

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,
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15 v.

16 JAMES JANECKA, in his official
17 capacity as Warden, Adelanto ICE
Processing 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**

**NOTICE OF EX PARTE
APPLICATION AND EX PARTE
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER**

TO RESPONDENTS AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Petitioner Sasun Hovhannisyan hereby applies *ex parte* to this Court for a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65 and Local Rules. Petitioner seeks an order directing his immediate release from immigration detention or, in the alternative, requiring Respondents to provide a prompt and constitutionally adequate bond hearing. This Application is based on this Notice, the accompanying Memorandum of Points and Authorities, the Declaration of Armine Antonyan, the Verified Petition for Writ of Habeas Corpus, and all pleadings and records on file.

This application is properly brought as an *ex parte* request because Petitioner faces immediate and irreparable injury in the form of ongoing unlawful detention that will continue before the matter can be heard on regular notice. Petitioner acknowledges that when a Temporary Restraining Order is not sought, an application for a preliminary injunction must be made not by order to show cause but by notice of motion filed and served as required by Local Rule 6-1, and that proof of service of a motion for preliminary injunction must demonstrate that all adverse parties have been notified as required by Federal Rule of Civil Procedure 65(a)(1). Because the relief sought here is immediate and cannot await regular motion practice, proceeding by *ex parte* application for a Temporary Restraining Order is appropriate under Local Rule 65-1.

Dated: May 14, 2026

EMPERADOR LAW FIRM, P.C.

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

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Petitioner Sasun Hovhannisyan respectfully moves this Court for a Temporary
3 Restraining Order prohibiting Respondents from continuing his unlawful immigration
4 detention.

5 Petitioner lawfully entered the United States on June 1, 2026.

6 On or about June 1, 2026, ICE detained Petitioner during his regular work as
7 UBER driver, after having been lawfully released into the United States, without
8 notice, without a warrant, and without any pre-deprivation hearing, in direct violation
9 of procedural due process.

10 Petitioner is a middle-aged man who suffers from chronic medical condition.

11 Petitioner has no criminal history.

12 Petitioner is married with children, one of them is a two-years-old United States
13 citizen son.

14 Petitioner is currently detained by U.S. Immigration and Customs Enforcement
15 at the Otay Mesa Detention Center. His continued detention is unsupported by
16 statutory authority and violates the Due Process Clause of the Fifth Amendment.
17 Absent immediate intervention by this Court, Petitioner will continue to suffer
18 irreparable harm, including the loss of his liberty.

19 A Temporary Restraining Order may be issued where the moving party
20 demonstrates a likelihood of success on the merits, a likelihood of irreparable harm
21 in the absence of preliminary relief, that the balance of equities tips in his favor, and
22 that an injunction is in the public interest, as set forth in *Winter v. Natural Resources*
23 *Defense Council, Inc.*, 555 U.S. 7 (2008). In addition, Local Rule 65-1 requires a
24 showing that immediate and irreparable injury will occur before the matter can be
25 heard on regular notice. Petitioner satisfies each of these requirements.

26 Petitioner is highly likely to succeed on the merits because DHS's continued
27 detention rests on an unlawful post-release reclassification of Petitioner as an
28 "arriving alien" in order to evade the procedural protections required under 8 U.S.C.

1 § 1226(a), in violation of the Immigration and Nationality Act and the Due Process
2 Clause. The Supreme Court has made clear that § 1226 governs detention of
3 noncitizens who are “already in the country.” *Jennings v. Rodriguez*, 138 S. Ct. 830,
4 842 (2018). Once an individual has been released into the United States, DHS cannot
5 continue to treat that individual as if he remains at the threshold of entry. Here, DHS
6 has done precisely that by relabeling Petitioner as an “arriving alien” to strip him of
7 access to a bond hearing and to avoid the requirements of § 1226(a).

8 Importantly, there is no criminal conviction, no pending criminal charge, and
9 no evidence of any criminal conduct that would justify Petitioner’s continued
10 detention.

11 Courts within the Southern District of California have overwhelmingly rejected
12 DHS’s position and have held that noncitizens in circumstances like Petitioner’s are
13 not subject to mandatory detention without access to a bond hearing. As recognized
14 in multiple decisions, “an overwhelming majority of courts within this district” have
15 concluded that such detention is unlawful. *See, Ghazaryan v. LaRose et al.*, Case No.
16 3:26-cv-03048-RBM-JLB.

17 Petitioner is suffering immediate and irreparable harm as a result of his
18 unlawful detention. The Ninth Circuit has repeatedly held that the loss of physical
19 liberty alone constitutes irreparable injury. *Hernandez v. Sessions*, 872 F.3d 976, 994
20 (9th Cir. 2017). Here, Petitioner remains detained without any opportunity to seek
21 release and without the procedural protections guaranteed by law. This harm is
22 ongoing and cannot be remedied after the fact.

23 As a result of his continued confinement, he is being deprived of the
24 opportunity to receive a proper medical care, as his illness is permanent, as well as
25 the opportunity to attend his son’s graduation next weekend.

26 In addition, Petitioner’s detention is causing significant emotional distress to
27 him and his family. Because Petitioner remains detained each day, the harm is
28 immediate and satisfies the requirements of Local Rules.

1 The balance of equities strongly favors Petitioner. Petitioner suffers ongoing
2 deprivation of liberty and significant personal harm, while Respondents have no
3 legitimate interest in detaining an individual who poses no danger to the community
4 and no risk of flight. Any administrative burden on the government is minimal
5 compared to the constitutional violations at issue.

6 The public interest likewise supports the issuance of a Temporary Restraining
7 Order. It is always in the public interest to prevent violations of constitutional rights
8 and to ensure that government detention complies with statutory and constitutional
9 limits. Upholding due process and preventing arbitrary detention serve fundamental
10 principles of justice.

11 For all of these reasons, Petitioner respectfully requests that this Court issue a
12 Temporary Restraining Order directing Respondents to immediately release her from
13 detention under reasonable conditions of supervision.

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16 Dated: June 5, 2026

EMPERADOR LAW FIRM, P.C.

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19 By: /s/ Armine Antonyan
20 Armine Antonyan, Esq.
21 Attorney for Petitioner
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6 PROOF OF SERVICE

7 I, the undersigned, will cause the attached Notice and Application for
8 Temporary Restraining Order to be emailed to the United States Attorney's Office for
9 the Central District of California at USA.CASDcivil@usdoj.gov upon receipt of the
10 court-stamped copy.

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

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13 /s/ Armine Antonyan

14 Armine Antonyan
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