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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 (Western Division – Los Angeles)

10
11 HENRIKH VARDANYAN)

12 **Petitioner,**)

13 vs.)

WARDEN, Adelanto ICE Processing Center – Desert)
View Facility.)
14 PATRICIA M. COLBERT, Field Office Director of the)
Los Angeles Field Office,)
15 *U.S. Immigration and Customs Enforcement.*)
KRISTI NOEM, Secretary of the U.S. Department of)
16 Homeland Security; and)
PAM BONDI, Attorney General of the United States,)
17 in their official capacities)

18 **Respondents:**)
19 _____)
20
21

Case No.: **5 : 25 - cv - 03272 - SVW - SK**
PETITIONER'S RESPONSE TO ORDER TO
SHOW CAUSE RE MOOTNESS

22 DATED: January 16, 2026
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26 **PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE RE MOOTNESS**
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1 Petitioner Henrikh Vardanyan respectfully responds to the Court's Order to Show Cause and
2 submits that the habeas petition is **not moot**.

3
4 Although Respondents conducted a bond hearing on December 8, 2025, that hearing occurred **only**
5 **after** the habeas petition was filed and after the Court ordered Respondents to show cause. A case is
6 moot only if "there is no effective relief remaining for the court to provide." *Nw. Envtl. Def. Ctr. v.*
7 *Gordon*, 849 F.2d 1241, 1244 (9th Cir. 1988). Effective relief remains available here.

8
9 Critically, the December 8, 2025 bond hearing **did not satisfy the constitutional requirements of**
10 **a Rodriguez bond hearing**. Under *Rodriguez v. Robbins*, the Department of Homeland Security
11 bears the burden of proving by clear and convincing evidence that continued detention is justified
12 based on danger to the community or flight risk. 804 F.3d 1060, 1087 (9th Cir. 2015); *Singh v.*
13 *Holder*, 638 F.3d 1196, 1205 (9th Cir. 2011).

14
15 At the December 8 hearing, **DHS presented no testimony, no documentary evidence, and no**
16 **individualized analysis** establishing danger or flight risk. The Immigration Judge nevertheless
17 denied bond after stating that the Court did not understand why Petitioner came to the United States
18 and later relied on perceived ineligibility for immigration relief to label Petitioner a flight risk.
19 These considerations are **legally irrelevant** to a Rodriguez bond determination and reflect an
20 impermissible shifting of the burden to the detainee.

21
22
23 Petitioner subsequently filed a Motion to Reconsider the bond denial, which was denied on the
24 asserted grounds that Petitioner was allegedly ineligible for asylum, withholding of removal, CAT
25 protection, adjustment of status, or voluntary departure, and therefore deemed a flight risk. Denial
26 of bond based on perceived ineligibility for immigration relief is **not a lawful basis for detention**
27 under Rodriguez and violates due process. A subsequent request for another Rodriguez bond
28 hearing was denied solely because a prior hearing had occurred within 30 days, without addressing

1 the constitutional defects of the original hearing. Petitioner has timely appealed the bond
2 reconsideration denial to the Board of Immigration Appeals. None of these subsequent procedural
3 rulings cure the original due process violation.

4
5 Because Petitioner remains detained following a constitutionally defective bond hearing, and
6 because DHS has never met its burden under Rodriguez, the constitutional injury is ongoing. A
7 constitutionally deficient bond hearing does not moot a habeas petition, and meaningful relief
8 remains available, including a new constitutionally compliant bond hearing or release under
9 appropriate conditions.

10
11 **Petitioner further incorporates by reference his previously filed "Petitioner's Reply to Federal**
12 **Respondents' Response to Order to Show Cause Regarding § 1226(a) Bond," which details the**
13 **constitutional deficiencies of the December 8, 2025 bond hearing, DHS's failure to meet its**
14 **burden, and the Immigration Judge's reliance on impermissible factors.**

15
16 Accordingly, Petitioner respectfully requests that the Court discharge the Order to Show Cause and
17 decline to dismiss the petition as moot.

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20 **Dated:** January 16, 2026

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22 **Respectfully submitted,**



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24 **ARIS ARTOUNIANS, ESQ.**
25 Attorney for Petitioner
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Respondents:

) Case No.: **5:25-cv-03272-SVW-SK**
) **PETITIONER'S REPLY TO FEDERAL**
) **RESPONDENTS' RESPONSE**

DATED: January 16, 2026

PETITIONER'S REPLY TO FEDERAL RESPONDENTS' RESPONSE
TO ORDER TO SHOW CAUSE REGARDING § 1226(a) BOND

1 Anything less would permit continued detention based on conjecture, contrary to the Fifth
2 Amendment.

3
4 **CONCLUSION**

5 Respondents' exhibits demonstrate only that a hearing occurred—not that due process was satisfied.
6 The Constitution requires more. Because DHS failed to justify detention under the governing
7 standard, habeas relief is warranted.

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10 **Dated:** January 16, 2026

11 **Respectfully submitted,**

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13 **ARIS ARTOUNIANS, ESQ.**
14 Counsel for Petitioner

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