

Absent intervention by this Court, Petitioner will continue to suffer escalating and irreparable medical harm and will remain detained indefinitely without legal authority. Petitioner asks this Court to declare her detention unlawful and order her immediate release under appropriate supervision conditions.

JURISDICTION

This action arises under the Constitution of the United States and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

This Court has subject matter jurisdiction under:

- 28 U.S.C. § 2241 (habeas corpus),
- 28 U.S.C. § 1331 (federal question), and
- Article I, § 9, cl. 2 of the Constitution (Suspension Clause).

This Court may grant relief under:

- 28 U.S.C. § 2241,
- Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and
- All Writs Act, 28 U.S.C. § 1651.

VENUE

Venue is proper because Petitioner is detained at Otay Mesa Detention Center, which is within the Southern District of California.

Venue is also proper because Respondents are United States officers located or operating within this District, and no real property is involved. 28 U.S.C. § 1391(c).

REQUIREMENTS OF 28 U.S.C. § 2243

The Court must grant the petition or issue an order to show cause forthwith unless the petition plainly shows Petitioner is not entitled to relief. If an OSC is issued, the statute requires a government return within three days unless the Court grants additional time not exceeding

twenty days. Courts have repeatedly recognized habeas corpus as the most important safeguard against unlawful detention.

PARTIES

Petitioner is a citizen of Armenia. She is currently detained at Otay Mesa Detention Center and is in the custody and control of Respondents.

Respondent is the Warden of Otay Mesa Detention Center and has immediate physical custody over Petitioner.

Respondent is the Attorney General of the United States, who oversees the immigration court system.

STATEMENT OF FACTS

1. Grant of Withholding of Removal

On August 4, 2025, an Immigration Judge granted Petitioner withholding of removal under INA § 241(b)(3). Removal to Armenia is legally prohibited. ICE has not identified any alternative country of removal. Thus, removal is not reasonably foreseeable.

2. Length of Detention

Petitioner has been detained since January 2025—over eleven months—far exceeding the constitutional limits under *Zadvydas v. Davis*, which prohibits prolonged detention when removal is not reasonably foreseeable.

3. Severe Medical Deterioration

Petitioner suffers from:

- Complete failure of all six mandibular implants, leaving exposed implant canals and open tissue sites
- Inability to chew food, creating nutritional danger
- High risk of infection and abscess formation
- Hypertension
- Dyslipidemia
- Hypertriglyceridemia
- Chronic dizziness
- Chest pain

- Dry eyes
- Myopic astigmatism and serious vision problems
- Nausea
- Panic attacks
- Memory impairment from a prior head injury
- Adrenaline allergy, which makes emergency medical intervention dangerous

Her symptoms have substantially worsened in detention.

4. Repeated Medical Requests Ignored

Throughout 2025, Petitioner filed numerous sick-call slips, grievances, and medical requests reporting:

- repeated high blood pressure spikes
- escalating dizziness
- worsening vision
- severe dental pain
- inability to chew or swallow properly
- chest pain and panic episodes

Despite this, she has not received the required specialized care, including oral-maxillofacial surgery, which ICE cannot provide.

5. Counsel's Repeated Requests for Release Ignored

Petitioner's attorneys have repeatedly submitted:

Throughout 2025, Petitioner and undersigned counsel submitted multiple written requests to ICE, including formal humanitarian requests for release, detailed medical letters, and a written request for a custody redetermination (bond) prior to the withholding decision. ICE did not issue any response to these submissions. Despite repeated written notifications describing Petitioner's deteriorating health and inability of the detention facility to provide necessary medical care, ICE failed to take any action to evaluate or reconsider her custody status. ICE never responded to any of these requests.

6. Unlawful Indefinite Detention

Because Petitioner cannot be removed to Armenia and ICE has no third-country option, her detention serves no lawful purpose.

Under *Zadvydas*, continued detention where removal is not reasonably foreseeable is unconstitutional.

Without Court intervention, Petitioner faces escalating infection risk, nutritional deterioration, severe medical harm, and ongoing illegal detention.

LEGAL FRAMEWORK

The Fifth Amendment forbids unreasonable and excessive immigration detention. Under *Zadvydas*, detention past six months is unlawful when removal is not reasonably foreseeable.

Individuals granted withholding of removal cannot lawfully be removed to the country of persecution, and continued detention without a removal destination lacks statutory authority.

The government violates due process when it is deliberately indifferent to serious medical needs. Federal courts have broad habeas authority to order release in such circumstances.

CLAIMS FOR RELIEF

Count One: Violation of Fifth Amendment Right to Due Process — Unlawful Indefinite Detention

Petitioner incorporates all above paragraphs. Removal is not reasonably foreseeable. Continued detention violates the Fifth Amendment and *Zadvydas*.

Count Two: Deliberate Indifference to Serious Medical Needs — Fifth Amendment Violation

Petitioner incorporates all above paragraphs. Respondents have failed to provide adequate medical treatment for her severe, urgent conditions. This constitutes deliberate indifference and violates due process.

Count Three: Violation of 8 U.S.C. § 1231 and Implementing Regulations

Petitioner incorporates all above paragraphs. Post-order detention is authorized only for purposes of effectuating removal. Here, removal cannot occur. Continued detention is not authorized by statute or regulation.

Count Four: Detention Without Legal Authority After Grant of Withholding of Removal
Petitioner incorporates all above paragraphs. Because Petitioner is protected from removal to Armenia and no other country is available, ICE lacks lawful authority to continue detaining her.

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause requiring Respondents to respond within three days;
3. Declare Petitioner's continued detention unlawful;
4. Issue a Writ of Habeas Corpus ordering Petitioner's immediate release under reasonable supervision;
5. Order Respondent to ensure necessary medical care until release is effectuated;
6. Grant any other relief the Court deems appropriate.

VERIFICATION

I, Aleksey Tovarian, Esq., represent Petitioner Hasmik Karapetyan. I verify that the factual statements in this Petition are true and correct to the best of my knowledge, based on information provided by Petitioner and documents in my possession.

Dated: December 15, 2025.



Aleksey Tovarian, Esq.
Attorney for Petitioner

EXHIBIT A



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

KARAPETYAN, HASMIK

To:

Stepanova, Raisa
1200 Melody Ln
Suite 105
Roseville, CA 95678

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

08/04/2025

ORDER OF THE IMMIGRATION JUDGE

- This is a summary of the oral decision entered on . 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): 212(a)(7)(A)(i)(I)

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:

A. Asylum/Withholding/Convention Against Torture

- Asylum was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under INA § 241(b)(3) was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Deferral of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

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

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 to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

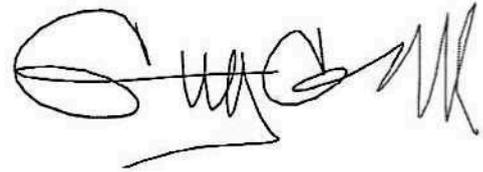
IV. Removal

- Respondent was ordered removed to Armenia
- In the alternative, Respondent was ordered removed to
- 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 to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

V. Other

- Proceedings were dismissed terminated with prejudice
 terminated without prejudice administratively closed.
- Respondent's status was rescinded under INA § 246.
- Other:



Immigration Judge: Grande, Guy 08/04/2025

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

Appeal Due:09/04/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS
Respondent Name : KARAPETYAN, HASMIK | A-Number : 

Riders:

Date: 08/04/2025 By: GONZALEZ, EMELY, Court Staff

EXHIBIT E



Tatiana Zinenko <tatiana@rstepanovalaw.com>

Fwd: [REDACTED] PAROLE REQUEST KARAPETYAN, Hasmik

1 ПИСЬМО

Margarita Kurganskaia <margarita@rstepanovalaw.com>
Кому: Tatiana Zinenko <tatiana@rstepanovalaw.com>

Margarita K.
Paralegal for Law Offices of Raisa Stepanova
1200 Melody Ln, Suite 105, Roseville, CA 95678
Tel: 212-814-3235
E-mail: margarita@rstepanovalaw.com

CONFIDENTIALITY NOTICE: This e-mail and all information contained herein, including any attachments, are confidential and may be protected by legal privilege, and are for the sole use of the intended recipient(s). If you are not an intended recipient, you have received this communication in error and you are hereby on notice that any disseminating, disclosing, distributing, forwarding, printing, saving, storing, or copying of, or acting in reliance on the contents herein is strictly prohibited. If you have received this communication in error, please notify us immediately by returning it to the sender, and promptly delete the original message and all attachments thereto and destroy all copies or reproductions of any form.

----- Forwarded message -----
From: Margarita Kurganskaia <margarita@rstepanovalaw.com>
Date: Wed, Feb 26, 2025 at 12:56 PM
Subject: A 221-350-511 PAROLE REQUEST KARAPETYAN, Hasmik
To: <sandiego.outreach@ice.dhs.gov>, <Victor.M.Ayala@ice.dhs.gov>

Good afternoon.

Please be advised that this office has been retained to represent the above Applicant.
A copy of G-28 is attached. Our client is currently detained at OTAY MESA DETENTION CENTER. Our client has a fear of returning back to their home country.
Ms. Karapetyan merits favorable prosecutorial discretion in granting her Parole request, and therefore should be released on her own recognizance and for humanitarian reasons or in alternative under bond.
Please kindly contact me by email (info@rstepanovalaw.com) or phone (212-814-3235) with any questions.

[REDACTED]

Margarita Kurganskaia.
Paralegal for Law Offices of Raisa Stepanova
1200 Melody Ln, Suite 105, Roseville, CA 95678
Tel: 212-814-3235
E-mail: margarita@rstepanovalaw.com

CONFIDENTIALITY NOTICE: This e-mail and all information contained herein, including any attachments, are confidential and may be protected by legal privilege, and are for the sole use of the intended recipient(s). If you are not an intended recipient, you have received this communication in error and you are hereby on notice that any disseminating, disclosing, distributing, forwarding, printing, saving, storing, or copying of, or acting in reliance on the contents herein is strictly prohibited. If you have received this communication in error, please notify us immediately by returning it to the sender, and promptly delete the original message and all attachments thereto and destroy all copies or reproductions of any form.

Bond_Hasmik_Karapetyan [REDACTED].pdf
6536K



Tatiana Zinenko <tatiana@rstepanovalaw.com>

Fwd: [REDACTED] PAROLE REQUEST KARAPETYAN, Hasmik

1 ПИСЬМО

Margarita Kurganskaia <margarita@rstepanovalaw.com>
Кому: Tatiana Zinenko <tatiana@rstepanovalaw.com>

Margarita K.
Paralegal for Law Offices of Raisa Stepanova
1200 Melody Ln, Suite 105, Roseville, CA 95678
Tel: 212-814-3235
E-mail: margarita@rstepanovalaw.com

CONFIDENTIALITY NOTICE: This e-mail and all information contained herein, including any attachments, are confidential and may be protected by legal privilege, and are for the sole use of the intended recipient(s). If you are not an intended recipient, you have received this communication in error and you are hereby on notice that any disseminating, disclosing, distributing, forwarding, printing, saving, storing, or copying of, or acting in reliance on the contents herein is strictly prohibited. If you have received this communication in error, please notify us immediately by returning it to the sender, and promptly delete the original message and all attachments thereto and destroy all copies or reproductions of any form.

----- Forwarded message -----

From: Avalos, Israel <Israel.Avalos@ice.dhs.gov>
Date: Thu, Apr 3, 2025 at 2:44 PM
Subject: RE: A 221-350-511 PAROLE REQUEST KARAPETYAN, Hasmik
To: margarita@rstepanovalaw.com <margarita@rstepanovalaw.com>

Good afternoon,

This is to confirm that request has been received.

Respectfully,

Israel Avalos

Deportation Officer

San Diego Field Office / Otay Mesa Detention Center

Detained Unit

Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

From: San Diego.Outreach <SanDiego.Outreach@ice.dhs.gov>
Sent: Thursday, April 3, 2025 2:35 PM

To: OMDCDetainedUnit <OMDCDetainedUnit@ice.dhs.gov>
Subject: FW: [REDACTED] PAROLE REQUEST KARAPETYAN, Hasmik

The San Diego Outreach mailbox has received the below email, with request/inquiry and action. We are forwarding this email to your program for action (we believe it falls within your program scope) .

- Docket: OTM - OTM DET 500-582 - Avalos

Thank you

San Diego Outreach Team

From: Margarita Kurganskaia <margarita@rstepanovalaw.com>
Sent: Thursday, April 3, 2025 12:40 PM
To: San Diego.Outreach <sandiego.outreach@ice.dhs.gov>
Cc: Raisa Stepanova <info@rstepanovalaw.com>
Subject: [REDACTED] PAROLE REQUEST KARAPETYAN, Hasmik

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click here and follow instructions.

Good afternoon.

Please be advised that this office has been retained to represent the above Applicant.

A copy of G-28 is attached. Our client is currently detained at OTAY MESA DETENTION CENTER. Our client has a fear of returning back to their home country.

Ms. Karapetyan merits favorable prosecutorial discretion in granting her Parole request, and therefore should be released on her own recognizance and for humanitarian reasons or in alternative under bond.

Please kindly contact me by email (info@rstepanovalaw.com) or phone (212-814-3235) with any questions.

[REDACTED]

CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of December, 2025, I electronically filed the foregoing **Petition for Writ of Habeas Corpus**, together with all accompanying exhibits, with the Clerk of the Court for the United States District Court for the Southern District of California using the CM/ECF system.

I further certify that I caused a true and correct copy of the foregoing documents to be served by U.S. Mail and/or electronic mail upon the following:

Warden

Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154

Attorney General of the United States

U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Civil Division — U.S. Attorney's Office

Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 15, 2025
Respectfully submitted,
Alex Tovar
Aleksy Tovar, Esq.