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DETAINED

8 Attorneys for Petitioner **Rustam Khusikhanov**

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11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**



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15 **In the matter of:**

) **Case Number: 3:26-cv-03062-LL-SBC**

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17 **RUSTAM KHUSIKHANOV**

) **A-Number** 

18
19 **v.**

) **TRAVERSE**

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21 **CHRISTOPHER J. LAROSE,**
22 **WARDEN OF OTAY MESA**
23 **DETENTION CENTER**

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TRAVERSE

- 1 1. Respondents acknowledge that Petitioner is entitled to a bond hearing; however,
2 Petitioner is entitled to an immediate release, rather than a bond hearing.
- 3 2. Petitioner has a protected liberty interest in remaining out of custody *See, e.g.,*
4 *Pinchi*, 2025 WL 2084921, at *4 (“[Petitioner’s] release from ICE custody after
5 his initial apprehension reflected a determination by the government that he
6 was neither a flight risk or a danger to the community, and [Petitioner] has a
7 strong interest in remaining at liberty unless he no longer meets those criteria.”);
8 Noori, 2025 WL 2800149, at *10 (“Petitioner is not an “arriving” noncitizen but
9 one that has [been] present in our country over a year. This substantial amount
10 of time indicates he is afforded the Fifth Amendment’s guaranteed due process
11 before removal.”); *Matute v. Wofford*, No. 25-cv-1206-KES-SKO (HC), 2025
12 WL 2817795, at *5 (E.D. Cal. Oct. 3, 2025) (finding petitioner had a protected
13 liberty interest in his release).
- 14 3. Various district courts in California found constitutional limits to apply to
15 immigration detention, irrespective of the underlying detention authority. *Vikas*
16 *Kumar v. Christopher Larose, Warden, Otay Mesa Detention Center et al.*, 25-
17 *CV-3796 JLS (DDL)*; *Aigul Kazybayeva v. Warden, Otay Mesa Detention*
18 *Center 3:26-cv-00421-GPC-MMP*; *Dariya Karmamoldoyeva v. Warden, Otay*
19 *Mesa Detention Center 3:26-cv-00423-GPC-MSB*; *Dugar Dambaev v. Warden,*
20 *Imperial Detonation Center 26-cv-1182-JO-SBC*; *Roman T. v. Warden, Golden*
21 *State Annex Detention Facility 1:26-cv-02385-TLN-JDP*
- 22 4. Likewise, in *Liping Zhao V. Christopher J. Larose 26-cv-1285-JES-DDL-*
23 **(granting a writ of habeas corpus releasing petitioner from custody to the**
24 **conditions of his preexisting parole on due process grounds)**.
- 25 5. Furthermore, relief was granted in similar matter. *See Doe v. Becerra*, 787 F.
26 Supp. 3d 1083, 1089 (E.D. Cal. 2025); *Duong v. Kaiser*, --- F. Supp. 3d ---,
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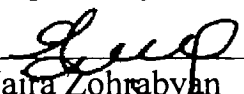


1 2025 WL 2689266, at *7–10 (N.D. Cal. 2025); *Pinchi*, 2025 WL 2084921, at
2 *5; *Gonzalez Salazar*, 2025 WL 3063629, at *6; *Abdul Kadir v. Larose*, Case
3 No.: 25cv1045-LL-MMP, 2025 WL 2932654, at *6 (S.D. Cal. Oct. 15, 2025);
4 *Matute v. Wofford*, No. 1:25-cv-01206-KES-SKO (HC), 2025 WL 2495767, at
5 *8 (E.D. Cal. Oct. 3, 2025).

- 6 6. ICE has violated Petitioner's due process rights by revoking Petitioner's
7 parole, without providing a reason for revocation or giving an opportunity being
8 heard.
- 9 7. As a remedy, this Court should conduct its own review of Petitioner's custody
10 or, at least, order ICE to review Petitioner's custody under the standard
11 articulated in ICE policy.
- 12 8. Therefore, because Respondents detained Petitioner by revoking his parole in
13 violation of the Due Process Clause, his detention is unlawful. *See, e.g., Alegria*
14 *Palma v. Larose et al.*, No. 25-cv-1942 BJC (MMP), slip op. at 14 (S.D. Cal.
15 Aug. 11, 2025) (granting a TRO based on a procedural due process challenge to
16 a revocation of release on recognizance without a pre-deprivation hearing);
17 *Navarro Sanchez*, 2025 WL 2770629, at *5 (granting a writ of habeas corpus
18 releasing petitioner from custody to the conditions of his preexisting order of
19 release on recognizance on due process grounds).
- 20 9. Petitioner's parole revocation without notification, reasoning, or an opportunity
21 to be heard, denied Petitioner of his due process rights. Therefore, his
22 continued detention violates 8 U.S.C. § 1231 (a)(6), and he must be
23 immediately released rather than afforded a bond hearing.

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25 DATED: May 28, 2026

Respectfully submitted

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28 Naira Zohrabyan
Attorney for Petitioner



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CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this **TRAVERSE**, using the CM/ECF system.

DATED: May 28, 2026

Respectfully submitted



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