

1 ARMINE ANTONYAN (SBN 327220)
E-mail: armine@emperador.legal
2 LUSINE PAPYAN (SBN 363427)
E-mail: lucy@emperador.legal
3 EMPERADOR LAW FIRM, P.C.
500 North Brand Blvd, Suite 1690
4 Glendale, CA 91203-4708
Telephone: 818-945-9060
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6 Attorneys for Petitioner,
Sasun Hovhannisyan
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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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12 SASUN HOVHANNISYAN,

13 Petitioner,

14 v.
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16 CHRISTOPHER J. LAROSE, in his
17 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. '26CV3438 CAB JAC

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

1 **I. INTRODUCTION**

2 1. Petitioner Sasun Hovhannisyan, through undersigned counsel, respectfully
3 submits this Petition for Writ of Habeas Corpus together with Notice of Ex
4 parte application and Ex parte application for temporary restraining order
5 challenging the constitutionality of his re-detention without pre-deprivation
6 process in violation of the Fifth Amendment.

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8 2. Specifically, Petitioner was re-detained on or about June 1, 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.

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

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 Southern District of California because Petitioner is
22 detained at the Adelanto ICE Processing Center.

23 **III. PARTIES**

24 7. Petitioner Sasun Hovhannisyan 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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9. Petitioner lawfully entered the United States on December 7, 2021.

11. Prior to his detention, Petitioner resided in the United States with his wife and three children, one of which is a United States citizen, and fully complied with all immigration requirements.

13. ICE provided no advance notice of detention.

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

17. At the time of detention, Petitioner had already been living in the United States pursuant to lawful parole for over five years.

1 **V. CLAIM FOR RELIEF**

2 **A. Procedural Due Process Violation**

3 19. Petitioner realleges all prior paragraphs.

4 20. The Due Process Clause applies to all persons within the United
5 States. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

6 21. Due process requires notice and a meaningful opportunity to be heard before
7 deprivation of liberty.

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

10 22. The Ninth Circuit has consistently recognized that immigration detention
11 implicates fundamental liberty interests protected by the Fifth Amendment
12 and therefore requires meaningful procedural safeguards.

13 23. In *Hernandez v. Sessions*, the Ninth Circuit emphasized that "[i]t is beyond
14 dispute that freedom from imprisonment lies at the heart of the liberty
15 protected by the Due Process Clause." *Id.* at 993. The court further
16 recognized that civil immigration detention without adequate procedural
17 protections creates a substantial risk of erroneous deprivation of liberty.

18 24. Similarly, in *Rodriguez v. Robbins*, the Ninth Circuit held that prolonged
19 immigration detention without adequate procedural safeguards raises
20 serious constitutional concerns under the Due Process Clause. The court
21 emphasized that civil detention must remain carefully limited and
22 accompanied by meaningful review procedures.

23 25. Petitioner's case presents the same constitutional concerns identified by the
24 Ninth Circuit. After being lawfully released into the United States,
25 Petitioner was re-detained by ICE without any advance notice, without
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1 explanation of the basis for detention, and without any opportunity to
2 contest the deprivation of liberty.

3 26. At no point prior to his re-detention was Petitioner afforded a hearing before
4 a neutral decisionmaker. Nor was he provided any meaningful opportunity
5 to challenge his detention promptly after being taken into custody. The
6 complete absence of both pre-deprivation and meaningful post-deprivation
7 process renders the detention fundamentally defective. This lack of process
8 creates precisely the type of arbitrary and erroneous deprivation of liberty
9 that the Due Process Clause is designed to prevent. Without procedural
10 safeguards, there is no mechanism to ensure that detention decisions are
11 accurate, justified, or even lawful.
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14 27. The constitutional violation is particularly stark where, as here, the
15 government had already determined that Petitioner could be safely released.
16 Having made that determination, the government cannot reverse course and
17 deprive Petitioner of liberty again without affording him the basic
18 protections required by due process.
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20 28. ICE's conduct, such as detaining Petitioner without warning, without notice,
21 and without any opportunity to be heard, falls well below the minimum
22 procedural standards required by the Fifth Amendment.

23 29. Accordingly, Petitioner's detention constitutes an unlawful and
24 unconstitutional deprivation of liberty and provides a strong basis for habeas
25 relief.
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1 **C. *Mathews v. Eldridge* Analysis**

2 30. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), due process is evaluated
3 under three factors.

4 31. First, Petitioner's private interest, his physical liberty is of the highest
5 constitutional magnitude.

6 32. Second, the risk of erroneous deprivation is extremely high because no
7 process was provided.

8 33. Without notice or a hearing, there is no mechanism to prevent wrongful
9 detention.

10 34. Third, the government's interest in avoiding minimal procedural safeguards
11 is negligible.

12 35. Providing notice and a hearing imposes minimal administrative burden.

13 36. Balancing these factors demonstrates that due process required pre-
14 deprivation process.

15 37. ICE's failure to provide such process renders the detention unconstitutional.

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17 **D. Independent Constitutional Violation**

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19 38. Even apart from the *Mathews* test, the absence of any pre-deprivation
20 hearing independently violates due process.

21 39. The Constitution generally requires a hearing before deprivation of liberty.

22 40. ICE provided none.

23 41. Accordingly, Petitioner's detention is unconstitutional.

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25 **VI. REQUEST FOR RELIEF**

26 42. WHEREFORE, Petitioner respectfully requests that this Court:

27 43. Grant the writ of habeas corpus and order Petitioner's immediate release;

- 1 44. Enjoin Respondents from re-detaining Petitioner without due process; and
2 45. Grant all further relief the Court deems just and proper.
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5 Dated: June 5, 2026

EMPERADOR LAW FIRM, P.C.

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8 By: /s/ Armine Antonyan
9 Armine Antonyan, Esq.
10 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 June 5, 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 Central District of California at USA.CACDcivil@usdoj.gov upon receipt of the court-stamped copy.

Executed on June 5, 2026, at Glendale, California.

/s/ Armine Antonyan
Armine Antonyan