulted in severe damage to his health; that the Convention Against Torture afforded
25 him relief but he remains in ICE custody; that he has a sponsor with whom he will reside if released;
26 that there is no country where he may securely be deported rendering his detention indefinite; that
27 he has not been afforded a bond hearing; that the conditions of his confinement are harsh and are
28 exacerbating his numerous health problems including his inability to eat solid food, his kidney stone,

1 his compression fracture of his T12 vertebrae, and his torture flashbacks, among others; that his
2 continuing detention is harming his wife and his children; and, that his sister was suffering from
3 terminal cancer and needed him to be released to offer financial and emotional support.
4 Unfortunately his sister passed away in December 2024, but she is survived by her two sons who
5 still need Mr. Oganessian's financial and emotional support. All of these concrete harms would be
6 remediated or partially relieved by his release from custody. Finally, Mr. Oganessian requests specific
7 relief in requesting release or a bond hearing by a neutral decisionmaker.

8 Mr. Oganessian's immigration case appears to be itself indefinite, rendering his detention
9 indefinite. His family is here and needs him to return home to resume providing for them both
10 financially, and emotionally. ECF 1 at 11.

11 **CONCLUSION**

12 Mr. Oganessian's petition is ripe because he is unlawfully detained under Section 1225(b)'s
13 mandatory detention authority and instead should be governed under Section 1226(a)'s discretionary
14 detention scheme. Moreover, his petition has demonstrated irreparable harm, and that any potential
15 balancing of hardships would weigh strongly in his favor. The petition is sufficient because it cites
16 with particularity the concrete harm befalling him, and the relief sought. Accordingly, this Court
17 should deny the government's motion to dismiss his petition.
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20 Respectfully submitted,

21 Date: February 9, 2026

22 /s/ Danica Mazenko
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24 Attorney for Petitioner
25 GRIGOR OGANESIAN
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