

1 Naira Zohrabyan, Esq. [SBN 337925]
2 ZOHRABYAN LAW, APC
3 100 W. Broadway, Suite 540
4 Glendale, CA 91210
5 Tel: 818-270-5150
6 Fax: (747) 327-4059
7 Email: naira@zohrabyanlaw.com

DETAINED

Attorneys for Petitioner **Dzansir Gokoev**

12
13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**

16 **In the matter of:**

Case No. 26-cv-3375-DMS-AHG

17
18 **DZANSIR GOKOEV**

19
20 **v.**

**PETITIONER'S TRAVERSE TO
RESPONDENT'S RETURN TO
PETITIONER'S AMENDED PETITION
FOR WRIT OF HABEAS CORPUS**

21 **SIXTO MARRERO, WARDEN OF**
22 **IMPERIAL REGIONAL ADULT**
23 **DETENTION FACILITY**

24
25
26
27
28
**PETITIONER'S TRAVERSE TO RESPONDENT'S RETURN TO PETITIONER'S
AMENDED PETITION FOR WRIT OF HABEAS CORPUS**



STATEMENT OF FACTS

1. Petitioner is a citizen of Russia. He entered the United States on or about October 3, 2022, through Miami, Florida, pursuant to parole authorization valid until October 22, 2023. See Docket No. 1, Exhibit "A."
2. On or about December 16, 2023, Petitioner timely filed the I-589 Application for Asylum and Withholding of Removal. See Docket No. 1, Exhibit "B."
3. Petitioner appeared before the Immigration Court for a Master Calendar Hearing in April 2024.
4. During the hearing, the Immigration Judge informed Petitioner that the Individual Hearing would likely be scheduled approximately one and a half years later.
5. On or about January 26, 2025, Petitioner filed change of address A-11 form with the USCIS. Respondent's previous address was 1771 NE 175th Street, N Miami Beach and the new address was 848 Oxford Place Wheeling, Illinois.
6. After the Master Calendar Hearing, Petitioner never received any subsequent Notice of Hearing from the Immigration Court regarding the date and time of the Individual Hearing.
7. On or about April 29, 2025, as a result of Petitioner's failure to appear at a hearing for which he never received notice, the Court entered an in-absentia removal order. See Docket No. 1, Exhibit "C."
8. The Petitioner remained unaware of this decision until January 2026.
9. On January 17, 2026, the Petitioner was detained by Immigration and Customs Enforcement near Exit 68 on Interstate 77 in Virginia. It was at that time that Petitioner first became aware that a Hearing had been scheduled and that an in-absentia removal order had been entered against him.

PETITIONER'S TRAVERSE TO RESPONDENT'S RETURN TO PETITIONER'S
AMENDED PETITION FOR WRIT OF HABEAS CORPUS

1 10. Petitioner filed a Petition for Writ of Habeas Corpus pro per with the Southern
2 District of California under the case number 3:26-cv-02127, which was denied
3 on June 1, 2026.

4 11. Petitioner has more than three and a half (3.5) years of residence in the United
5 States.

6 12. Petitioner has exercised due diligence to avoid any omissions and to properly
7 manage his immigration case. He has consistently appeared for all ICE check-
8 ins and maintained valid employment authorization.

9 13. On or about May 26, 2026, Petitioner filed a motion to reopen with the
10 Immigration Court.

11 14. Petitioner's Motion to Reopen was denied. Petitioner appealed this decision. A
12 true and correct copy of receipt for appeal is attached herein as an **Exhibit "A."**

13 **PETITIONER PLEADED SUFFICIENT INFORMATION**

14 15. Contrary to Respondents' assertions, the Petition pleaded more than enough facts
15 to place the legality of Petitioner's custody squarely before this Court. A habeas
16 petition need only identify the custody being challenged, state the grounds for
17 relief, set forth the facts supporting those grounds, and request relief. Petitioner
18 did exactly that: he alleged that he is in federal immigration custody at the
19 Imperial Regional Detention Facility; that his parole was revoked and he was
20 detained without advance notice, an explanation, or an opportunity to be heard;
21 that the detention followed an in absentia removal order entered after he did not
22 receive notice of the underlying hearing; and that his continued confinement
23 violates the Due Process Clause and federal detention law.

24 16. The Petition therefore challenged both the legal authority for Petitioner's
25 detention and the procedures by which Respondents deprived him of liberty. The
26
27
28



1 pleaded facts identify the concrete custody at issue, the government action that
2 made the custody unlawful, and the requested remedy.

3 17. Respondents' contention that the Petition was conclusory ignores the detailed
4 factual allegations already pleaded, including Petitioner's timely asylum filing,
5 his compliance with ICE check-ins and biometrics, his lack of criminal history,
6 his valid work authorization, his change of address filing, his lack of notice of the
7 immigration hearing, the resulting in absentia order, and his approximately seven
8 months of detention without a meaningful custody hearing.

9 18. Those allegations are sufficient at the pleading stage. Petitioner was not required
10 to prove the merits of his due process claim in the Petition itself; he was required
11 to allege facts showing that he is in custody and that the custody is unlawful under
12 the Constitution or laws of the United States. The Petition satisfied that
13 requirement by alleging that Respondents continued to detain him after revoking
14 his parole without individualized process and without evidence of materially
15 changed circumstances showing that he had become a danger or flight risk.
16 Because the Petition pleaded a specific deprivation of liberty, a specific
17 procedural defect, and a specific basis for relief, dismissal on pleading
18 sufficiency grounds is unwarranted.

19 19. Petitioner is currently detained at the Imperial Regional Detention Facility, CA.
20 He has not been given an opportunity to be heard.

21 20. Petitioner has no criminal history. He possesses a valid Social Security number
22 and has been authorized to work in the United States.

23 21. Petitioner has consistently appeared for all scheduled ICE check-ins and
24 biometric appointments, thereby demonstrating his intent to comply with all
25 court orders and the conditions of his release, with the exception of the above-
26 referenced incident, which resulted from his lack of notice.
27
28



1 22. Petitioner has remained in immigration detention for approximately seven (7)
2 months as of the date of this filing.

3 23. During this detention, Petitioner has suffered significant physical and mental
4 health deterioration. His continued confinement has caused and continues to
5 cause serious harm.

6 **PETITIONER HAS THE RIGHT TO CHALLENGE THE LEGALITY**
7 **OF HIS DETENTION**

8 24. Petitioner has due process rights to challenge their detention. *Zadvydas v. Davis*,
9 533 U.S. 678, 693, 695 (2001) (while noncitizens outside the United States’
10 “geographic borders” lack constitutional protections, all “persons” within them
11 are protected by the Due Process Clause, regardless of immigration status);
12 *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1205-06 (9th Cir. 2022) (though
13 constitutional rights of citizens and noncitizens “are not coextensive,”
14 noncitizens are entitled to due process, including to challenge detention pending
15 proceedings).

16 25. As the Ninth Circuit held, the Due Process Clause applies to noncitizens
17 regardless of whether they are “seeking admission” or are “admitted” under
18 immigration law. *Wong v. United States*, 373 F.3d 952, 973 (9th Cir. 2004),
19 abrogated on other grounds by *Wilkie v. Robbins*, 551 U.S. 537 (2007); see also
20 *Padilla v. U.S. Immigr. & Customs Enft*, 704 F. Supp. 3d 1163, 1171 (W.D.
21 Wash. 2023). The Due Process Clause allows Petitioner to challenge his
22 detention.

23
24 26. Petitioner challenges his deprivation of liberty and detention, not the adequacy
25 of the procedures the immigration laws afford his “with respect to admission.
26 Petitioner solely challenging his detention, revocation of parole and Removal
27 order without proper notice, and he is not bringing a constitutional claim with
28 respect to the procedures governing his legal admission into the United States.



1 27. To the extent Respondent takes the extraordinary position that Petitioner has no
2 due process rights at all, that is unsupported by law and would have gruesome
3 practical consequences: “If excludable [noncitizens] were not protected by even
4 the substantive component of constitutional due process, ... we do not see why
5 the United States government could not torture or summarily execute them. ...
6 [W]e conclude that government treatment of excludable [noncitizens] must
7 implicate the Due Process Clause of the Fifth Amendment.”. *Rosales-Garcia v.*
8 *Holland*, 322 F.3d 386, 412 (6th Cir. 2003) (en banc); see also *Jean v. Nelson*,
9 472 U.S. 846, 874 (1985) (Marshall, J., dissenting) (“[T]he principle that
10 unadmitted [noncitizens] has no constitutionally protected rights defies
11 rationality. Under this view, the Attorney General, for example, could invoke
12 legitimate immigration goals to justify a decision to stop feeding all detained
13 [noncitizens] Surely, we would not condone mass starvation.”). Thus, there
14 is no question that Petitioner has the right to challenge the constitutionality of his
15 prolonged detention under the Due Process Clause of the Fifth Amendment of
16 the Constitution.

17
18 28. The relief Petitioner is entitled to is not limited to a bond hearing; Petitioner has
19 a protected liberty interest in remaining out of custody *See, e.g., Pinchi*, 2025 WL
20 2084921, at *4 (“[Petitioner’s] release from ICE custody after his initial
21 apprehension reflected a determination by the government that he was neither a
22 flight risk or a danger to the community, and [Petitioner] has a strong interest in
23 remaining at liberty unless he no longer meets those criteria.”); *Noori*, 2025 WL
24 2800149, at *10 (“Petitioner is not an “arriving” noncitizen but one that has
25 [been] present in our country over a year. This substantial amount of time
26 indicates he is afforded the Fifth Amendment’s guaranteed due process before
27 removal.”); *Matute v. Wofford*, No. 25-cv-1206-KES-SKO (HC), 2025 WL
28



1 2817795, at *5 (E.D. Cal. Oct. 3, 2025) (finding petitioner had a protected liberty
2 interest in his release).

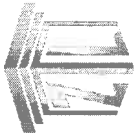
3 29. This Court accordingly found constitutional limits to apply to immigration
4 detention, irrespective of the underlying detention authority. See, e.g.,
5 Karakhanyan v. Warden of Otay Mesa Detention Center-3:25-cv-03454-JO-
6 MMP; Romik Parunakyan v. Warden of Otay Mesa Detention Center 25-cv-
7 3739-LL-MSB; L.S. v. Warden of Otay Mesa Detention Center; M.F. v. Warden
8 of Otay Mesa Detention Center 3:25-cv-3599-CAB-MSB, Vikas Kumar v.
9 Christopher Larose, Warden, Otay Mesa Detention Center et al., 25-CV-3796
10 JLS (DDL); Aigul Kazybayeva v. Warden, Otay Mesa Detention Center 3:26-cv-
11 00421-GPC-MMP; Dariya Karmamoldoyeva v. Warden, Otay Mesa Detention
12 Center 3:26-cv-00423-GPC-MSB; Dugar Dambaev v. Warden, Imperial
13 Detonation Center 26-cv-1182-JO-SBC; Roman T. v. Warden, Golden State
14 Annex Detention Facility 1:26-cv-02385-TLN-JDP

15 30. Likewise, in Liping Zhao V. Christopher J. Larose 26-cv-1285-JES-DDL-
16 (granting a writ of habeas corpus releasing petitioner from custody to the
17 conditions of his preexisting release on recognizance on due process
18 grounds).

19 31. Furthermore, relief was granted in similar matter. See *Doe v. Becerra*, 787 F.
20 Supp. 3d 1083, 1089 (E.D. Cal. 2025); *Duong v. Kaiser*, --- F. Supp. 3d ---, 2025
21 WL 2689266, at *7–10 (N.D. Cal. 2025); *Pinchi*, 2025 WL 2084921, at *5;
22 *Gonzalez Salazar*, 2025 WL 3063629, at *6; *Abdul Kadir v. Larose*, Case No.:
23 25cv1045-LL-MMP, 2025 WL 2932654, at *6 (S.D. Cal. Oct. 15, 2025); *Matute*
24 *v. Wofford*, No. 1:25-cv-01206-KES-SKO (HC), 2025 WL 2495767, at *8 (E.D.
25 Cal. Oct. 3, 2025).

26 32. ICE has violated Petitioner's due process rights by revoking Petitioner's parole,
27
28

PETITIONER'S TRAVERSE TO RESPONDENT'S RETURN TO PETITIONER'S
AMENDED PETITION FOR WRIT OF HABEAS CORPUS



1 without providing a reason for revocation or giving an opportunity being heard.
2 33. Immigration Judge issued an in-absentia removal order because the Petitioner
3 was unaware of the hearing, as he did not receive any notice of the hearing,
4 through no fault of his own.

5 34. As a remedy, this Court should conduct its own review of Petitioner's custody
6 or, at least, order ICE to review Petitioner's custody under the standard
7 articulated in ICE policy.

8 **MANDATORY DETENTION IS SUBJECT TO CONSTITUTIONAL**
9 **LIMITS**

10 35. "Freedom from imprisonment-from government custody, detention, or other
11 forms of physical restraint-lies at the heart of liberty [Due Process Clause]
12 protects." *Zadvydas*, 533 U.S. at 690.

13 36. Petitioner has an interest in remaining with his community, working and
14 continuing the process of seeking asylum. See *Morrissey*, 408 U.S. 471 at 482
15 ("Subject to the conditions of his release on recognizance, he can be gainfully
16 employed and is free to be with family and friends and to form the other enduring
17 attachment of normal life.")

18 37. The risk of an erroneous deprivation of such interest is high as Petitioner's parole
19 was revoked without providing a reason for revocation or giving an opportunity
20 being heard. Since DHS's initial determination that Petitioner should be released
21 because he posed no danger to the community and was not at flight risk, there is
22 no evidence that these findings have changes. See *Saravia v. Sessions*, 280 F.
23 Supp. 3d 1168, 1760 (N.D. Cal2017).

24 38. Petitioner has no criminal record, has not been arrested or otherwise in criminal
25 trouble, had work authorization. "Once a noncitizen has been released, the law
26 prohibits federal agents from rearresting his merely because he is subject to
27 removal proceedings." *Saravia*, 280 F. Supp. 2d at 1760. "Rather, the federal
28



agents must be able to present evidence of materially changed circumstances—namely, evidence that the noncitizen is in fact dangerous or has become a flight risk.” *Id.*

39. Government’s interest in detaining Petitioner without notice, reasoning, and a hearing is “low.” *See Pinchi*, 2025 WL 2084921, at *5; *Matute*, 2025 WL 2817795, at *6; *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. Nov. 22, 2019) (“If the government wishes to re-arrest [Petitioner] at any point, it has the power to take steps toward doing so; but its interest in doing so without a hearing is low.”). Respondents fail to point to any burdens on the government if it were to have provided proper notice, reasoning, and a pre-deprivation hearing.

40. Therefore, because Respondents detained Petitioner by revoking his parole in violation of the Due Process Clause, his detention is unlawful. *See, e.g., Alegria Palma v. Larose et al.*, No. 25-cv-1942 BJC (MMP), slip op. at 14 (S.D. Cal. Aug. 11, 2025) (granting a TRO based on a procedural due process challenge to a revocation of release on recognizance without a pre-deprivation hearing); *Navarro Sanchez*, 2025 WL 2770629, at *5 (granting a writ of habeas corpus releasing petitioner from custody to the conditions of his preexisting order of release on recognizance on due process grounds).¹

41. Petitioner’s parole revocation and removal order without notification, reasoning, or an opportunity to be heard, denied Petitioner of his due process rights. Therefore, his continued detention violates 8 U.S.C. § 1231(a)(6), and he must be immediately released.

42. Furthermore, Petitioner is challenging his detention on constitutional grounds, not statutory grounds. Notwithstanding the fact that he is being detained pursuant to section 1225(b), Petitioner’s detention is unequivocally subject to Constitutional limits. The Supreme Court has not precluded noncitizens from bringing as-applied

1 constitutional challenges to their mandatory detention. Respondent correctly
2 states: *Jennings v. Rodriguez*, 583 U.S. 281 (2018) “did not explicitly address
3 constitutionality arguments.” U.S. Likewise, While in *Demore v. Kim*, 538 U.S.
4 510 (2003) the Supreme Court rejected a facial challenge to mandatory detention
5 under § 1226(c), the Supreme Court has explicitly recognized the availability of
6 judicial review over as-applied challenges to detention, including mandatory
7 detention. See, e.g., *Nielsen v. Preap*, 586 U.S. 392, 420 (2019); *Demore v. Kim*,
8 538 U.S. 510, 532-33 (2003) (Kennedy, J., concurring). This Court accordingly
9 found constitutional limits to apply to immigration detention, irrespective of the
10 underlying detention authority. See, e.g., *Vikas Kumar v. Christopher Larose*,
11 Warden, Otay Mesa Detention Center et al., 25-CV-3796 JLS (DDL); *Aigul*
12 *Kazybayeva v. Warden, Otay Mesa Detention Center* 3:26-cv-00421-GPC-MMP;
13 *Dariya Karmamoldoyeva v. Warden, Otay Mesa Detention Center* 3:26-cv-
14 00423-GPC-MSB. (**granting a writ of habeas corpus releasing petitioner from**
15 **custody to the conditions of his preexisting parole on due process grounds**).

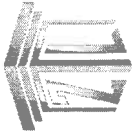
16
17 43. This Court should so hold as well.

18 **PRAYER FOR RELIEF**

19
20 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 21 a) Assume jurisdiction over this matter;
- 22 b) Issue an Order to Show Cause ordering Respondents to show
23 cause why this Petition should not be granted within three
24 days.
- 25 c) Declare that Petitioner's detention violates the Due Process
26 Clause of the Fifth Amendment, 8 U.S.C. §1231(a)(6);
- 27 d) Issue a Writ of Habeas Corpus ordering Respondents to be
28

**PETITIONER'S TRAVERSE TO RESPONDENT'S RETURN TO PETITIONER'S
AMENDED PETITION FOR WRIT OF HABEAS CORPUS**



released.

- e) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- f) Enjoin Respondents from re-detaining Petitioner under 8 U.S.C. § 1231(a)(6) unless and until Respondents obtain a travel document for his removal.
- g) Enjoin Respondents from re-detaining Petitioner without first following all procedures set forth in 8 C.F.R. §§ 241.4(l), 241.13(i), and any other applicable statutory and regulatory procedures.
- h) Enjoin Respondents from removing Petitioner unless they provide the following process:
 - a. written notice to both Petitioner and Petitioner's counsel in a language Petitioner can understand.
- i) Grant any further relief this Court deems just and proper.

DATED: July 17, 2026

Respectfully submitted



Naira Zohrabyan
Attorney for Petitioner



CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this **PETITIONER'S TRAVERSE TO RESPONDENT'S RETURN TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS**, using the CM/ECF system.

DATED: July 17, 2026

Respectfully submitted



Naira Zohrabyan
Attorney for Petitioner
Zohrabyan Law, APC

**PETITIONER'S TRAVERSE TO RESPONDENT'S RETURN TO PETITIONER'S
AMENDED PETITION FOR WRIT OF HABEAS CORPUS**

