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

12 ARMEN YERITSYAN,

13 Petitioner,

14 v.

15 CHRISTOPHER J. LAROSE, Warden,
Otay Mesa Detention Center *et al.*,

16 Respondents.
17

Case No.: 25-cv-03760-AGS-BLM

RESPONSE TO PETITION

18
19
20 **I. Introduction**

21 Petitioner has filed a habeas petition pursuant to 28 U.S.C. § 2241. For the
22 reasons set forth below, the Court should deny Petitioner's requests for relief and
23 dismiss the petition.

24 **II. Factual and Procedural Background¹**

25 Petitioner is a native and citizen of Armenia. *See* ECF No. 1 at ¶¶ 3, 14;
26 Declaration of Ramon Meraz (Meraz Decl.) at ¶ 3. On December 2, 2024, Petitioner
27

28 ¹ The attached exhibits are true copies, with redactions of private information, of documents obtained from ICE counsel.

1 applied for admission at a port of entry. Meraz Decl. at ¶ 3; *see* ECF No. 1 at ¶¶ 8, 15.
2 He did not then possess legal documentation to be in or enter the United States. Meraz
3 Decl. at ¶ 3. He was determined to be an arriving alien inadmissible under INA §
4 212(a)(7)(A)(i)(I), as an immigrant not in possession of a valid entry document at the
5 time of application for admission. *Id.* He was taken into custody and issued a Notice
6 and Order of Expedited Removal pursuant to INA § 235(b)(1). *Id.*

7 Petitioner was later provided with a credible fear interview. Meraz Decl. at ¶ 4.
8 On or about December 18, 2024, the asylum officer made a positive credible fear
9 finding. *Id.*

10 On December 23, 2024, Petitioner was issued a Notice to Appear charging
11 inadmissibility under INA § 212(a)(7)(A)(i)(I). *Id.* at ¶ 5. The filing of the Notice to
12 Appear commenced removal proceedings under INA § 240a. *Id.*

13 On August 19, 2025, an Immigration Judge (IJ) denied Petitioner's asylum
14 application and ordered Petitioner removed to Russia, and Armenia in the alternative,
15 but granted withholding of removal to Armenia under INA § 241(b)(3). Meraz Decl. ¶
16 6. The IJ did not grant withholding of removal to Russia. *Id.* Both Petitioner and DHS
17 waived appeal, and the decision became final on August 19, 2025. *Id.* Petitioner remains
18 detained under 8 U.S.C. § 1231(a). *Id.* at ¶ 7.

19 Since Petitioner was ordered removed, ERO has worked diligently to effectuate
20 his removal to Russia. Meraz Decl. ¶ 8. These removal efforts remain ongoing. *Id.*

21 Once ICE receives a travel document for Petitioner, his removal can be
22 effectuated promptly. *Id.* at ¶ 9.

23 **III. Argument**

24 **A. Petitioner's Claims and Requests are Barred by 8 U.S.C. § 1252**

25 Petitioner bears the burden of establishing that this Court has subject matter
26 jurisdiction over his claims. *See Ass'n of Am. Med. Coll. v. United States*, 217 F.3d 770,
27 778-79 (9th Cir. 2000); *Finley v. United States*, 490 U.S. 545, 547-48 (1989). To the
28 extent Petitioner's claims arise from—or seek to enjoin—the decision to execute his

1 removal order, they are jurisdictionally barred under 8 U.S.C. § 1252(g). *See* 8 U.S.C.
2 § 1252(g) (“Except as provided in this section and *notwithstanding any other provision*
3 *of law* (statutory or nonstatutory), *including section 2241 of Title 28, or any other*
4 *habeas corpus provision*, and sections 1361 and 1651 of such title, no court shall have
5 jurisdiction to hear any cause or claim by or on behalf of any alien arising from the
6 decision or action by the Attorney General to commence proceedings, adjudicate cases,
7 or *execute removal orders* against any alien under this chapter.”) (emphasis added);
8 *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999) (“There was
9 good reason for Congress to focus special attention upon, and make special provision
10 for, judicial review of the Attorney General’s discrete acts of “commenc[ing]
11 proceedings, adjudicat[ing] cases, [and] execut[ing] removal orders”—which represent
12 the initiation or prosecution of various stages in the deportation process.”). In other
13 words, § 1252(g) removes district court jurisdiction over “three discrete actions that the
14 Attorney may take: [his] ‘decision or action’ to ‘commence proceedings, adjudicate
15 cases, or execute removal orders.’” *Reno*, 525 U.S. at 482 (emphasis removed).
16 Petitioner’s claims necessarily arise “from the decision or action by the Attorney
17 General to . . . execute removal orders,” over which Congress has explicitly foreclosed
18 district court jurisdiction. 8 U.S.C. § 1252(g). Accordingly, to the extent Petitioner’s
19 claims arise from—or seek to enjoin—the decision to execute his removal order, the
20 Court should deny and dismiss those claims for lack of jurisdiction under 8 U.S.C.
21 § 1252.

22 **B. The Nature and Duration of Petitioner’s Custody Do Not Violate the Due**
23 **Process Clause**

24 Petitioner is properly detained under 8 U.S.C. § 1231. An alien ordered removed
25 must be detained for 90 days pending the government’s efforts to secure the alien’s
26 removal. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General “shall detain” the alien during
27 the 90-day removal period). The statute “limits an alien’s post-removal detention to a
28

1 period reasonably necessary to bring about the alien’s removal from the United States”
2 and does not permit “indefinite detention.” *Zadvydas v. Davis*, 533 U.S. 678, 689
3 (2001). The Supreme Court has held that a six-month period of post-removal detention
4 constitutes a “presumptively reasonable period of detention.” *Id.* at 683. Release is not
5 mandated after the expiration of the six-month period unless “there is no significant
6 likelihood of removal in the reasonably foreseeable future.” *Id.* at 701.

7 In *Zadvydas*, the Supreme Court held: “[T]he habeas court must ask whether the
8 detention in question exceeds a period reasonably necessary to secure removal. It should
9 measure reasonableness primarily in terms of the statute’s basic purpose, namely,
10 *assuring the alien’s presence at the moment of removal.*” *Id.* at 699 (emphasis added).
11 In so holding, the court recognized that detention is presumptively reasonable pending
12 efforts to obtain travel documents, because the noncitizen’s assistance is needed to
13 obtain the travel documents, and a noncitizen who is subject to an imminent, executable
14 warrant of removal becomes a significant flight risk, especially if he or she is aware that
15 it is imminent.

16 The court also held that the detention could exceed six months: “This 6-month
17 presumption, of course, does not mean that every alien not removed must be released
18 after six months. To the contrary, an alien may be held in confinement until it has been
19 determined that there is no significant likelihood of removal in the reasonably
20 foreseeable future.” *Id.* at 701. “After this 6-month period, once the alien provides good
21 reason to believe that there is no significant likelihood of removal in the reasonably
22 foreseeable future, the Government must respond with evidence sufficient to rebut that
23 showing and that the noncitizen has the initial burden of proving that removal is not
24 significantly likely.” *Id.* The Ninth Circuit has emphasized, “*Zadvydas* places the
25 burden on the alien to show, after a detention period of six months, that there is ‘good
26 reason to believe that there is no significant likelihood of removal in the reasonably
27
28

1 foreseeable future.” *Pelich v. INS*, 329 F. 3d 1057, 1059 (9th Cir. 2003) (quoting
2 *Zadvydas*, 533 U.S. at 701); *see also Xi v. INS*, 298 F.3d 832, 840 (9th Cir. 2003).

3 Petitioner’s case is premature as the six-month presumptively reasonable removal
4 period has not lapsed. *See Tumasov v. Doe 1*, No. 25-cv-2704-AGS-JLB, 2025 WL
5 3171897 (S.D. Cal. Nov. 13, 2025); *Khalilova v. Smith*, No. 25-CV-2140 JLS (DDL),
6 2025 WL 3089522, at *3 (S.D. Cal. Nov. 5, 2025) (finding habeas petition was unripe
7 for review where *Zadvydas* six-month period had not expired; dismissing petition
8 without prejudice); *Ali v. Barlow*, 446 F. Supp. 2d 604, 609–10 (E.D. Va. 2006) (same);
9 *Gonzales v. Naranjo*, No. EDCV 12–1392 DSF (FFM), 2012 WL 6111358, at *4–5
10 (C.D. Cal. Nov. 5, 2012) (same); *Waraich v. Ashcroft*, No. CVF051036RECSMSHC,
11 2005 WL 2671406, at *1 (E.D. Cal. Oct. 19, 2005) (same). *But see Trinh v. Homan*,
12 466 F. Supp. 3d 1077, 1093 (C.D. Cal. 2020) (“At no point did the *Zadvydas* Court
13 preclude a noncitizen from challenging their detention before the end of the
14 presumptively reasonable six-month period.”).

15 Even if the removal period had extended beyond six months, Petitioner cannot
16 show that there is no significant likelihood of removal in the reasonably foreseeable
17 future. *See Meraz Decl.* at ¶ 8. ICE is in the process of obtaining a travel document to
18 effectuate Petitioner’s removal to Russia, so it is premature for Petitioner to seek
19 administrative or judicial review of that process. On this record, Petitioner cannot
20 sustain his burden, and it would be premature to reach that conclusion before permitting
21 ICE an opportunity to complete its diligent efforts to effect Petitioner’s removal.

22 Additionally, Petitioner claims that the agency failed to comply with its
23 regulations regarding Petitioner’s detention. ECF No. 1 at ¶¶ 38-39. Even assuming the
24 agency’s compliance with the relevant regulations fell short, Petitioner has not
25 established prejudice. *See Cmty. Legal Servs. in E. Palo Alto v. United States Dep’t of*
26 *Health & Hum. Servs.*, 780 F. Supp. 3d 897, 921 (N.D. Cal. 2025) (To establish an APA
27 claim under the *Accardi* doctrine, Plaintiffs must show both that (1) the Government
28

1 violated its own regulations, and (2) Plaintiffs suffer substantial prejudice as a result of
2 that violation.”). As illustrated above because Respondents had, and continue to have,
3 an evidentiary basis to determine there is a significant likelihood that Petitioner will be
4 removed in the reasonably foreseeable future, any challenge that Petitioner would have
5 raised under the regulations would have failed. *See, e.g., United States v. Barraza-Leon,*
6 *575 F.2d 218, 221–22 (9th Cir. 1978)* (holding that even assuming that the judge had
7 violated the rule by failing to inquire into the alien’s background, any error was
8 harmless because there was no showing that the petitioner was qualified for relief from
9 deportation). Whatever procedural deficiencies or delays may have occurred, they do
10 not warrant Petitioner’s release. Petitioner does not challenge his removal order—nor
11 could he. With Petitioner’s removal likely to occur in the reasonably foreseeable future,
12 no purpose would be served by this Court’s ordering his release—other than frustrating
13 “the statute’s basic purpose, namely, assuring the alien’s presence at the moment of
14 removal.” *Zadvydas*, 533 U.S. at 699.

15 IV. CONCLUSION

16 For the foregoing reasons, Respondents respectfully request that the Court
17 dismiss the habeas petition.

18 DATED: January 6, 2026

19 Respectfully submitted,

20 ADAM GORDON
21 United States Attorney

22
23 *s/ Tom Merritt*
24 TOM MERRITT
25 Assistant United States Attorney
26 Attorney for Respondents
27
28

Exhibit A



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

Respondent Name:
YERITSYAN, ARMEN

To:
Gabriel Balayan, Esq.
620 N Brand Blvd
Suite 201
Glendale, CA 91203

A-Number:



Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
08/19/2025

ORDER OF THE IMMIGRATION JUDGE

- This is a summary of the oral decision entered on 08/19/2025. 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

See attached Standard Language Addendum for Asylum, Withholding, and Convention Against Torture, which is adopted and incorporated into this decision by reference.

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 ^{of 13} 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 Russia.
- In the alternative, Respondent was ordered removed to Armenia.
- 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:

Removal to Russia directed pursuant to Matter of B-R-, 26 I&N Dec. 119 (BIA 2013). CLP bar applies.



Immigration Judge: ROBINSON, EUGENE 08/19/2025

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

Appeal Due:

Certificate of Service

This document was served:

Via: Mail | Personal Service | Electronic Service | Address Unavailable

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

Respondent Name : YERITSYAN, ARMEN | A-Number : [REDACTED]

Riders:

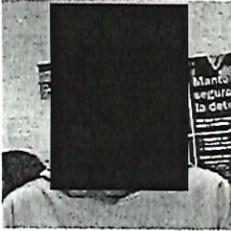
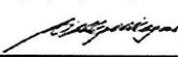
Date: 08/19/2025 By: MARQUEZ, CLAUDIA, Court Staff

Exhibit B

SIGMA Event: [REDACTED]
 Subject ID : [REDACTED]

U.S. Department of Homeland Security

Record of Deportable/Inadmissible Alien

Family Name (CAPS) YERITSYAN, ARMEN		First	Middle	Sex	Hair	Eyes	Complexion
Country of Citizenship ARMENIA		Passport Number and Country of Issue [REDACTED]		File Number [REDACTED]		Case No. [REDACTED]	
U.S. Address DHS CUSTODY, SAN DIEGO, CALIFORNIA, UNITED STATES OF AMERICA							
Date, Place, Time, and Manner of Last Entry 12/02/2024, 2504 - SYS, 02:04, IN A VEHICLE				Passenger Boarded at SAN YSIDRO			
Number, Street, City, Province (State) and Country of Permanent Residence [REDACTED]							
Date of Birth [REDACTED]		Age: 30		Date of Action 12/02/2024		Location Code 2504 - SYS	
City, Province (State) and Country of Birth RUSSIA		AR <input type="checkbox"/> Form: (Type and No.) Labeled <input type="checkbox"/> Not Labeled <input type="checkbox"/>		NONE			
NIV Issuing Post and NIV Number None		Social Security Account Name None					
Date Visa Issued None		Social Security Number None					
Immigration Record NEGATIVE				Criminal Record None Known			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) NONE						Number and Nationality of Minor Children 0	
Father's Name, Nationality, and Address, if Known [REDACTED]				Mother's Present and Maiden Names, Nationality, and Address, if Known [REDACTED]			
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 Word(s) See Narrative	
Name and Address of (Last) Current U.S. Employer NONE		Type of Employment NONE		Salary 0.0 USD		Employed from/to 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: [REDACTED] Left Index Finger Right Index Finger							
Subject to Proclamation (SB)							
  							
STATUS AT ENTRY							
----- Other Applicant for Admission							
ARRESTING AGENT ... (CONTINUED ON I-831)							
Digitally Acquired Signature 				Digitally Acquired Signature 			
Alien has been advised of communication privileges 12/02/2024				VILLEGAS, CAR10590 CBP OFFICER (Date/Initials) (Signature and Title of Immigration Officer)			
Distribution: A FILE SYS POE				Received: (Subject and Documents) (Report of Interview) VILLEGAS, CAR10590 - CBP OFFICER Officer:  on: December 2, 2024 (time) Digitally Acquired Signature Disposition: EXPEDITED REMOVAL-CREDIBLE FEAR (ERCF) Examining Officer:  HICKS, CA008689 - SUPERVISORY CBP OFFICER Digitally Acquired Signature			

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name YERITSYAN, ARMEN	File Number SIGMA Event: Event No:	Date December 3, 2024
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ALVAREZ, Emmanuel A CBP OFFICER

CLAIMED DOCUMENTS

Passport - [REDACTED]

RECORDS CHECKED

- 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: 19445472

Narrative:

On or about December 2, 2024, at approximately 0204, Armen YERITSYAN (DOB: [REDACTED]), applied for admission into the United States from Tijuana, Mexico via the San Ysidro Port of Entry Vehicle Primary Lane 14A as a passenger in a vehicle. The subject did not have a scheduled CBP One appointment or documents sufficient for lawful entry into 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.

Immigration Violation(s): None.

Criminal History/IDENT/IAFIS: Negative.

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

YERITSYAN voluntarily submitted DNA test batch [REDACTED] upon request.

US Sponsor/POC information:

[REDACTED]

... (CONTINUED ON NEXT PAGE)

Signature  VILLEGAS, CARLI0590	Title CBP OFFICER
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Digitally Acquired Signature

U.S. Department of Homeland Security

Continuation Page for Form 1213

Alien's Name YERITSYAN, ARMEN	File Number [REDACTED] SIGMA Event: [REDACTED] Event No: [REDACTED]	Date December 3, 2024
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Cellphone: [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 or country of removal.

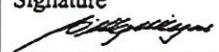
Sworn Statement: As per the Securing the Border Proclamation, no sworn statement was taken from the subject.

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: Armen YERITSYAN 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  VILLEGAS, CAR10590	Title CBP OFFICER
---	-----------------------------

Digitally Acquired Signature

Exhibit C

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: ARMEN YERITSYAN currently residing at:
OTAY MESA DETENTION CENTER, 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154 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 YSIDRO CA on 2024-12-02;
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.

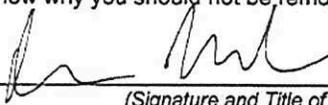
- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

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 01-06-25 at 8:00 AM 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: 12/23/2024 Tustin, CA
(City and State)

EOIR - 1 of 34

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.
Alien 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 12-24-24, in the following manner and in compliance with section 239(a)(1) of the Act.

- [X] in person [] by certified mail, returned receipt # requested [] by regular mail
[X] Attached is a credible fear worksheet.
[X] 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 34

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 (CARRIER), 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.

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

10 ARMEN YERITSYAN,

11
12 Petitioner,

Case No.: 25-cv-3760-AGS-BLM

**DECLARATION OF
RAMON MERAZ**

13 v.

14 CHRISTOPHER J. LAROSE, et al.,

15
16 Respondents.
17

18
19 I, Ramon Meraz, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of
20 perjury that the following statements are true and correct, to the best of my knowledge,
21 information, and belief:

22 1. I am a Deportation Officer (DO) with the U.S. Department of Homeland
23 Security (DHS), Immigration and Customs Enforcement (ICE), Enforcement and
24 Removal Operations (ERO), in the Otay Mesa suboffice of the San Diego Field Office.
25 I have been with ICE as a DO since September 20, 2015.

26 2. This declaration is based on my personal knowledge and experience as a
27 law enforcement officer and information provided to me in my official capacity as a
28

1 DO at the ICE ERO San Diego Field Office, as well as my review of government
2 databases and documentation relating to Petitioner Armen Yeritsyan.

3 3. Petitioner is a native and citizen of Armenia. On December 2, 2024,
4 Petitioner applied for admission to the United States at a port of entry. He did not then
5 possess legal documentation to be in or enter the United States. He was determined to
6 be an arriving alien inadmissible under INA § 212(a)(7)(A)(i)(I), as an immigrant not
7 in possession of a valid entry document at the time of application for admission. He was
8 taken into custody and issued a Notice and Order of Expedited Removal pursuant to
9 INA § 235(b)(1).

10 4. Petitioner was later provided with a credible fear interview. On or about
11 December 18, 2024, the asylum officer made a positive credible fear finding.

12 5. On December 23, 2024, Petitioner was issued a Notice to Appear charging
13 inadmissibility under INA § 212(a)(7)(A)(i)(I). The filing of the Notice to Appear
14 commenced removal proceedings under INA § 240a.

15 6. On August 19, 2025, an Immigration Judge (IJ) denied Petitioner's asylum
16 application and ordered Petitioner removed to Russia, and Armenia in the alternative,
17 but granted withholding of removal to Armenia under INA § 241(b)(3). The IJ did not
18 grant withholding of removal to Russia. Both Petitioner and DHS waived appeal, and
19 the decision became final on August 19, 2025.

20 7. Petitioner remains detained under 8 U.S.C. § 1231.

21 8. ICE is working diligently to effectuate his removal to Russia. These
22 removal efforts remain ongoing.

23 9. Once ICE receives a travel document for Petitioner, his removal can be
24 effectuated promptly.

25 I declare under penalty of perjury of the laws of the United States of America that
26 the foregoing is true and correct.

1 Executed this 6th day of January 2026.

2 **RAMON**
3 **MERAZ**

Digitally signed by
RAMON MERAZ
Date: 2026.01.06
15:38:49 -08'00'

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Ramon Meraz
5 Deportation Officer
6 San Diego Field Office
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