Artur Ashotovich Simonyan
Alien No. [redacted]
Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154

FILED
MAR 09 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ARTUR ASHOTOVICH SIMONYAN,

-Petitioner, *Pro Se*,

v.

THE UNITED STATES OF AMERICA,

Kristi NOEM, in her Official Capacity,
Secretary of the Department of Homeland Security

Pamela J. BONDI, in her Official Capacity,
Attorney General, Department of Justice,

Daniel A. BRIGHTMAN, in his Official Capacity,
Field Office Director, San Diego Filed Office,
U.S. Immigration and Customs Enforcement,
Enforcement and Removal Operations,

Todd LYONS, in his Official Capacity,
Acting Director, Immigration & Customs Enforcement,

Christopher J. LAROSE, in his Official Capacity,
Warden of Immigration Detention Facility,
Otay Mesa Detention Center;

-Respondents.

Case No. '26CV1564 DMS MMP

INS No. [redacted]

Custody Status: **DETAINED**

Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Request for Preliminary Injunction Relief

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 AND REQUEST FOR PRELIMINARY INJUNCTION RELIEF

COMES NOW ARTUR ASHOTOVICH SIMONYA, as the Petitioner, appearing *Pro Se*, and hereby respectfully petitions this Honorable Court for a Writ of Habeas Corpus. Alternatively, Petitioner seeks preliminary injunction relief ordering his immediate release from ICE custody.

The Petition of Artur Ashotovich Simonyan respectfully shows:

INTRODUCTION

1. Petitioner, Artur Ashotovich Simonyan, petitions this Court for a Writ of Habeas Corpus to remedy Petitioner's indefinite detention by Respondent's. Petitioner submits this Petition for a Writ of Habeas Corpus. Petitioner is challenging his continued detention by ICE, and not his removal order.
2. Petitioner is currently being physically detained under the full custody of the Department of Homeland Security, Immigration and Customs Enforcement ("DHS/ICE") at Otay Mesa Detention Center in San Diego, California.
3. As the Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), non-citizens cannot be detained indefinitely if the government is unable to carry out their removal. Instead, detention after a final order of removal is authorized only when removal is reasonably foreseeable. As a guide to courts, the Court in *Zadvydas* establishes a presumption that detention after a final order of removal was permissible for six months.
4. This Court should hold that detention after a final order may be unlawful even when six months have not passed, particularly if it is clear that the United States will not be able to affect a non-citizen's removal. But after that six-month period, once a non-citizen

provides "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." And the longer a non-citizen has been detained, the stronger the government's showing must be.

5. Petitioner is entitled to release under the framework of *Zadvydas* unless the government promptly demonstrates that there is a significant likelihood of removal in the reasonably foreseeable future.

6. Petitioner respectfully requests that the Court use its authority under 28 U.S.C. § 2243 to order the Respondents to file a return within three days, unless they can show good cause for additional time. *See* 28 U.S.C. § 2243 (stating that an order to show cause why a petition for a writ of habeas corpus should be denied is returnable "within three days unless for good cause additional time, not exceeding twenty days, is allowed").

7. In order to permit full judicial review of the claims herein and requested relief, Petitioner respectfully requests that the Court order Respondents not to transfer Petitioner outside the jurisdiction of this Court pending consideration of this Petition.

CUSTODY

8. Petitioner is in the physical custody of the Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained in the United States at Otay Mesa Detention Center, where ICE has contracted with "OMDC" to house immigration ICE detainees such as Petitioner. Petitioner is under the direct control of Respondent and their agents. Petitioner has been detained since December, 2025, to the present day.

PARTIES

9. Petitioner born in Azerbaijan was taken into ICE custody on or about December 30, 2025, and has remained in ICE custody continuously since that date. Petitioner was ordered

removed on February 1, 2012. Petitioner did not appeal from the removal order, thereby making the removal order final. Subsequently, Petitioner was released from custody.

10. Respondent, UNITED STATES OF AMERICA, issued pursuant to 5 U.S.C. § 703, in which the Administrative Procedures Act provides "[i]f no special statutory review proceeding is applicable, the action for judicial review may be brought against the United States, the agency by its official title, or the appropriate officer".

11. Respondent Kristi NOEM is sued in her official capacity as the Secretary of the Department of Homeland Security (herein after referred to as "DHS"). In her official capacity she has the responsibility for administration and enforcement of the immigration laws pursuant to section 402 of the Homeland Security Act of 2002, 107 Pub. L. 296, 116 Stat. 2135 (Nov. 25, 2002). *See Armentero v. INS*, 340 F.3d 1058 (9th Cir. 2003).

12. Respondent Pamela J. BONDI is sued in her official capacity as the Attorney General of the United States. She has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103, and Immigration and Nationality Act § 103. As the "INA" has not been amended to reflect the designation of the Secretary of the DHS as the administrator and enforcer of the immigration laws. Even more, Respondent Pamela J. BONDI is sued in her official capacity to the extent that 8 U.S.C. § 1102 gives her the authority to detain Petitioner. *See Armentero v. INS,* supra.

13. Respondent, Daniel A. BRIGHTMAN is the Field Office Director responsible for the San Diego Field Office of ICE Enforcement & Removal Operations, which has administrative jurisdiction over Petitioner's case. He is a legal custodian of Mr. Artur Ashotovich Simonyan and is named in his official capacity.

14. Respondent, Todd LYONS is Acting Director of ICE. As the head of ICE, an agency within the U.S. Department of Homeland Security that detains and removes certain

noncitizens, Respondent Todd LYONS is a legal custodian of Mr. Artur Ashotovich Simonyan. He is named in his official capacity.

15. Respondent, Christopher J. LAROSE, Warden of Otay Mesa Detention Center, where Petitioner is currently detained under the authority of ICE, alternatively Christopher J. Larose may be considered to be Petitioner's immediate custodian.

16. Respondents are the legal custodian of Petitioner and are named in their official capacity.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

17. Petitioner need not exhaust his administrative remedies. The statute in question, 8 U.S.C. § 1231(a)(6), has no exhaustion requirement. Exhaustion is required only when Congress specifically mandates it. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). In all other instances, "sound judicial discretion governs." *Id.* This Court should not require Petitioner to exhaust his administrative remedies.

18. Petitioner is challenging the constitutionality of the procedures by which ICE reviews the custody status of non-citizens who cannot be removed within six months, and whose removal is not significantly likely to occur in the reasonably foreseeable future. The administrative remedy is inadequate to address these constitutional grounds for recovery.

JURISDICTION

19. This District Court holds proper jurisdiction under the Suspension Clause, U.S. Const. art. I § 9, cl. 2. This action arises under the United States Constitution, the Immigration and Nationality Act of 1952, as amended (herein after referred to as "INA"), 8 U.S.C. § 1101 *et. seq.*, and the Administrative Procedures Act (herein after referred to as "APA"), 5 U.S.C. §§ 701 *et. seq.*

20. This Honorable U.S. District Court for the District of Nevada has proper Habeas Corpus jurisdiction pursuant to 28 U.S.C. §§ 2241 *et. seq.*; Article 1, Clause 2 of the United States

Constitution (herein referred to as "Suspension Clause"); and the Common Law. This Court may also exercise jurisdiction pursuant to 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, and/or treaties of the United States. This Court may grant relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq.*, 28 U.S.C. § 2241, 5. U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

21. Venue is proper with this Court pursuant to 28 U.S.C. § 1391(c) because the Respondents are employees or officers of the United States, acting in their official capacity, and an agency of the United States.

22. Venue is additionally proper in this U.S. District Court because Petitioner is detained in the District of Nevada, and pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973). Venue is proper in this District because this is the district in which Petitioner is confined. *See Doe v. Garland*, 109 F.4th 1188, 1197-99 (9th Cir. 2024).

STATEMENT OF FACTS

23. Petitioner, Artur Ashotovich Simonyan, has been married over 17-years and has children in the United States ("US").

24. On February 1, 2012 an Immigration Judge in Eloy, Arizona ordered Petitioner removed from the United States. Yet, DHS has not removed him from the US, but rather released him from ICE detention. Petitioner was released and placed under ICE supervision. There is no indication that Petitioner will be removed in the future. Petitioner always checked-in at the local ICE office. Regarding appeals, Petitioner did not appeal the removal order thus, making it a final order of removal on 02/01/2012.

25. To date, however, ICE has been unable to remove Petitioner to his home country, Azerbaijan, and there is no indication that ICE will execute removal in the reasonably foreseeable future. In addition, ICE has been unable to remove Petitioner to any other country.

26. Petitioner has cooperated fully with all of ICE's efforts to remove Petitioner from the United States. Petitioner has cooperated with ICE in the following ways: Petitioner has fully complied with ICE's directives and has taken several steps in contacting the Consulate and Embassy for Azerbaijan, but to no avail.

27. In this case, DHS has been unable to remove Petitioner from the United States. DHS is unlikely to remove Petitioner in the reasonably foreseeable future to Azerbaijan. No other country has accepted Petitioner. This case warrants preliminary injunction relief.

28. Regarding Petitioner's detention, he has been in ICE custody since December 30, 2025 and there is no clear indication that ICE will remove Petitioner.

29. More importantly, ICE is unable to carry out the removal order. Petitioner's assigned Consulate has not issued travel documents and there is no certainty as to when, if ever, such travel documents will be issues.

30. If released, Petitioner will reunite with his family. In particular, his wife and children are waiting for his release. Petitioner's family are struggling while he is detained.

31. When combined with the significant husband/father role, and the emotional toll of breaking up the family unit, the circumstances are sufficient to constitute hardship.

ARGUMENT

32. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA") §§ 101-507, 8 U.S.C. § 1101-1537, amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208,

110 Stat. 3009-1570.

33. Petitioner's custody is in violation of the Constitution, laws, and/or treaties of the United States. *See Zadvydas*, 566 U.S. 678. This Court may grant relief under 28 U.S.C. § 2241 (habeas corpus), 5 U.S.C. § 702 (establishing the right of review for a person suffering a legal wrong due to agency action), and 28 U.S.C. § 1651 (All Writs Act).

34. The Due Process clause applies to all persons in the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693. In *Zadvydas*, the Supreme Court emphasized, "[f]reedom from imprisonment–from government custody, detention, or other forms of physical restraint–lies at the heart of the liberty that [the Due Process] Clause protects." 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

35. That Court noted, "[a] statute permitting indefinite detention of an alien would raise a serious constitutional problem." *Id.*; *see also*, *Plyer v. Doe*, 457 U.S. 202, 210 (1982) ("Aliens, even aliens whose presence in this country is unlawful, have long been recognized as 'persons' guaranteed due process of law by the Fifth and Fourteenth Amendments.").

36. Under 8 U.S.C. § 1231(a)(2), non-citizens subject to final orders of removal "shall" be detained during the first 90 days–the "removal period"–and they "shall" be removed during that period under § 1231(a)(1).

37. Under 8 U.S.C. § 1231(a)(6), the government "may" continue detention beyond the 90-day removal period if a non-citizen falls within certain broad categories of removability or is determined "to be a risk to the community or unlikely to comply with the order of removal." 8 U.S.C. § 1231(a)(6).

38. In *Zadvydas*, the Supreme Court construed 8 U.S.C. § 1231(a)(6) to authorize detention

only where it is significantly likely that removal will occur in the reasonably foreseeable future, in order to avoid the serious due process concerns that would be presented by permitting detention for an indefinite period of time. *Zadvydas*, 533 U.S. at CITE.

39. After a non-citizen meets his or her initial burden to show that no such likelihood of removal exists, the burden shifts to the Government to "respond with evidence sufficient to rebut [the alien's] showing." *Id.* at 701.

40. Courts have rejected conclusory claims by ICE agents which claim, without submitting concrete factual information about scheduled flights or repatriation agreements, that removal is imminent. "[A] theoretical possibility of eventually being removed does not satisfy the government's burden once the removal period has expired and the petitioner establishes good reason to believe his removal is not significantly likely in the reasonably foreseeable future." *Balza v. Barr*, No. 6:20-CV-00866, 2020 WL 6143643, at *5 (W.D. La. Sept. 17, 2020) (internal quotation marks and citation omitted).

41. "[I]f [ICE] has no idea of when it might reasonably expect [Petitioner] to be repatriated, [a] Court certainly cannot conclude that [a] removal is likely to occur—or even that it might occur—in the reasonably foreseeable future." *Id.* at *5 (internal quotation marks and citation omitted). *See also*, *Gomez Barco v. Witte*, No 6:20-CV-00497, 2020 WL 7393786 (W.D. La. Dec. 16, 2020) (ordering release of a petitioner who was detained longer than six months because ICE had not been able to secure necessary travel documents, noting that the ICE officer "clearly has no factual basis for his 'belief' that there is no foreseeable impediment to Petitioner's removal or that her removal is imminent," and that there was no foundation for the "expectation" that the COVID-19 related travel restrictions in place would soon be lifted); *Balza v. Barr*, No. 6:20-CV-

00866, 2020 WL 6064881 (W.D. La. Oct. 14, 2020) (same).[1] In granting Ms. Balza's release, the court considered and rejected a conclusory declaration by a local ICE Assistant Field Officer that removal was imminent. *Id.* at *5.

42. In *Alexis v. Smith*, the petitioner, Mr. Alexis, had been in detention for almost a year and subject to a removal order for over a year. An ICE official testified to an informal agreement that permitted removals but acknowledged that there were far fewer removals to Haiti in the aftermath of the 2010 hurricane. The Haitian government had an issue with identity documents and it was unknown when that would be resolved. The magistrate did not credit ICE's vague statements that it was "endeavoring to rectify the issue" and concluded there was no end in sight for detention, and recommended release. The District Court Judge agreed and ordered released. ICE then released Mr. Alexis on an Order of Supervised Release and moved to get the judgment vacated on mootness, which it was.

43. However, this does not invalidate the reasoning and conclusions of the Magistrate Judge and District Court Judge on this subject, and this case is till informative and persuasive to the body of law on this subject. *Alexis v. Smith*, No. CIV.A. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011), report and recommendation adopted, No. CIV.A. 11-0309, 2011 WL 3954945 (W.D. La. Sept. 6, 2011), vacated, No. CV 11-00309 2011 WL 13386020

[1] Other district courts in the Fifth Circuit and elsewhere have similarly granted habeas relief when the noncitizen has shown that there is no significant likelihood of removal in the reasonably foreseeable future. *See, e.g., Carreno v. Gillis*, No. 5:20-cv-44-KS-MTP, 2020 WL 8366735 (S.D. Miss. Dec. 16, 2020) (granting habeas relief to petitioner detained for approximately sixteen months due to lack of diplomatic relations with Venezuela); *Ali v. Dep't of Homeland Sec.*, 451 F. Supp. 3d 703 (S.D. Tex. 2020) (granting habeas relief to petitioner initially detained for three years, released and detained again for four months when petitioner could not be removed due to travel restrictions to Pakistan); *Sharifi v. Gillis*, No. 5:20-cv-5-DCB-MTP, 2020 WL 7379211 (S.D. Miss. Oct. 9, 2020) (granting habeas relief to petitioner detained for seventeen months after Iranian officials failed to respond to a travel document request for more than seven months).

(W.D. La. Sept. 15, 2011).

44. Courts in the Louisiana District have—pursuant to *Zadvydas*—released individuals who have been detained for over six months. *See, e.g., Gomez Barco*, 2020 WL 7393786 (ordering release of an immigrant detainee who was a native and citizen of Venezuela who was detained longer than six months because ICE had not been able to secure necessary travel documents); *Balza*, 2020 WL 6143643, at *5 (ordering release of petitioner and noting that "[a]fter more than a year of detention, Petitioner's removal need not necessarily be imminent, but it cannot be speculative") (internal quotation marks omitted).

45. Under *Zadvydas*, courts have found that there is no significant likelihood of removal and granted relief where:

- No country will accept the petitioner. *See, e.g., Jabir v. Ashcroft*, No. 03-2480, 2004 WL 60318 (E.D. La. Jan. 8, 2004) (granting habeas relief to petitioner detained for more than fourteen months after numerous countries refused to repatriate the petitioner).[2]

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[2] *See also Hassoun v. Sessions*, No. 18-CV-586-FPG, 2019 WL 78984, at *4 (W.D. N.Y. Jan. 2, 2019) (ordering release of petitioner detained fourteen months after petitioner showed "that the countries with which he has any affiliation will not accept him"); *Yusupov v. Love*, No. 4:CV-06-1804, 2007 WL 5063231 (M.D. Pa. Jan. 12, 2007); *Abel-Muhti v. Ashcroft*, 314 F. Supp. 2d 418 (M.D. Pa. 2004) (ordering release of petitioner detained approximately two years after refusal of several countries to accept petitioner).

- The petitioner's country of origin refuses to issue a travel document. *See, e.g.*, *Alexis v. Smith*, No. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011) (granting habeas relief to petitioner detained for approximately one year due to the Haitian government rejecting the quality of identity documents provided); *Fermine v. Dir. of Immigr. & Customs Enf't*, No. 2:06-cv-1578, 2007 WL 2284606 (W.D. La. May 23, 2007) (granting habeas relief to petitioner detained for fifteen months due to Trinidad's refusal to issue travel documents); *Lijadu v. Gonzales*, No. 06-1208, 2006 WL 3933850 (W.D. La. Dec. 18, 2006) (granting habeas relief to petitioner detained nineteen months because Nigeria refused to issue travel documents due to petitioner's HIV status).[3]

- There is no removal agreement between the United States and a country. In these scenarios, courts have found that the lack of a formal agreement regarding repatriation, lack of diplomatic relationship, and lack of a functioning government support a finding that there is no significant likelihood of removal. *See, e.g.*, *Negusse v. Gonzales*, No. 06-1382, 2007 WL 708615 (W.D. La. Mar. 1, 2007) (granting habeas relief to petitioner detained for approximately one year because the United States did not have a repatriation agreement with Ethiopia and Ethiopia would not issue travel documents because one of petitioner's parents was not Ethiopian).[4]

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[3] *See also Ka v. Bureau of Immigr. & Customs Enf't*, No. B-07-197, 2008 WL 11462867, at *8 (S.D. Tex. June 24, 2008) (ordering release of petitioner detained twelve months after Senegal "refused to issue Ka a travel document because he d[id] not have proper identity documentation"); *Moreira v. Gonzales*, No. CIVA CV05-588 A, 2006 WL 3861972 (W.D. La. Nov. 2, 2006) (granting habeas relief to petitioner detained for three years because Cape Verde advised that it would not accept the petitioner for repatriation); *Khan v. Gonzales*, 481 F. Supp. 2d 638 (W.D. Tex. 2006).

[4] *See also Gomez Barco*, 2020 WL 7393786; *Islam v. Kane*, No. CV-11-515-PHX-PGR (LOA), 2011 WL 4374226, at *3 (D. Ariz. Aug. 30, 2011) (ordering release of petitioner detained ten months where petitioner presented evidence that Bangladesh "is one of fifteen countries identified by ICE as least likely to issue travel documents"); *Carreno*, 2020 WL 8366735; *Simoza Rangel v. Gillis*, No. 5:19-cv-118-DCB-MTP, 2020 WL 7223258 (S.D. Miss. Sept. 2, 2020) (granting habeas relief to petitioner detained for sixteen months due to a lack of diplomatic relations with Venezuela); *Abduelle v. Gonzales*, 422 F. Supp. 2d 774 (W.D. Tex. 2006) (concluding that the petitioner met the burden to show removal was not reasonably foreseeable after being detained for more than one year when an injunction restricted the government's ability to remove the petitioner to Somalia).

- There is no response from a country designated for removal or a significant delay in receiving a response. *See, e.g., Gonzalez-Rondon v. Gillis*, 5:19-cv-109-DCB-MTP, 2020 WL 3428983 (S.D. Miss. June 23, 2020) (granting habeas relief to petitioner detained thirteen months where there was no response from Venezuelan officials).[5]

- ICE fails to take action to secure travel documents for a prolonged period. *See, e.g., Senor*, 401 F. Supp. 3d at 430-31 (granting habeas relief after ICE initially requested travel documents but where "there [w]as no indication from the record that anyone ha[d] taken any further action in the eight months since that time . . . to facilitate Senor's receipt of the necessary travel documents").[6]

46. As the length of detention grows, the period of time that would be considered the "reasonably foreseeable future" shrinks. *See, e.g., Zadvydas,* 533 U.S. at 701 (stating that as the length of time in detention grows "what counts as the 'reasonably foreseeable future' conversely would have to shrink"); *Senor*, 401 F. Supp. 3d at 430 ("'[T]he passage of time combined with' the 'government [being] no closer to . . . repatriating [a detainee] than they were once they first took him into custody' [is] sufficient to meet that 'initial burden'."); *Lawrikow*, 2009 WL 2905549, at *12. Respondents have not removed Petitioner to Azerbaijan and no likelihood that his removal will occur in the future exists.

[5] *See also Sharifi*, 2020 WL 7379211; *Aung v. Barr*, No. 20-CV-681-LJV, 2020 WL 451465 (W.D. N.Y. Aug. 10, 2020); *Edwards v. Barr*, No. 4:20cv350-WS-MAF, 2020 WL 6747737 (N.D. Fla. Oct. 14, 2020); *Raul v. Barr*, No. 6:20-CV-06215 EAW, 2020 WL 3972319 (W.D. N.Y. July 14, 2020); *Rodriguez Del Rio v. Price*, No. EP-20-CV-00217-FM, 2020 WL 7680560 (W.D. Tex. Nov. 3, 2020); *Singh v. Whitaker*, 362 F. Supp. 3d 93 (W.D. N.Y. 2019); *Butt v. Holder*, No. CA 08-0672-CG-C, 2009 WL 1035354 (S.D. Ala. Mar. 19, 2009) (holding that petitioner met his initial burden where he was held in ICE custody for more than ten months after the issuance of his removal order with no indication from the Pakistan Embassy that travel documents would be issued); *Lawrikow v. Kollus*, No. CV-08-1403-PHX-GMS (LOA), 2009 WL 2905549 (D. Ariz. July 27, 2009); *Reid v. Crawford*, No. 06-02436-PHX-JWS (MEA), 2007 WL 1063413 (D. Ariz. Jan. 31, 2007); *Gui v. Ridge*, No. 3CV031965, 2004 WL 1920719 (M.D. Pa. Aug. 13, 2004); *Shefqet v. Ashcroft*, No. 02 C 7737, 2003 WL 1964290 (N.D. Ill. Apr. 28, 2003).

[6] *See also Chun Yat Ma v. Asher,* No. C11-1797 MJP, 2012 WL 1432229, at *4 (W.D. Wash. Apr. 25, 2012) (ordering petitioner's release where the government failed "to provide any documentation of efforts . . . to effectuate removal . . . [for] nearly six months").

47. Petitioner's indefinite detention is unlawful, and he is unlikely to be removed in the reasonably foreseeable future. Therefore, Petitioner's detention violates the statute and he is entitled to immediate release.

48. Petitioner's detention violates the Due Process Clause. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V. "Freedom from imprisonment–from government custody, detention, or other forms of physical restraint–lies at the heart of liberty" that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 690 (citing *Foucha v. Lousiana*, 504 U.S. 71, 80 (1992)).

49. Here, this Court should hold that civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. *Id.* Petitioner's prolonged civil detention, which is likely to continue indefinitely, is no longer reasonably related to the primary statutory purpose of ensuring imminent removal. Thus, Petitioner's detention violates Petitioner's right to due process.

50. To the extent ICE may argue that it can continue indefinitely detaining Petitioner on the grounds that he is "specially dangerous", ICE has not even attempted to comply with its own extensive procedures to obtain such a classification. *See* 8 C.F.R. § 241.14(f)-(g), (i). *See also*, *Sharifi v. Gillis*, No. 5:20-cv-5-DCB-MTP, 2020 WL 7379211 (S.D. Miss. Oct. 9, 2020) (granting habeas relief to petitioner detained for seventeen months after Iranian officials failed to respond to a travel document request for more than seven months).

51. Respondents have not removed Petitioner since 2012 and Respondents cannot provide a date where Petitioner would be removed in the foreseeable future.

52. This is a case where ICE has not obtained a certification of special dangerousness from the Commissioner, it has not ordered that Petitioner undergo a medical examination, and it has not initiated a reasonable cause proceeding in Immigration Court.

53. In fact, ICE's own regulations provide that without proving "special dangerousness" by clear and convincing evidence before an Immigration Judge, ICE does not have the ability to indefinitely detain an alien who has no significant likelihood of being removed within a six-month period.

54. In short, ICE has not followed its own rules, or the due process demanded by the United States Constitution and by *Zadvydas*. It follows that ICE's assertions that Petitioner can be indefinitely detained due to his criminal record should carry no weight whatsoever in this Court's determination.

55. Even with a request for travel documents from Azerbaijan or Consulate, the fact is that no travel documents have been issued to date. Because all of the Consulates have not issued travel documents, and there is no evidence when, if ever, travel documents will be issued, ICE has not satisfied its burden, therefore, Petitioner must be released. *See Shefqet v. Ashcroft*, No. 02 C 7737, 2003 WL 1964290, *5 (N.D. Ill. Apr. 28, 2003) (INS failed to carry burden of proof where no travel documents had been issued, Yugoslavian alien had been detained for 17 months, and INS had been able to remove other aliens to Yugoslavia during that period).

56. This is a case where no country has issued any travel documents and there is no clear indication as to when, if ever, such travel documents will be issued. Thus, Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future. *See*

Habtegaber v. Jenifer, 256 F. Supp. 692, 697-98 (E.D. Mich. 2003) (Ethiopian national ordered released after 7 months' detention where neither Ethiopia nor Eritrea responded to INS's request for travel documents); *Okwilagwe v. Immigration & Naturalization Service*, No. 3-01-CV-1416-BD, 2002 WL 356758, *3 (N.D. Tex. Mar. 1, 2002) (alien from Nigeria in custody for 11 months ordered released under Zadvydas because INS did not have travel documents in hand and there was no certainty as to when such documents might be issued); *see also*, *Lewis v. Immigration & Naturalization Service*, No. 00CV0758(SJ), 2002 WL 1150158, *4-5 (E.D. N.Y. May 7, 2002) (alien from Barbados provided "good reason" to believe removal not likely to occur in the reasonable foreseeable future where consulate had not responded to INS requests for travel documents and alien had been detained longer than six months).

57. Taken as a whole, Petitioner's indefinite detention violates the detention statute and is unconstitutional. Therefore, Petitioner respectfully requests that this Court order Respondents to show cause why the writ should not be granted "within three days unless for good cause additional time, not exceeding twenty days, is allowed," and set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243 and grant the Writ of Habeas Corpus ordering Respondents to immediately release Petitioner.

IN THE ALTERNATIVE, A PRELIMINARY INJUNCTION RELIEF IS WARRANTED TO PREVENT IRREPARABLE HARM

58. Petitioner respectfully requests that this Court issue a preliminary injunction ordering his immediate release from ICE custody or, in the alternative, a constitutionally adequate bond hearing. Injunctive relief is appropriate where the petitioner demonstrates: (1) a likelihood of success on the merits, (2) irreparable harm absent relief, (3) that the balance of equities tips in his favor, and (4) that the public interest supports relief. *Winter v. Nat.*

Res. Def. Council, 555 U.S. 7, 20 (2008); *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (a serious question going to the merits plus a balance of hardships that tips sharply toward the petitioner also supports injunctive relief).

A. Likelihood of Success on the Merits

59. Petitioner demonstrates a high likelihood of success. His prolonged detention violates the Fifth Amendment's Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (civil detention must bear a reasonable relation to its purpose and cannot be indefinite); *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011) (government bears the burden of proving danger or flight risk by clear and convincing evidence in prolonged detention cases); *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (requiring individualized bond determinations and consideration of ability to pay). Because DHS has failed to justify Petitioner's continued detention under the appropriate legal standard, success on the merits is likely. Again, DHS has also failed to remove Petitioner since February 1, 2012.

B. Irreparable Harm

60. Petitioner suffers ongoing irreparable harm every day that his liberty is restrained in violation of due process. Prolonged detention imposes significant psychological and physical hardship and impedes Petitioner's ability to meaningfully participate in his defense. The Ninth Circuit has recognized that "prolonged detention without adequate procedural protections would raise serious constitutional concerns." *Rodriguez v. Robbins*, 804 F.3d 1060, 1074 (9th Cir. 2015), *vacated on other grounds*, 138 S. Ct. 830 (2018). The deprivation of liberty is the quintessential form of irreparable harm.

C. Balance of Equities

61. The balance of equities strongly favors Petitioner's release. The government's interest in

ensuring attendance at removal proceedings can be met through less restrictive means, such as bond or supervision, particularly where Petitioner has taken steps of rehabilitation and no record of absconding. *See Valdez-Jimenez v. Eighth Judicial Dist. Ct.*, 460 P.3d 976, 992 (Nev. 2020) (holding that due process requires individualized findings before continued pretrial detention). Continued detention imposes significant hardship on Petitioner, while release under reasonable conditions poses no harm to the government.

D. Public Interest

62. The public interest is always served by upholding constitutional rights and preventing unlawful detention. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (recognizing that enforcement of constitutional rights is in the public interest). Prompt judicial intervention will preserve the integrity of removal proceedings and reinforce the rule of law. Public interests favor Petitioner's release as DHS has yet to deport him to Azerbaijan.

i. ICE's Custody Review Process Is Constitutionally Inadequate, Leaving Habeas Corpus as the Only Available Remedy

63. Cumulatively, Petitioner has remained under DHS custody for well-over the 90-day period and the 180-day period. Again, Petitioner was detained in 2011, 2012 and so forth, therefore the six-month mark expired years ago.

64. The upshot, ICE's post-order custody reviews at 90-days and 180-days are not meaningful substitutes for judicial review. These reviews are conducted entirely within the agency, lack transparent standards, provide no guaranteed opportunity to present evidence or rebut government assertions, and result in decisions that are unappealable. Such a process fails to meet the minimum requirements of due process. *See Rodriguez v. Robbins*, 804 F.3d 1060, 1074 (9th Cir. 2015), *vacated on other grounds*, 138 S. Ct. 830

(2018) (requiring individualized bond hearings with meaningful procedural protections for prolonged detention).

65. Even if Petitioner were to wait for the 180-day custody review, there is no assurance that ICE would provide a fair hearing or a reasoned decision, leaving Petitioner at risk of indefinite and unreviewable detention—a result the Supreme Court condemned in *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The lack of an effective administrative remedy underscores the need for this Court's intervention through habeas corpus. As the Supreme Court reaffirmed in *Boumediene v. Bush*, 553 U.S. 723, 745 (2008), the Great Writ is a critical safeguard against unlawful executive detention and ensures that no person is deprived of liberty without judicial review.

66. Because no other remedy exists to challenge DHS/ICE's arbitrary detention decisions, habeas corpus relief is proper and necessary to protect Petitioner's constitutional rights. This Court should therefore grant the writ and order Petitioner's immediate release.

ii. Respondents' Arbitrary Detention Decisions Are Unlawful and Deprive Petitioner of Due Process

67. DHS and ICE have acted in an arbitrary and capricious manner by cherry-picking arrests and selectively detaining noncitizens like Petitioner without a reasoned basis or individualized assessment. Administrative detention must be rationally related to its purpose—to secure attendance at proceedings or protect the public—and cannot be punitive or arbitrary. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (civil detention must bear a reasonable relation to its purpose); *Judulang v. Holder*, 565 U.S. 42, 53 (2011) (agency action must be based on a reasoned explanation and not arbitrary decision-making). DHS has failed to deport Petitioner since 2012 and thus warrants release.

68. This lack of procedural safeguards renders the review process constitutionally deficient.

The Ninth Circuit has consistently held that the government must provide individualized determinations and consider less restrictive alternatives to detention. *Rodriguez v. Robbins*, 804 F.3d 1060, 1082–83 (9th Cir. 2015) (requiring bond hearings and consideration of alternatives to detention), *vacated on other grounds*, 138 S. Ct. 830 (2018).

69. Even if Petitioner were to wait until the 180-day custody review, there is no guarantee that DHS/ICE would provide a fair opportunity to seek release. ICE's post-order custody reviews are entirely discretionary, lack transparent standards, and provide no mechanism for appeal if denied. This leaves Petitioner in a state of indefinite and unreviewable detention, a situation the Supreme Court condemned in *Zadvydas*, 533 U.S. at 690 (holding that indefinite detention raises serious constitutional concerns).

70. Because no other adequate remedy exists to challenge this unlawful detention—and because continued detention without judicial oversight would result in irreparable harm and injury—this Court's intervention through habeas corpus relief is not only proper but necessary. The writ of habeas corpus serves as a critical check on executive overreach and unlawful deprivation of liberty. *See Boumediene v. Bush*, 553 U.S. 723, 745 (2008) (habeas corpus is a fundamental safeguard against arbitrary detention).

71. Administrative agencies must exercise discretion based on a reasoned explanation and may not engage in arbitrary decision-making. *Judulang v. Holder*, 565 U.S. 42, 53 (2011). Civil immigration detention must bear a reasonable relation to its purpose—to ensure appearance at proceedings and protect the public—and cannot become punitive or indefinite. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Ninth Circuit has likewise emphasized that due process requires a neutral decision-maker and individualized determinations supported by clear and convincing evidence. *Singh v. Holder*, 638 F.3d

1196, 1203–04 (9th Cir. 2011); *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017). DHS's failure to provide a fair custody review or viable appeal rights leaves Petitioner in prolonged detention without meaningful process, warranting this Court's intervention and immediate release through the Great Writ of habeas corpus.

iii. Respondents' Cherry-Picking Detention Are Arbitrary, Capricious, and Violate Petitioner's Rights

72. ICE's decision to arrest Petitioner despite his full compliance with supervision requirements constitutes arbitrary and capricious enforcement action that violates both the Fifth Amendment's guarantee of due process and the Administrative Procedure Act's requirement of reasoned decision-making. *See Judulang v. Holder*, 565 U.S. 42, 53 (2011) (agency action must not be arbitrary or capricious but must rest on a reasoned explanation).

73. Petitioner has consistently complied with every directive imposed by ICE, including check-ins, reporting obligations, and cooperation with removal procedures.

74. Targeting him for arrest and detention under these circumstances amounts to impermissible **"cherry-picking"** enforcement—a practice where the agency singles out compliant individuals while taking no action against others, without articulating any rational basis for the disparate treatment.

75. Such selective enforcement is constitutionally suspect and undermines the integrity of the immigration system. The Supreme Court has emphasized that agency actions must be guided by intelligible principles and consistent application of law. *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016) (agency decisions must reflect reasoned analysis and avoid arbitrary departures from settled policy).

76. By arresting Petitioner despite knowing he cannot be deported to Azerbaijan, ICE's

conduct is not only futile but punitive, rendering the detention unlawful under *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (detention must be reasonably related to its purpose and cannot be indefinite where removal is not reasonably foreseeable).

77. Because ICE's arrest and detention decisions lack a rational connection to a legitimate governmental objective and instead reflect arbitrary "cherry-picking" enforcement, this Court should grant the writ of habeas corpus and order Petitioner's immediate release. Judicial intervention is necessary to prevent further constitutional injury and to ensure that agency discretion is exercised within lawful bounds.

78. Importantly, Petitioner's removal order became final in February 1, 2012, over fourteen years ago. Thus, the 90-day and 180-day removal period began to run back then. That removal period does not start anew simply because they re-detained him. The situation is the same as now as it was then—he cannot be removed to Azerbaijan.

79. Further, Respondents have presented no evidence that a third-country removal is even a remote possibility here.

80. Respondents are compelled to acknowledge that no third country designation has occurred or even that any country has indicated that it would be willing to accept him. *See Ndandu v. Noem*, No. 3:25-cv-02939-RBM-MSB, 2026 WL 25848 at *3-4 (S.D. Cal. Jan. 5, 2026).

81. At this point, deportation to a third country is simply not reasonably foreseeable. *See generally*, *Ndandu*, 2026 WL 25848 at *5 (explaining reasons why third-country removal is not reasonably foreseeable, particularly before a third country has been identified)

82. In fact, ICE officials decided back then that the 90-day and the 180-day removal period was not necessary. There is no justification for it to be somehow reinstated.

83. Accordingly, this Court should grant the writ and order Petitioner's immediate release.

CLAIMS FOR RELIEF

COUNT ONE

PETITIONER'S DETENTION IS IN VIOLATION OF DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTIONAL

84. This Court should order Petitioner's immediate release because DHS/ICE's arbitrary and capricious detention decisions violate the Fifth Amendment's guarantee of due process.

85. All persons, including non-citizens, residing in the United States are protected by the Due Process Clause of the Fifth Amendment to the United States Constitution. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Plyler v. Doe*, 457 U.S. 202, 210 (1982). The Due Process Clause of the Fifth Amendment provides that "[n]o person shall be … deprived of life, liberty, or property, without due process of law". *U.S. Const., amend. V.* "Freedom from imprisonment–from government custody, detention, or other forms of physical restraint–lies at the heart of liberty that Clause protects". *Zadvydas*, 533 U.S. at 690.

86. Detention by the Respondents puts at risk Petitioner's protected life and liberty interest. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of life and liberty "without due process of law". *See U.S. Const., amend. V.*

87. Indeed, not all criminal convictions conclusively establish that a non-citizen presents a danger to the community, even where the crimes are serious enough to render the alien removable. *Cf. Foucha*, 504 U.S. at 82-83, 112 S. Ct. 1780 (requiring a showing of dangerousness beyond that "of any convicted criminal" to justify civil detention of the criminally insane). Thus, denial of preliminary relief on the basis of criminal history alone is not warranted. *Id.* at 1206.

88. Also, Petitioner has a critical role in assisting his wife and children who are United States citizens. Petitioner provides both financial and practical support to his family and relies

on *United States v. Arrieta*, *supra*., to support this argument.

89. With the emotional and financial hardship to his family, significant parental role and the emotional toll of breaking up the family unit, *see Arrieta*, 22 F.3d at 1082; *Cerrillo-Perez v. INS*, 809 F.2d 1419, 1423 (9th Cir. 1987) custody release is warranted.

90. This Court should grant this Writ of Habeas Corpus and Petitioner should be ordered released from ICE custody as Petitioner's ongoing detention violates Due Process of Law, the United States Constitution and Common Law.

COUNT TWO

STATUTORY VIOLATIONS

91. Petitioner re-alleges and incorporates by reference paragraphs 1 through 90 above.

92. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*. Petitioner still has not been removed, and Petitioner continues to languish in detention. Petitioner's removal to his country of origin, which would be Azerbaijan, or any country is not significantly likely to occur in the foreseeable future. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone under such circumstances is unlawful.

COUNT THREE

SUBSTANTIVE DUE PROCESS VIOLATION

93. Petitioner re-alleges and incorporates by reference paragraphs 1 through 92 above.

94. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

95. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal,

that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to deported in the reasonably foreseeable future. *Zadvydas* recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. Since 2012, DHS has failed to provide a date for Petitioner's removal.

COUNT FOUR

PROCEDURAL DUE PROCESS VIOLATIONS

96. Petitioner re-alleges and incorporates by reference paragraphs 1 through 95.

97. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity. Petitioner respectfully notes that ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondent to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. Further, Respondents have failed to acknowledge or act upon the Petitioner's administrative request for release in a timely manner. There is not administrative mechanism in place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates *Zadvydas*.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

98. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. *Id.* at 702. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that its ruling in *Zadvydas* applies equally to inadmissible aliens. In fact, DHS' administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien's removal in

the reasonably foreseeable future. 8 C.F.R. § 241.13(b)(2)(ii). Yet, it is important to stress out that there is no clear indication that ICE will remove Petitioner in the reasonable foreseeable future nor can it provide such an indication. Thus, Petitioner warrants release.

99. Further, there is no response from a country designated for removal and this follows a significant delay in receiving a response. *See, e.g., Gonzalez-Rondon v. Gillis,* 5:19-cv-109-DCB-MTP, 2020 WL 3428983 (S.D. Miss. June 23, 2020) (granting habeas relief to petitioner detained thirteen months where there was no response from Venezuelan officials). Moreover, there is no indication from any Embassy or Consulate that travel documents would be issued for Petitioner. *Lawrikow v. Kollus,* No. CV-08-1403-PHX-GMS (LOA), 2009 WL 2905549 (D. Ariz. July 27, 2009).

100. Even if Petitioner's detention is authorized under Section 1231, 1225 or 1226, Petitioner's continued detention must comport with due process. Petitioner argues his prolonged detention violates his due process rights; he requests release. This Court should hold that Petitioner's continued detention has become unreasonably prolonged and the Constitution therefore does, at this time, require that Petitioner be released.

101. Accordingly, in granting preliminary injunction relief, this Court would not break new ground. Several courts have granted TROs or preliminary injunctions mandating release for post-final-removal-order immigrants like Petitioner. *See, e.g., J.R. v. Bostock,* 25-cv-01161-JNW, 2025 WL 1810210 (W.D. Wash. Jun. 30, 2025); *Vaskanyan v. Janecka*, 25-cv-01475-MRA-AS, 2025 WL 2014208 (C.D. Cal. Jun. 25, 2025); *Ortega v. Kaiser*, 25-cv-05259-JST, 2025 WL 1771438 (N.D. Cal. Jun. 26, 2025); *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at *7 (E.D. Cal. July 16, 2025); *Phan v. Beccerra*, No. 2:25-CV-01757-DC-JDP, 2025 WL 1993735, at *7 (E.D. Cal. July 16, 2025).

102. *See also, Garro Pinchi v. Noem*, __ F. Supp. 3d __, 2025 WL 2084921, at *7 (converting TRO requiring release of asylum seeker arrested at her immigration court hearing into preliminary injunction prohibiting the government from re- detaining her without a hearing); *Singh v. Andrews*, 2025 WL 1918679, *8-10 (E.D. Cal. July 11, 2025) (granting PI under similar circumstances); *Doe*, 2025 WL 691664, at *8 (granting TRO over one month after petitioner's initial detention); *see also, e.g., Diaz*, 2025 WL 1676854, at *3- *4: *Garcia v. Bondi*, No. 3:25-CV-05070, 2025 WL 1676855, at *3 (N.D. Cal. June 14, 2025); *Jorge* M. F., 2021 WL 783561, at *4; *Romero v. Kaiser*, No. 22-CV-02508-TSH, 2022 WL 1443250, at *4 (N.D. Cal. May 6, 2022); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

103. Assume jurisdiction over this matter;

104. Issue a declaration that Petitioner's ongoing detention violates the Due Process Clause of the Fifth Amendment and the Eighth Amendment;

105. Grant Petitioner a Writ of Habeas Corpus directing the Respondents to immediately release Petitioner from custody;

106. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;

107. This Court should grant a Writ of Habeas Corpus and order Petitioner's release within twenty ("20") days, unless the Respondents schedule a bond hearing before an immigration judge where the IJ holds proper jurisdiction and where: (1) to continue detention, DHS must establish by *clear and convincing* evidence that Petitioner presents a *flight risk* or *danger to the public,* even after consideration of alternatives to detention

that could mitigate any risk that Petitioner's release would present; and (2) if DHS cannot meet its burden, then the IJ should order Petitioner's custody release under a reasonable Bond taking into account Petitioner's ability to pay;

108. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law;

109. Grant any further relief as this Honorable U.S. District Court deems just and proper.

I, Artur Ashotovich Simonyan, hereby affirm under penalty of perjury and under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

DATED and executed on this 5th day of March, 2026.



Artur Ashotovich Simonyan

Alien No. [redacted]

Otay Mesa Detention Center

7488 Calzada de la Fuente

San Diego, CA 92154

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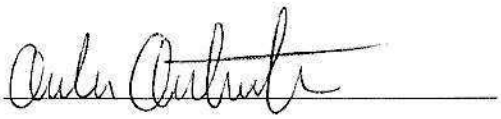
ACKNOWLEDGEMENT AND VERIFICATION

Under penalty of perjury, the undersigned declares that he is the named Petitioner in the foregoing petition. I have read the foregoing petition and its contents. The statements in the petition are true and correct to the best of my knowledge, except as to any statements alleged on information and belief, and as to those statements, I believe them to be true.

DATED this 5th day of March, 2026.

EXECUTED in San Diego, California.



Artur Ashotovich Simonyan

Alien No. [redacted]

Otay Mesa Detention Center

7488 Calzada de la Fuente

San Diego, CA 92154

MOTION AND DECLARATION UNDER PENALTY OF PERJURY IN SUPPORT OF MOTION TO PROCEED *IN FORMA PAUPERIS*

ARTUR ASHOTOVICH SIMONYAN
ALIEN No. [redacted]
PETITIONER, PRO SE
CUSTODY STATUS: DETAINED

Artur Ashotovich Simonyan
Alien No. [redacted]
Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ARTUR ASHOTOVICH SIMONYAN, -Petitioner, *Pro Se*, v. THE UNITED STATES OF AMERICA, Kristi NOEM, in her Official Capacity, Secretary of the Department of Homeland Security, Pamela J. BONDI, in her Official Capacity, Attorney General, Department of Justice, Daniel A. BRIGHTMAN, in his Official Capacity, Field Office Director, San Diego Field Office, U.S. Immigration and Customs Enforcement, Todd LYONS, in his Official Capacity, Acting Director, Immigration & Customs Enforcement, Christopher J. LAROSE, in his Official Capacity, Warden of Immigration Detention Facility, Otay Mesa Detention Center; -Respondents.	Case No.: INS.: [redacted] Custody Status: **DETAINED** **Motion and Declaration Under Penalty of Perjury In Support of Motion to Proceed *In Forma Pauperis***

MOTION AND DECLARATION UNDER PENALTY OF PERJURY IN SUPPORT OF MOTION TO PROCEED *IN FORMA PAUPERIS*

COMES NOW ARTUR ASHOTOVICH SIMONYAN, as the Petitioner in this present matter, appearing *Pro Se*, and hereby respectfully petitions this Honorable U.S. District Court for the Southern District of California to proceed *in forma pauperis*.

I, Mr. Artur Ashotovich Simonyan, declare and state that I am the Petitioner is this case. In support of this motion to proceed without being required to prepay fees, costs or give security under 28 U.S.C. § 1915, I state that because of my poverty and the underlying fact that I am physically detained in custody I am unable to pay the costs of said proceedings or to give security therefore, I believe that I am entitled to redress.

I declare under penalty of perjury that the responses made below are true and correct.

1. If you are presently employed, state the amount of your salary wage per month, and give the name and address of you last employer.
2. If you are NOT PRESENTLY EMPLOYED, state the date of last employment and amount of the salary per month which you received and how long the employment lasted.
3. Have you received, within the past twelve months, any money from any of the following sources?

A. Business, profession or form of self-employment?	Yes [ ]	No [X]
B. Rent payments, interest or dividends?	Yes [ ]	No [X]
C. Pensions, annuities or life insurance payments?	Yes [ ]	No [X]
D. Gifts or inheritances?	Yes [ ]	No [X]

If you answered yes to any of the questions above, describe each source of money and the amount received from each during the past twelve months.

I am detained.

4. Do you own any cash, or do you have money in checking or saving account, including any funds in prison accounts? Yes [ ] No [X]

If the is yes, state the total value owned. NONE.

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property or have cash in hand? Yes [ ] No [ ]

If the answer is yes, describe the property and state its approximate value NONE.

6. List the person(s) who are dependent upon you for support, state your relationship to that person(s), and indicate how much you contribute toward their support at the present time. NONE.

7. List any other debts (current obligations, indication amounts owed and to whom they are payable). NONE.

8. State any special financial circumstances that the Court should consider in this application.

I am detained. I have no job, no financial resources and no cash in hand.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Signed on this 5th day of March, 2026.

-Petitioner, *Pro Se*

Artur Ashotovich Simonyan

Alien No. [redacted]

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241 AND
REQUEST FOR PRELIMINARY INJUNCTION RELIEF

ARTUR ASHOTOVICH SIMONYAN
ALIEN No. [redacted]
PETITIONER, PRO SE
CUSTODY STATUS: DETAINED