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6 **UNITED STATES DISTRICT COURT**
7 **SOUTHERN DISTRICT OF CALIFORNIA**

8 **ARTAK NAZARYAN,**

9 **Plaintiff,**

10 vs.

11
12 **CHRISTOPHER LAROSE**, warden of
13 **Otay Mesa Detention Center**
14 **DANIEL A. BRIGHTMAN**, San Diego
15 **Field Office Director, Immigration and**
16 **Customs Enforcement and Removal**
17 **Operations (“ICE/ERO”);**
18 **TODD LYONS**, Acting Director of
19 **Immigration Customs Enforcement**
20 **(“ICE”);**
21 **KRISTI NOEM**, Secretary of the
22 **Department of Homeland Security**
23 **(“DHS”);**
24 **PAMELA BONDI**, Attorney General of
25 **the United States,**
26 **U.S. DEPARTMENT OF HOMELAND**
27 **SECURITY;**
28 **U.S. IMMIGRATION AND CUSTOMS**
ENFORCEMENT;

Respondents.

Case No.: 25-CV-3628-JLS

**TRAVERSE TO PETITION FOR
WRIT OF HABEAS CORPUS**

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INTRODUCTION

Artak Nazarian is an Armenian from Georgia. He grew up in Georgia where he suffered such persecution that he could no longer remain in Georgia safely. At 19 he made his way to the United States and presented himself at the port of entry at San Ysidro, California. He presented his passport there as asked for asylum.

He entered the United States on October 29, 2015. He was eventually detained in Aurora, Colorado where he presented he case in a credible feal interview. He was found to have a credible fear and was granted parole. *See* Exhibit A – I-830. He was paroled into the United States on December 31, 2015. *Id.*

Mr. Nazaryan began his life in the United States after he was released. He received work authorization, found a place to live and integrated himself into the local community. In the 10 years he has lived here he has established himself financially as well. He filed his I-589 application for Asylum on March 28, 2017.

On November 29, 2025, Mr. Nazaryan was driving south from Los Angeles to San Diego with his fiancé. They became hungry and found a Jersey Mike's on their mobile app and decided to stop in for something to eat. The mobile app did not indicate the restaurant was on Camp Pendleton. They followed the map's instructions and found themselves at the guarded entry gate of Camp

1 Pendleton. When they arrived to guard booth they explained that they were trying
2 to go Jersey Mike's. The guard explained they could not enter the base without
3 proper ID. Mr. Nazaryan asked the guard if they could turn around and be on their
4 way. This was about 2:00 p.m. The officer there looked at his driver's license and
5 asked if he had a green card. Since he did not have one he asked him to pull over to
6 the side of the road.
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9 The guard explained that his supervisor needed to come speak to him
10 and told him he had to wait. He asked several times if he was free to go. He was
11 told he could not leave. He presented proof of his work authorization and his
12 pending asylum application. No base personnel ever explained what law he had
13 violated that allowed them to hold him their prisoner. They simply asserted that
14 since he didn't have a green card he had to wait. After about an hour a supervisor
15 arrived and interviewed him about his immigration status. He was told again that
16 he needed to wait. The supervisor then took his picture and his fingerprints. He
17 was told once again that he must wait. He asked again why he was being detained.
18 He was simply told to wait. At approximately 6:00 p.m. ICE officers arrived. He
19 was escorted from his car to a small outbuilding. Upon entry to the building he was
20 put into handcuffs and told he was being sent to detention. He asked again why he
21 was being detained. He was not told why he was arrested. He was not told what
22 law he had violated. He was not advised of his Miranda rights. With no cause and
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1 no explanation and no warrant he was put in the ICE vehicle and transferred to the
2 ICE facility in downtown San Diego. He was then transferred to the Otay Mesa
3 facility.
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5 **Mr. Nazaryan's claims of Violation of Due Process and the APA are not moot.**
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7 The government has conceded that Mr. Nazaryan's parole was valid
8 on the day of his detention and had not been revoked. ECF 4 p2 fn 1.
9

10 The government had an obligation to give Mr. Nazaryan written
11 notice and an opportunity to be heard if the government believed there was a
12 change in circumstances such that his parole should be revoked and he should be
13 re-detained. *See* 8 CFR § 212.5(e)(2)(i).
14

15 The government has not cited any authority limiting this court's
16 ability to reach the due process or the APA violations. Those issues are, therefore,
17 waived.
18

19 As set out in the Petition, the government did violate Mr. Nazaryan's
20 right do due process by detaining him without written notice and presenting its
21 allegation of a change in circumstances such that he was now a flight risk or a
22 danger to the community.
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25 As set out in the Petition, the government did violate the
26 Administrative Procedures Act by detaining him without written notice and
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1 presenting its allegation of a change in circumstances such that he was now a flight
2 risk or a danger to the community.
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4 **A Bond Hearing is not the appropriate remedy.**

5 The government asserts that “Petitioner is detained under 8 U.S.C. §
6 1226(a) and is entitled to an order from this Court directing a bond hearing be held
7 pursuant to 8 U.S.C. § 1226(a).” ECF 4 p 2. However, Mr. Nazaryan is not
8 detained under color of any statute. The government cannot illegally arrest and
9 detain someone and then assert that their continued detention is pursuant to one
10 statute or another. His detention is in violation of law. As such, the remedy is his
11 immediate release.
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15 **Conclusion**

16 WHEREFORE, Petitioner respectfully requests this Court to grant the
17 following:
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19 (1) Declare that Petitioner’s detention without an individualized
20 determination violates the Due Process Clause of the Fifth Amendment and the
21 Administrative Procedures Act;
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23 (2) Issue a Writ of Habeas Corpus ordering Respondents to release
24 Petitioner from custody;
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1 (3) Issue and Order prohibiting the Respondents from enrolling the
2 Petitioner in any Alternative to Detention program, specifically barring them from
3 requiring an ankle monitor;
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5 (4) Grant any further relief this Court deems just and proper.
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8 Dated: December 19, 2025.

/s/ Brian J. McGoldrick
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CERTIFICATE OF SERVICE

I, Brian J. McGoldrick, CERTIFY

I am over the age of 18 and not a party to this matter. My business address is 4916 Del Mar Avenue, San Diego, CA 92107. On December 19, 2025, I served a copy of this

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by the method and to the parties listed below:

On December 19, 2025, I accessed the electronic mailing list for CM/ECF users in this case and representatives of all parties are CM/ECF users and are noticed as follows:

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/s/Brian J. McGoldrick
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