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6 Attorneys for Petitioner,
Karen Ghazaryan
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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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12 KAREN GHAZARYAN,
13 Petitioner,
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15 v.
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17 CHRISTOPHER J. LAROSE, in his
official capacity as Warden, Otay Mesa
Detention Center;
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19 TAE D. JOHNSON,
Acting Director, U.S. Immigration and
20 Customs Enforcement;
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22 KRISTI NOEM, Secretary, U.S.
Department of Homeland Security;
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24 PAMELA JO BONDI, Attorney
General of the United States,
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26 Respondents.
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Case No.

CORRECTED VERIFIED
PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241

1 **I. INTRODUCTION**

2 1. Petitioner Karen Ghazaryan (he/his), through undersigned counsel,
3 respectfully submits this Petition for Writ of Habeas Corpus together with
4 Notice of Ex parte application and Ex parte application for temporary
5 restraining order challenging the constitutionality of his re-detention
6 without pre-deprivation process in violation of the Fifth Amendment.
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8 2. Specifically, Petitioner was re-detained on or about April 29, 2026, after
9 having been lawfully released into the United States, without notice, without
10 a warrant, and without any pre-deprivation hearing, in direct violation of
11 procedural due process.

12 3. Because Petitioner remains detained in violation of the Constitution and
13 continues to suffer irreparable harm, emergency relief is required.
14

15 **II. JURISDICTION AND VENUE**

16 4. This Court has jurisdiction pursuant to 28 U.S.C. §§ 2241 and 1331 and the
17 Fifth Amendment.

18 5. Federal courts retain jurisdiction to review immigration detention. *See*
19 *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).
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21 6. Venue is proper in the Central District of California because Petitioner is
22 detained at the Adelanto ICE Processing Center.

23 **III. PARTIES**

24 7. Petitioner Karen Ghazaryan is a noncitizen currently detained by ICE.

25 8. Respondents are federal officials responsible for immigration detention,
26 including the Warden of Otay Mesa Detention Center.
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1 **IV. FACTUAL BACKGROUND**

2 9. Petitioner lawfully entered the United States on March 19, 2022, through
3 the San Ysidro border.

4 10. Upon entry, he was taken into custody and subsequently released on parole,
5 and issued a valid Form I-94 authorizing his presence until March 18, 2023.
6 *See Exhibits – Respondent’s Notice to Appear and I-94 Arrival form.*

7 11. Following his release, Petitioner resided in the United States with his wife
8 and daughter and fully complied with all immigration requirements.

9 12. On April 29, 2026, ICE re-detained Petitioner during his regular work as
10 UBER driver.

11 13. Petitioner has no criminal history.

12 14. ICE provided no advance notice of detention.

13 15. ICE did not provide a warrant, explanation, or legal basis at the time of
14 arrest.

15 16. Most critically, ICE did not provide any pre-deprivation hearing before a
16 neutral decisionmaker.

17 17. Petitioner was thus deprived of his liberty without any procedural
18 safeguards whatsoever.

19 18. At the time of re-detention, Petitioner had already been living in the United
20 States pursuant to lawful parole for over four years.

21 19. ICE’s re-detention therefore constitutes a new and separate deprivation of
22 liberty, not a continuation of initial border custody.

1 **V. CLAIM FOR RELIEF**

2 **A. Procedural Due Process Violation**

- 3 20. Petitioner realleges all prior paragraphs.
- 4 21. The Due Process Clause applies to all persons within the United
- 5 States. *Zadvydas v. Davis*, 533 U.S. 678 (2001).
- 6 22. Due process requires notice and a meaningful opportunity to be heard before
- 7 deprivation of liberty.

8 **B. Re-Detention Without Pre-Deprivation Process**

- 9 23. The Ninth Circuit has consistently recognized that immigration detention
- 10 implicates fundamental liberty interests protected by the Fifth Amendment
- 11 and therefore requires meaningful procedural safeguards.
- 12 24. In *Hernandez v. Sessions*, the Ninth Circuit emphasized that “[i]t is beyond
- 13 dispute that freedom from imprisonment lies at the heart of the liberty
- 14 protected by the Due Process Clause.” *Id.* at 993. The court further
- 15 recognized that civil immigration detention without adequate procedural
- 16 protections creates a substantial risk of erroneous deprivation of liberty.
- 17 25. Similarly, in *Rodriguez v. Robbins*, the Ninth Circuit held that prolonged
- 18 immigration detention without adequate procedural safeguards raises
- 19 serious constitutional concerns under the Due Process Clause. The court
- 20 emphasized that civil detention must remain carefully limited and
- 21 accompanied by meaningful review procedures.
- 22 26. Petitioner’s case presents the same constitutional concerns identified by the
- 23 Ninth Circuit. After being lawfully released into the United States,
- 24 Petitioner was re-detained by ICE without any advance notice, without
- 25 explanation of the basis for detention, and without any opportunity to
- 26 contest the deprivation of liberty.
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1 27. At no point prior to re-detention was Petitioner afforded a hearing before a
2 neutral decisionmaker. Nor was Petitioner provided any meaningful
3 opportunity to challenge detention promptly after being taken into custody.
4 The complete absence of both pre-deprivation and meaningful post-
5 deprivation process renders the detention fundamentally defective. This lack
6 of process creates precisely the type of arbitrary and erroneous deprivation
7 of liberty that the Due Process Clause is designed to prevent. Without
8 procedural safeguards, there is no mechanism to ensure that detention
9 decisions are accurate, justified, or lawful.

10 28. The constitutional violation is particularly stark where, as here, the
11 government had already determined that Petitioner could safely remain at
12 liberty in the community. Having made that determination, the government
13 cannot summarily reverse course and deprive Petitioner of liberty again
14 without affording the procedural protections required by due process.

15 29. ICE's conduct, namely detaining Petitioner without warning, without
16 notice, and without any opportunity to be heard, falls well below the
17 minimum procedural standards required by the Fifth Amendment and
18 recognized by the Ninth Circuit.

19 30. Accordingly, Petitioner's re-detention constitutes an unlawful and
20 unconstitutional deprivation of liberty and provides a strong basis for habeas
21 relief.

22 **C. *Mathews v. Eldridge* Analysis**

23 31. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), due process is evaluated
24 under three factors.

25 32. First, Petitioner's private interest, his physical liberty is of the highest
26 constitutional magnitude.

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1 33. Second, the risk of erroneous deprivation is extremely high because no
2 process was provided.

3 34. Without notice or a hearing, there is no mechanism to prevent wrongful
4 detention.

5 35. Third, the government's interest in avoiding minimal procedural safeguards
6 is negligible.

7 36. Providing notice and a hearing imposes minimal administrative burden.

8 37. Balancing these factors demonstrates that due process required pre-
9 deprivation process.

10 38. ICE's failure to provide such process renders the detention unconstitutional.

11 **D. Independent Constitutional Violation**

12 39. Even apart from the *Mathews* test, the absence of any pre-deprivation
13 hearing independently violates due process.

14 40. The Constitution generally requires a hearing before deprivation of liberty.

15 41. ICE provided none.

16 42. Accordingly, Petitioner's detention is unconstitutional.

17 **VI. REQUEST FOR RELIEF**

18 43. WHEREFORE, Petitioner respectfully requests that this Court:

19 44. Grant the writ of habeas corpus and order Petitioner's immediate release;

20 45. Enjoin Respondents from re-detaining Petitioner without due process; and

21 46. Grant all further relief the Court deems just and proper.

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1 Dated: May 18, 2026

EMPERADOR LAW FIRM, P.C.

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By: /s/ Armine Antonyan
Armine Antonyan, Esq.
Attorney for Petitioner

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VERIFICATION

I, Armine Antonyan, declare under penalty of perjury that the foregoing petition is true and correct to the best of my knowledge.

Executed on May 18, 2026, at Glendale, CA.

/s/ Armine Antonyan

Attorney for Petitioner

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PROOF OF SERVICE

I, the undersigned, will cause the attached Petition for a Writ of Habeas Corpus to be emailed to the United States Attorney’s Office for the Southern District of California at USA.CASDcivil@usdoj.gov upon receipt of the court-stamped copy.

Executed on May 18, 2026, at Glendale, California.

/s/ Armine Antonyan

Armine Antonyan