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8
9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 MANVEL ZAKINYAN,

12
13 Petitioner,

14 v.

15 WARDEN, Otay Mesa Detention
16 Center, et al

17 Respondents.
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Case No. 25-cv-3717-JLS-MMP

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

1 **I. INTRODUCTION**

2 Petitioner requests that the Court order his release from Immigration and
3 Customs Enforcement (ICE) custody. This Court lacks jurisdiction because
4 Petitioner's claims are barred by 8 U.S.C. § 1252(g). Moreover, as an arriving alien
5 found to have a credible fear of persecution, Petitioner's detention is mandated by 8
6 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings.
7 Accordingly, the Court should deny Petitioner's request for relief.

8 **II. FACTUAL AND PROCEDURAL BACKGROUND**

9 Petitioner is a native and citizen of Armenia. On January 13, 2025, Petitioner
10 arrived and applied for admission to the United States at the San Ysidro Port of Entry.
11 *See* Exhibit 1 (Form I-213).¹ Petitioner did not then have any valid entry documents to
12 enter the United States, and he was determined to be inadmissible under 8 U.S.C.
13 § 1182(a)(7)(A)(i)(I) and placed in expedited removal proceedings pursuant to 8 U.S.C.
14 § 1225(b)(1). *See* Exhibit 2 (Notice to Appear). On January 31, 2025, pursuant to 8
15 U.S.C. § 1225(b)(1)(B), Petitioner was interviewed by a USCIS asylum officer to
16 determine whether he had a credible fear of persecution or torture if removed to
17 Armenia. *See* ECF No. 1 at 8. The interview resulted in a positive determination. *See*
18 *id.*

19 On February 5, 2025, Petitioner was issued a Notice to Appear, charging him as
20 inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I) (as an immigrant not in possession of
21 a valid entry document). *See* Exhibit 2 (Notice to Appear). The filing of the Notice to
22 Appear with the immigration court initiated removal proceedings, pursuant to 8 U.S.C.
23 § 1229a, against Petitioner, and those proceedings remain ongoing. Within his removal
24 proceedings under § 1229a, Petitioner has the opportunity to apply for relief from
25 removal before an immigration judge (IJ), including asylum under 8 U.S.C. § 1158,
26

27 _____
28 ¹ The attached exhibits are true copies, with redactions of private information, of documents obtained from Immigration and Customs Enforcement (ICE) counsel.

1 withholding of removal under 8 U.S.C. § 1231(b)(3), and relief under the Convention
2 Against Torture. The Notice to Appear scheduled Petitioner’s initial master calendar
3 hearing for February 18, 2025. *See id.*

4 On December 2, 2025, the immigration judge held a bond hearing and denied
5 bond finding no jurisdiction to consider custody redetermination. *See* Exhibit 3 (citing
6 *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019).

7 Petitioner’s removal proceedings remain pending, and his individual merits
8 hearing is scheduled for March 18, 2026. *See* Exhibit 4 (Notice of In-Person Hearing).
9 As a result, there is no administratively final order of removal at this time. Petitioner
10 remains mandatorily detained at the Otay Mesa Detention Center under 8 U.S.C. §
11 1225(b)(1)(B)(ii).

12 III. STATUTORY BACKGROUND

13 Section 235 of the Immigration and Nationality Act (INA), codified at 8 U.S.C.
14 § 1225, applies to an “applicant for admission,” defined as an “alien present in the
15 United States who has not been admitted” or “who arrives in the United States.” 8
16 U.S.C. § 1225(a)(1). “[A]pplicants for admission fall into one of two categories, those
17 covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*,
18 583 U.S. 281, 287 (2018).

19 Section 1225(b)(1) applies to arriving aliens and “certain other” aliens “initially
20 determined to be inadmissible due to fraud, misrepresentation, or lack of valid
21 document.” *Id.* (citing 8 U.S.C. § 1225(b)(1)(A)(i)). These aliens are generally subject
22 to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if “the alien
23 indicates an intention to apply for asylum . . . or a fear of persecution,” immigration
24 officers will refer the alien for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii).
25 “If the officer determines at the time of the interview that [the] alien has a credible fear
26 of persecution . . . , the alien *shall be detained* for further consideration of the
27 application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added). If the alien
28 does not indicate an intent to apply for asylum, does not express a fear of persecution,

1 or is “found not to have such a fear,” they “shall be detained . . . until removed” from
2 the United States. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

3 **IV. ARGUMENT**

4 Petitioner’s habeas petition should be denied because: (1) 28 U.S.C. § 1252(g)
5 bars judicial review over his claim; and (3) he is lawfully detained under the INA and
6 the Constitution.

7 **A. Petitioner’s Claim is Barred Under 8 U.S.C. § 1252(g).**

8 Respondents contend that judicial review over Petitioner’s claim is barred by 28
9 U.S.C. § 1252(g), which states that “[n]o court shall have jurisdiction to hear any cause
10 or claim by or on behalf of any alien arising from the decision or action by the Attorney
11 General to commence proceedings, adjudicate cases, or execute removal orders.”

12 Here, Petitioner’s claims of unlawful detention necessarily arise from the
13 Department of Homeland Security’s² decision to commence removal proceedings
14 against him because that decision unavoidably triggers mandatory detention under 8
15 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. *See, e.g.,*
16 *Wang v. United States*, No. CV 10-0389 SVW (RCx), 2010 WL 11463156, at *6 (C.D.
17 Cal. Aug. 18, 2010) (finding section 1252(g) bars judicial review of false imprisonment
18 claim because the plaintiff’s detention arose from the decision to commence removal
19 proceedings, and in turn, the “statute mandating detention during removal proceedings
20 of a person charged as an ‘arriving alien.’”).

21 As explained by another district court, removal proceedings are commenced
22 when, as occurred here, “the alien is issued a Notice to Appear before an immigration
23 court.” *Herrera-Correra v. United States*, No. CV 08–2941 DSF (JCx), 2008 WL
24 11336833, at *3 (C.D. Cal. Sept. 11, 2008); *see also* Exhibit 2 (Notice to Appear). The
25 government “may arrest the alien against whom proceedings are commenced and detain
26

27 ² “In 2002, Congress transferred the Attorney General’s immigration enforcement
28 responsibilities to the Secretary of Homeland Security.” *Ibarra-Perez v. United States*,
154 F.4th 989, 995 n.2 (9th Cir. 2025).

1 that individual until the conclusion of those proceedings.” *Herrera-Correra*, 2008 WL
2 11336833, at *3. “Thus, an alien’s detention throughout this process arises from the
3 [government’s] decision to commence proceedings” and review of claims arising from
4 such detention is barred under section 1252(g). *Id.* (citing *Sissoko v. Rocha*, 509 F.3d
5 947, 949 (9th Cir. 2007)); *see also Wang*, 2010 WL 11463156, at *6.

6 Because this habeas petition brings a claim “arising from the decision or action
7 by the [government] to commence proceedings,” review of Petitioner’s claim is barred
8 under 8 U.S.C § 1252(g). Thus, the Court must dismiss the petition.

9 **B. Petitioner is Lawfully Detained Under the INA and the Constitution.**

10 Even if the Court assumed jurisdiction to review Petitioner’s claim, the Court
11 must deny his habeas petition because Petitioner’s detention is statutorily mandated
12 under 8 U.S.C. § 1225(b)(1)(B)(ii) and has not been unconstitutionally prolonged.

13 **1. Petitioner is mandatorily detained under 8 U.S.C. § 1225(b)(1).**

14 Petitioner is an arriving alien. *See* ECF No. 1 at 8 (admitting that Petitioner
15 “presented himself for inspection at the San Ysidro Point of Entry and applied for
16 admission”); Exhibit 1 at p. 2. As discussed above, arriving aliens are applicants for
17 admission who are subject to expedited removal proceedings, *see* 28 U.S.C.
18 § 1225(b)(1)(A)(i), unless—as occurred here—an asylum officer has determined that
19 they have a credible fear of persecution, *see* 28 U.S.C. § 1225(b)(1)(B)(ii). In such
20 cases, the INA mandates that “the alien *shall be detained* for further consideration of
21 the application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added); *see also*
22 *Matter of M-S*, 27 I. & N. Dec. 509, 519 (A.G. 2019) (“all aliens transferred from
23 expedited to full [removal] proceedings after establishing a credible fear are ineligible
24 for bond”). Because Petitioner is an arriving alien found to have a credible fear of
25 persecution and placed in full removal proceedings, his detention is mandated by
26 section 1225(b) until the conclusion of his removal proceedings. *See Jennings*, 583
27 U.S. at 302 (“§§ 1225(b)(1) and (b)(2) mandate detention of aliens throughout the
28 completion of applicable proceedings”).

1 Petitioner requests that the Court order him released from ICE custody. But the
2 Supreme Court has rejected such contention, explaining: “Read most naturally, §§
3 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain
4 proceedings have concluded. . . . Nothing in the statutory text imposes any limit on the
5 length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything
6 whatsoever about bond hearings.” *Jennings*, 583 U.S. at 297. Except for temporary
7 parole granted at the discretion of the Attorney General “for urgent humanitarian
8 reasons or significant public benefit” under 8 U.S.C. § 1182(d)(5), “there are no *other*
9 circumstances under which aliens detained under § 1225(b) may be released.” *Id.* at 300
10 (emphasis in original).

11 As Petitioner’s removal proceedings are pending, and he has not been granted
12 temporary parole, section 1225(b)(1)(B) mandates his detention until the proceedings
13 have concluded. *Jennings*, 583 U.S. at 297 (“Once those proceedings end, detention
14 under § 1225(b) must end as well.”). Because Petitioner is lawfully detained under
15 section 1225(b)(1)(B) and the statute does not entitle him to release at this time, his
16 petition must be denied. *See, e.g., Zelaya-Gonzalez v. Matuszewski*, No. 23-CV-151
17 JLS-KSC, 2023 WL 3103811, at *3 (S.D. Cal. April 25, 2023) (applying *Jennings* to
18 find that the petitioner had no right to release or a bond hearing).

19 **2. Petitioner’s detention is not unconstitutionally prolonged.**

20 In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C.
21 § 1225(b). The Supreme Court stated that, “[r]ead most naturally, [8 U.S.C.]
22 §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission until certain
23 proceedings have concluded.” *Id.* at 297. In other words, neither 8 U.S.C. § 1225(b)(1)
24 nor § 1225(b)(2) “impose[] any limit on the length of detention” and “neither
25 § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings.” *Id.* The
26 Supreme Court added that the sole means of release for noncitizens detained pursuant
27 to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary
28 parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300

1 (“That express exception to detention implies that there are no *other* circumstances
2 under which aliens detained under [8 U.S.C.] § 1225(b) may be released.”) (emphasis
3 in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens
4 throughout the completion of applicable proceedings[.]” *Id.* at 302.

5 In *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207–09 (1953), a
6 noncitizen in exclusion proceedings filed a habeas petition claiming that his prolonged
7 detention without a hearing violated his constitutional rights. The Supreme Court
8 rejected the petition, concluding that the noncitizen’s continued detention did not
9 deprive him of any due process rights, stating: “[A]n alien on the threshold of initial
10 entry stands on a different footing: ‘Whatever the procedure authorized by Congress
11 is, it is due process as far as an alien denied entry is concerned.’” *Id.* at 212 (citation
12 omitted).

13 In *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–40
14 (2020), the Supreme Court once again addressed the due process rights of individuals
15 like Petitioner—inadmissible arriving noncitizens seeking initial entry into the United
16 States. The Supreme Court stated that such individuals have no due process rights
17 “other than those afforded by statute.” *Id.* at 107; *see also id.* at 140 (“[A]n alien in
18 respondent’s position has only those rights regarding admission that Congress has
19 provided by statute.”). The Supreme Court noted that its determination was supported
20 by “more than a century of precedent.” *Id.* at 138 (citing *Nishimura Ekiu v. United*
21 *States*, 142 U.S. 651, 660 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537,
22 544 (1950); *Mezei*, 345 U.S. at 212; *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)).
23 Because the only process due Petitioner is that afforded under section 1225(b), the
24 Court must reject his claim that his detention violates the Fifth Amendment’s Due
25 Process Clause and deny his requested relief. *See Thuraissigiam*, 591 U.S. at 138–40;
26 *Mendoza-Linares*, 51 F.4th at 1167; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206
27 (9th Cir. 2022) (“The recognized liberty interests of U.S. citizens and aliens are not
28 coextensive: the Supreme Court has ‘firmly and repeatedly endorsed the proposition

1 that Congress may make rules as to aliens that would be unacceptable if applied to
2 citizens.”) (quoting *Demore v. Kim*, 538 U.S. 510, 522 (2003)); *Zelaya-Gonzalez*,
3 2023 WL 3103811, at *4 (“Binding Ninth Circuit and Supreme Court precedents are
4 clear that Petitioner lacks any rights beyond those conferred by statute, and no statute
5 entitles Petitioner to a bond hearing.”).

6 Since the Supreme Court’s decision in *Thuraissigiam*, numerous published
7 decisions have acknowledged *Thuraissigiam*’s impact on the precise Fifth Amendment
8 Due Process Clause that Petitioner raised in this petition: Does an alien detained under
9 8 U.S.C. § 1225(b)(1) have a due process right to release or a bond hearing after being
10 detained for a certain period of time? The answer is no. *See Mendoza-Linares v.*
11 *Garland*, No. 21-cv-1169-BEN (AHG), 2024 WL 3316306, *2 (S.D. Cal. June 10,
12 2024) (“[T]he Court finds that Petitioner has no Fifth Amendment right to a bond
13 hearing pending his removal proceedings.”); *Zelaya-Gonzalez*, 2023 WL 3103811. *3
14 (S.D. Cal. Apr. 25, 2023) (same); *Rodriguez Figueroa v. Garland*, 535 F. Supp. 3d
15 122, 126–27 (W.D.N.Y. 2021); *Gonzales Garcia v. Rosen*, 513 F. Supp. 3d 329, 336
16 (W.D.N.Y. 2021); *St. Charles v. Barr*, 514 F. Supp. 3d 570, 579 (W.D.N.Y. 2021);
17 *Petgrave v. Aleman*, 529 F. Supp. 3d 665, 667 (S.D. Tex. 2021).

18 Even if the Court infers a constitutional right against prolonged mandatory
19 detention, Petitioner’s claim still fails. “In general, as detention continues past a year,
20 courts become extremely wary of permitting continued custody absent a bond hearing.”
21 *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal.
22 April 20, 2023) (citation omitted); *see also Durand v. Allen*, No. 3:23-cv-00279-RBM-
23 BGS, 2024 WL 711607, at *5 (S.D. Cal. Feb. 21, 2024) (detained over two-and-a-half
24 years); *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL
25 139801, at *6 (S.D. Cal. Jan. 9, 2023) (three years); *Yagao v. Figueroa*,
26 No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at *2 (S.D. Cal. March 29, 2019) (two
27 years). Petitioner’s detention falls short of the length courts have found to raise due
28 process concerns.

1 In similar cases, courts in this district have applied the test in *Lopez v. Garland*,
2 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). See, e.g., *Sanchez-Rivera*, 2023 WL
3 139801, at *5 (“[W]hile the *Mathews [v. Eldridge]*, 424 U.S. 319 (1976) factors may
4 be well-suited to determining whether due process requires a second bond hearing, they
5 are not particularly dispositive of whether prolonged mandatory detention has become
6 unreasonable in a particular case.”); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-
7 BJC-JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and
8 finding “the three-factor balancing test from *Lopez* . . . provides an appropriate
9 assessment of the possible constitutional implications of Petitioner’s ongoing detention
10 without process.”).

11 Under *Lopez*, to determine whether continued mandatory detention has become
12 unreasonable, “the Court will look to the total length of detention to date, the likely
13 duration of future detention, and the delays in the removal proceedings caused by the
14 petitioner and the government.” 631 F. Supp. 3d at 879.

15 First, Petitioner has been detained for under one year. Courts in this district have
16 found detention for much longer periods to be unreasonably prolonged. See *Durand v.*
17 *Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at *5 (S.D. Cal. Feb. 21,
18 2024) (32 months); *Sibomana*, 2023 WL 3028093, at *4 (19 months); *Sanchez-Rivera*,
19 2023 WL 139801 at *6 (three years); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 773 (S.D.
20 Cal. 2020) (27 months); *Yagao*, 2019 WL 1429582, at *1 (42 months). The length of
21 detention “is the most important factor.” *Sanchez-Rivera*, 2023 WL 139801, at *6
22 (citation omitted). And Petitioner’s current detention does not fall within the range
23 those courts have found to be unreasonable. Moreover, the length of Petitioner’s
24 detention, by itself, does not favor granting habeas relief. See *Sadeqi v. LaRose*, No.
25 25-cv-2587-RSH-BJW, 2025 WL 3154520, at *3 (S.D. Cal. Nov. 12, 2025) (“The
26 Court agrees with Respondents that the length of Petitioner’s detention to date—almost
27 12 months—does not by itself, without more, establish prolonged detention in violation
28 of due process.”). Not only does the length of Petitioner’s detention fall comparatively

1 short of the length courts in this district have found to warrant habeas relief, but the
2 other *Lopez* factors do not favor habeas relief either.

3 Second, the likely duration of future detention weighs against Petitioner.
4 Petitioner’s individual merits hearing is scheduled for March 18, 2026 (*see* Exhibit 4)
5 at which point his path to release or removal should be clear.

6 Finally, there is no indication of any delay in the removal proceedings on the
7 part of the government.

8 Balancing the above factors, the record does not support a finding that “detention
9 has become so unreasonable as to require an initial bond hearing,” *Sanchez-Rivera*,
10 2023 WL 139801, at *6, or an order requiring Petitioner’s release. Thus, the Court
11 should reject Petitioner’s claim that his mandatory detention entitled him to be released
12 from ICE custody during the pendency of his removal proceedings.

13 **V. CONCLUSION**

14 For the reasons stated herein, Respondents respectfully request that the Court
15 dismiss this petition for lack of jurisdiction or deny it on the merits.

16
17 Dated: December 29, 2025

Respectfully submitted,


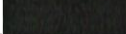
18
19 ADAM GORDON
United States Attorney

20 *s/ Michael Wallace*
21 MICHAEL D. WALLACE
Assistant United States Attorney

22 Attorneys for Respondents
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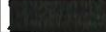

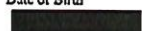




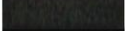
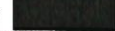


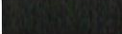
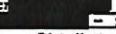
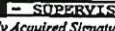
EXHIBIT

1

SIGMA Event: 
 Subject ID : 

U.S. Department of Homeland Security

Record of Deportable/Inadmissible Alien

Family Name (CAPS) ZAKINYAN, MANVEL		First	Middle	Sex	Hair	Eyes	Complex
Country of Citizenship ARMENIA	Passport Number and Country of Issue  ARMEN	File Number 					
U.S. Address IN DHS CUSTODY, SAN DIEGO, CALIFORNIA, UNITED STATES OF AMERICA							
Date, Place, Time, and Manner of Last Entry 01/13/2025, 2504 - SYS, 14:34, Afoot				Passenger Boarded at San Ysidro			
Number, Street, City, Province (State) and Country of Permanent Residence ARMENIA							
Date of Birth 	Age: 	Date of Action 01/14/2025	Location Code 2504 - SYS	Scars and Marks NONE INDICATED			
City, Province (State) and Country of Birth JORJIK, ARMENIA		AR <input type="checkbox"/>	Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	F.B.I. Number 			
NIV Issuing Post and NIV Number None		Social Security Account Name None		<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date Visa Issued None		Social Security Number None		Method of Location/Apprehension ISP			
Immigration Record NEGATIVE		Criminal Record None Known		At/Near SAN YSIDRO, CA Date/Hour 01/13/2025 1536			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) AKOPYAN, Tsaghik NATIONALITY: ARMENIA				Number and Nationality of Minor Children No Minor			
Father's Name, Nationality, and Address, if Known ZAKINYAN, JORGIK NATIONALITY: ARMENIA				Mother's Present and Maiden Names, Nationality, and Address, if Known MOKARYAN, Asia NATIONALITY: ARMENIA			
Monies Due/Property in U.S. Not in Immediate Possession See Narrative		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code Words(s) See Narrative			
Name and Address of (Last)(Current) U.S. Employer NONE		Typo of Employment NONE	Salary 0.0 USD	Employed from/to Hr 0/0/00 - 0/0/00			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS: 1374647558 Left Index Finger Right Index Finger							
Subject to Proclamation (SB)							
							
							
STATUS AT ENTRY							
Other Applicant for Admission							
CLAIMED DOCUMENTS ... (CONTINUED ON I-831)							
Digitally Acquired Signature 		SARKA,  CBP OFFICER		Digitally Acquired Signature 			
Alien has been advised of communication privileges 01/14/2025		(Date/Initials)		(Signature and Title of Immigration Officer)			
Distribution:				Received: (Subject and Documents) (Report of Interview) SARKA,  - CBP OFFICER			
				Officer: 			
				on: January 14, 2025 (time) <i>Digitally Acquired Signature</i>			
				Disposition: EXPEDITED REMOVAL-CREDIBLE FEAR (ERCF)			
				Examining Officer:  HICKS,  - SUPERVISORY CBP OFFICER			

Digitally Acquired Signature

U.S. Department of Homeland Security

Continuation Page for Form 1213

Alien's Name ZAKINYAN, MANVEL	File Number [REDACTED] SIGMA Event: [REDACTED] Event No: [REDACTED]	Date January 14, 2025
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Passport - [REDACTED]

RECORDS CHECKED

- ATS-P Neg
- TECS Neg
- NCIC Neg
- CIS Neg
- CLAIM Neg
- CCD Neg
- IAFIS Neg
- EARM Neg

SECTION CODES

Sec212(a)(7)(A)(i)(I)
8 USC 1182-ALIEN INADMISSIBILITY UNDER SEC 212(a)

CLAIMED PROPERTY

Personal Property BAGGAGE CHECK: [REDACTED]

Narrative:

On January 13, 2025, at approximately 14:34 hours, subject ZAKINYAN, Manvel (DOB: Dec 07, 1964; COC: Armenia), arrived at the San Ysidro Port of Entry, in San Ysidro, Ca. The subject did not have a scheduled CBP One appointment or documents sufficient for lawful entry into the United States. Subject arrived as a passenger in a vehicle in primary inspection lanes and was apprehended past the international boundary line in the United States. The subject does not have legal documentation to be in the United States and falls under the new processing proclamation for Securing the Border.

Routine system queries on the subject did not reveal any prior criminal history or immigration violations.

Subject was afforded the opportunity to make a consular notification but declined.

ZAKINYAN submitted a DNA sample on DNA Sample Collector number F4166070.

US Sponsor/POC information:

- Hakob Sapkisyan
- Sponsor
- [REDACTED]
- [REDACTED]

Credible Fear Statement: As per the Securing the Border Proclamation, the subject manifested a fear of return or expressed an intention to apply for asylum or related protection, express a fear of persecution or torture, or expresses a fear of return to his or her country... (CONTINUED ON NEXT PAGE)

Signature [REDACTED] SARKA, [REDACTED]	Title CBP OFFICER
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Digitally Acquired Signature

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name ZAKINYAN, MANVEL	File Number SIGMA Eve: Event No:	Date January 14, 2025
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or country of removal.

Sworn Statement: As per the Securing the Border Proclamation, no sworn statement was taken from the subject before they were returned to Mexico.

Terrorist Links: The subject was queried, and record checks were completed. No links to terrorism or gang affiliation could be established at the time of apprehension.

Health: Subject appeared to be in good health and did not identify any medical concerns during the interview.

Disposition: Subject was processed under the Suspension Period for Expedited Removal under the Presidential Proclamation, Securing the Border, on June 3, 2024. The subject is inadmissible pursuant to the Presidents authority to suspend entry of certain classes of noncitizens under section 212(f) of the Immigration and Nationality Act (INA), 8 USC 1182(f).

Subject was processed for an Expedited Removal pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act. Subject was provided a list of free legal services and a copy of the "Information About Credible Fear Interview Sheet." Subject was taken into DHS Custody pending credible fear interview before an asylum officer. The subject was processed during Suspension Period Operations under the Securing the Border Proclamation.

Signature [Redacted] SARKA, [Redacted]	Title CBP OFFICER
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Digitally Acquired Signature

3 of 3 Pages

EXHIBIT

2

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

Subject to Securing the Border (SB)

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: 

In the Matter of:

Respondent: MANVEL ZAKINYAN currently residing at:
OTAY MESA DETENTION CENTER, 7488 CALZADA DE LA FUENTE, SAN DIEGO CA, 921540000 619-661-4071
(Number, street, city, state and ZIP code) (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of Armenia and a citizen of ARMENIA;
3. You applied for admission at San Yasidro, CA on 2025-01-13;
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:


Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

7488 CALZADA DE LA FUENTE, SAN DIEGO, CA, 92154
(Complete Address of Immigration Court, including Room Number, if any)

on 02-18-25 at 1:00 pm to show why you should not be removed from the United States based on the
(Date) (Time)
charge(s) set forth above.

 Supervisory Asylum Officer
(Signature and Title of Issuing Officer)

Date: 02-05-25 Tustin, CA
(City and State)

EOIR - 1 of 31

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.
Allen Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is **ARMENIAN**

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 02-05-25, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the armenian language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

Eduardo Ceja DO

(Signature and Title of officer)

EOIR - 2 of 31

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EXHIBIT

3



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

Respondent Name:

ZAKINYAN, MANVEL

To:

Sale, Jaqueline
27321 English Ivy Ln
Canyon Country, CA 91387

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/02/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
Respondent is an arriving alien. The Court lacks jurisdiction. See also, Matter of M-S-, 27 I&N Dec. 509 (A.G. 2019).

- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:

- Other:



Immigration Judge: Grande, Guy 12/02/2025

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

Appeal Due:01/02/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : ZAKINYAN, MANVEL | A-Number :



Riders:

Date: 12/02/2025 By: GONZALEZ, EMELY, Court Staff

EXHIBIT

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

LEAD FILE: [REDACTED]
IN REMOVAL PROCEEDINGS
DATE: Dec 23, 2025
EAD Clock: 180 days elapsed

TO: Jaqueline M. Sale, Esq.
Sale, Jaqueline
27321 English Ivy Ln
Canyon Country, CA 91387

RE: [REDACTED] ZAKINYAN, MANVEL

Notice of In-Person Hearing

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

Date: Mar 18, 2026
Time: 1:00 P.M. PT
Court Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] Noncitizen | [] Noncitizen c/o Custodial Officer |
[E] Noncitizen ATT/REP | [E] DHS
DATE: 12/23/2025 BY: COURT STAFF RR
Attachments: [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码·即可在线阅读该通知·

ঠিকিস তুঁ অনলাইন পড়ন সফী হিস পনি 'উ বেড তুঁ সইন বরন সফী সমবতইন উ ঐমই সী বরই বই।

অনলাইনে নো-টিশি পড়ার জন্য এই পজেরে কোডটি স্ক্যান করতে স্মার্টফোনের ক্যামেরা ব্যবহার করুন

सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entèlijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

Чтобы прочитать уведомление онлайн, отсканируйте код на этой странице с помощью камеры вашего смартфона.

Utilisez l'appareil photo d'un téléphone intelligent pour scanner le code sur cette page afin de lire l'avis en ligne.

