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3 **UNITED STATES DISTRICT COURT**
4 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
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6
7 **MARKOSIAN, ALLA,**

8
9 **Petitioner,**

10 **v.**

11 **PAM BONDI, Attorney General of**
12 **the United States, KRISTI NOEM,**
13 **Secretary, U.S. Department of**
14 **Homeland Security; TODD M.**
15 **LYONS, Director of Enforcement**
16 **and Removal Operations for the**
17 **United States; MATTHEW**
18 **ARCHAMBEAULT Director for San**
19 **Diego Field Office of ICE**
20 **Enforcement and Removal**
Operations; and XXX, Warden, Otay
Mesa Detention Center,

21 **Respondents.**
22
23
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No. 25-cv-03494

REPLY TO RETURN TO
PETITION FOR WRIT OF
HABEAS CORPUS

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28 **Nathaniel L. Nicoll, Esq.**
Friedman Law Firm
3947 Lennane Drive, Suite 150
Sacramento, CA 95834

1 **Petitioner, Alla Markosian (hereinafter “Petitioner”) replies as follows:**

2
3 **Petitioner reincorporates and includes her previous arguments in reply to**
4 **Respondents’ return to petition. Petitioner additionally states:**

5 **The Department of Justice (hereinafter “DOJ”), when confronted with with**
6 **the unconstitutionality of their actions, engages in a regurgitation of pertinent**
7 **statutes and does little to address the core legal concepts at issue. The DOJ’s**
8 **unvarnished argument, stripped of sophistry and legalese, is this: the Petitioner can**
9 **be held in prison at the discretion of the Department of Homeland Security until**
10 **she dies regardless of the merits of her asylum case or the length of the judicial**
11 **procedures. This is the only logical conclusion of the DOJ’s position. The DOJ**
12 **does not reference any reason for this detention and puts forth no claims that**
13 **Petitioner has engaged in any illegal activity, is a threat to society, or a flight risk.**
14 **It simply falls back upon a perverted interpretation of law that would appear to**
15 **support the contention that an asylum seeker is somehow not worthy of the bare**
16 **minimum of considerations under the constitution.**
17
18

19 **Franky put, regarding the DOJ’s “Reply,” two examples of their mendacious**
20 **assault on Petitioner’s due process rights stand out. The DOJ claims that Petitioner**
21 **never sought a request from ICE for parole. A formal request was submitted**
22 **January 20th, 2025 (attached hereto as Exhibit 1). If the DOJ’s claim is not an**
23 **outright fabrication in a misguided and facile attempt to deceive the Court, it is a**
24 **blatant example of the ignorant, willy-nilly approach of the DOJ exemplifying its**
25 **distain for the rule of law. Additionally, the DOJ’s citing to *Thuraissigiam* in an**
26 **attempt to deny Petitioner due process rights can only be construed, in the best of**
27 **lights, as purposefully misleading. The Supreme Court in *Thuraissigiam***
28 **constricted access to the full panoply of due process protections in a case wherein**

1 the Respondent was essentially seeking a retrial of their asylum application. Such
2 is not the case here. Petitioner is abiding by the established processes in place to
3 address her asylum claim, processes that have not run their gamut. The due process
4 concerns at issues here are in no way constrained by any interpretation of the
5 constitution or relevant caselaw: prolonged deprivation of liberty without just
6 reason is anathema to the fabric of our United States of America.
7

8 For the reasons put forth in Petitioner's initial filing and here, the DOJ's
9 arbitrary and capricious detention of Petitioner should be ended.
10

11 DATED: December 19th, 2025.
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17 Sacramento, CA 95834
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EXHIBIT 1



**FRIEDMAN
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Ryan P. Friedman
Attorney

Robin Bernstein
Attorney

Nathaniel Nichol
Attorney

Michelle Smith
Attorney

January 20th, 2025

Attn: Officer in Charge of Parole Requests
Otay Mesa Detention Center
7488 Calzada De La Fuente
San Diego, CA 92154

Sent Via Email

Re: MARKOSIAN, Alla  Request for Parole Release/Bond Request

Dear Officer:

Our office represents the above-captioned detainee. My Form G-28 is attached.

Ms. Markosian is a citizen of Russia. She is currently detained at the Otay Mesa Detention Center, San Diego, CA 92154.

I understand parole/release requests are a matter of discretion, and I hope I can prevail upon you to release Mrs. Torobian from detention.

Ms. Markosian ID has been verified, and she has never committed a crime anywhere in the world. This, combined with the fact that she has come to the United States to seek the protections provided by a country founded upon the rule of law, strongly support the contention that Ms. Markosian is not a threat to the community and only desires to peacefully seek asylum in the United States. Additionally, in light of the fact that Ms. Markosian is seeking asylum in the United States, it is in her own best interest to appear at every scheduled hearing and comply with any orders of the immigration court and the Department of Homeland Security. Considering these factors, Ms. Markosian is certainly at the lowest priority level of incarceration under the current custody guidelines. Also, as Ms. Markosian has been given a positive credible fear determination.

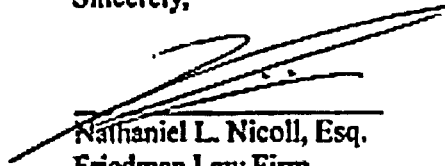
To ensure Ms. Markosian compliance with the law and any requirements placed upon her by the Department of Homeland Security if paroled/released, Samuel Karapetyan have offered to sponsor Ms. Markosian. Attached hereto are documents in support of their sponsorship and sureties, including affidavits, ID, and related financial and housing documentation. These sponsors personally guarantee to assist in housing, caring for, and ensuring Ms. Markosian appearance at all immigration court hearings or ICE-required appointments.

I would ask you to exercise your discretion in this regard and parole/release Ms. Markosian. Ms. Markosian will gladly comply with any requirements by ICE (ankle monitor, bond, etc.) in

order to alleviate any concerns ICE may have. I would be happy to provide you with any additional information as needed.

I very much appreciate your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathaniel L. Nicoll', is written over a horizontal line.

Nathaniel L. Nicoll, Esq.
Friedman Law Firm
Attorneys for Ms. Markosian