

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
PHOENIX DIVISION**

Case No. _____ (to be assigned)

Shahen Baghdasaryan,

CV26-01979-PHX-SPL--ASB

Petitioner,

v.

Kristi Noem

Secretary of the United States Department of Homeland Security, in her official capacity

Todd M Lyons

Acting Director U.S. Immigration and Customs Enforcement, in his official capacity

John E Cantu

Field Office Director for ICE's Enforcement and Removal Operation's (ERO) Field Office, in his official capacity

Sirce E Owen

Acting Director of Executive Office for Immigration Review, in her official capacity

Fred Figueroa

Warden of the Eloy Detention Center, in his official capacity

Respondents.

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☐ RECEIVED	☐ COPY
MAR 23 2026	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241
(Immigration detention)

Petitioner Shahen Baghdasaryan respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and alleges as follows:

Personal Information

1. (a) Your full name: Shahen Baghdasaryan
(b) Other names you have used: None known / N/A
2. Place of confinement:
 - (a) Name of institution: Eloy Detention Center (Eloy Federal Contract Facility)
(CoreCivic)
 - (b) Address: 1705 E. Hanna Road, Eloy, AZ 85131
 - (c) Your identification number: A-Number: 

3. Are you currently being held on orders by:
- ☒ Federal authorities (ICE / DHS)
 - ☐ State authorities
 - ☐ Other — explain: _____
4. Are you currently:
- ☐ A pretrial detainee (waiting for trial on criminal charges)
 - ☐ Serving a sentence after a criminal conviction
 - ☒ Being held on an immigration charge
 - ☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
- ☐ How your sentence is being carried out
 - ☐ Pretrial detention
 - ☒ Immigration detention
 - ☐ Detainer
 - ☐ The validity of your conviction or sentence as imposed
 - ☐ Disciplinary proceedings
 - ☐ Other (explain): _____
6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court:
U.S. Department of Homeland Security / U.S. Immigration and Customs Enforcement (ICE) — continued detention in ICE custody; and
Executive Office for Immigration Review — Otay Mesa Immigration Court (bond request adjudication).
- (b) Docket number, case number, or opinion number: A-Number: 221-346-795. (BIA appeal number unknown yet)
- (c) Decision or action you are challenging: Petitioner challenges his prolonged civil immigration detention without any meaningful, individualized custody/bond hearing before a neutral decisionmaker where the government bears the burden to justify continued detention. Petitioner requested bond; the Immigration Judge found “no jurisdiction” and therefore did not provide a custody redetermination hearing. Petitioner remains detained.
- (d) Date of the decision or action: Bond “no jurisdiction” decision dated December 11, 2025; continued detention ongoing through the date of this Petition.

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

Otay Mesa Immigration Court (custody/bond request)

(2) Date of filing:

December 9, 2025

(3) Docket number, case number, or opinion number:

A-Number: 

(4) Result:

Immigration Judge found no jurisdiction (no bond redetermination hearing provided).

(5) Date of result:

December 11, 2025

(6) Issues raised:

Request for release on bond / custody redetermination.

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

If "No," explain why you did not file a second appeal:

The Immigration Judge found no jurisdiction to adjudicate bond. Further administrative review cannot provide the constitutional relief sought here (a due process-compliant custody hearing and/or release), and the immigration agency lacks authority to rule on the constitutionality of the INA and its detention scheme. Accordingly, further administrative exhaustion is futile.

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

If "No," explain why you did not file a third appeal:

See response to Question 8(b).

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as

imposed?

☐ Yes ☒ No

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody:

On or about November 22, 2024 (to be confirmed with ICE custody paperwork if available).

(b) Date of the removal or reinstatement order:

September 8, 2025 (Immigration Judge's order summary reflects removal order issued on that date).

(c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes ☐ No

If "Yes," provide:

(1) Date of filing: October 5, 2025

(2) Case number: Unknown yet (to be added once available)

(3) Result: Pending

(4) Date of result: N/A (pending)

(5) Issues raised: Appeal from denial of asylum/withholding/CAT and removal order (as reflected in the Immigration Judge's order summary).

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

Not, because BIA appeal is pending.)

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. State the facts supporting each ground. Do not cite cases or law here.

GROUND ONE: Fifth Amendment Due Process — prolonged civil detention without a meaningful individualized custody hearing.

(a) Supporting facts: I have been detained in ICE custody since on or about November 22, 2024. I remain detained today. I requested a bond/custody redetermination on December 9, 2025. On December 11, 2025, the Immigration Judge found “no jurisdiction” and did not provide a custody/bond hearing. My removal case remains on appeal to the Board of Immigration Appeals, and I remain detained without any individualized custody hearing where the government must justify detention.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes ☐ No

GROUND TWO: Fifth Amendment Due Process — detention has become unreasonably prolonged and punitive as applied.

(a) Supporting facts:

My detention has lasted more than fifteen months. Civil immigration detention is not punishment, but I have been confined for a prolonged period without the basic safeguard of a neutral custody hearing. I am seeking release or, at minimum, an order requiring a prompt hearing where the government must prove continued detention is necessary.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☒ No

“No.” I could not present this constitutional claim in a meaningful way through the immigration custody process because the Immigration Judge found no jurisdiction to provide a bond hearing and the immigration agency cannot decide constitutional questions.

GROUND THREE (optional, if you want a third ground): Statutory/Regulatory unlawfulness of continued detention without access to any bond process (as applied) and/or failure to provide constitutionally adequate process.

(a) Supporting facts:

I remain detained under a mandatory-detention interpretation that provides no avenue for a neutral custody hearing. This as-applied scheme results in prolonged detention without an individualized determination of danger or flight risk.

(b) Presented in all available appeals:

☐ Yes ☒ No

Same as Ground Two.

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: N/A

RELIEF

I ask the Court to (1) order Respondents to release me from custody; or, at minimum, (2) order Respondents to provide, within 7 days, an individualized custody hearing before a neutral decisionmaker where the government bears the burden to prove by clear and convincing evidence that continued detention is necessary because I am a danger or a flight risk, and where the decisionmaker considers conditions of release and ability to pay.

Verification (signature)

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

Executed on: March 12, 2026

Signature: S. B.

Shahen Baghdasaryan, Petitioner

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