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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 SASUN HAVHANNISYAN,

11 Petitioner,

12 v.

13
14 CHRISTOPHER J. LAROSE, Warden,
Otay Mesa Detention Center; *et al.*,

15 Respondents.
16

Case No.: 26-cv-03438-CAB-JAC

**RETURN TO PETITION FOR
WRIT OF HABEAS CORPUS**

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19 **I. Introduction**

20 Petitioner has prematurely filed a habeas petition under 28 U.S.C. § 2241.
21 Petitioner is currently in removal proceedings under 8 U.S.C. § 1229a and is charged
22 with deportability/removability under 8 U.S.C. § 1227(a)(1)(B), as an individual who
23 was admitted to the United States but remained for a time longer than permitted by law
24 (i.e., a visa overstay). As such, Petitioner is detained pursuant to 8 U.S.C. § 1226(a).
25 Petitioner is entitled to a bond hearing before an immigration judge pursuant to 8 U.S.C.
26 § 1226(a), but Petitioner has not requested one. Based on the arguments set forth below,
27 the Court should deny Petitioner's requests for relief and dismiss the petition or stay
28 these proceedings until a bond hearing is conducted and concluded.

II. Factual Background

Petitioner is a native and national of Armenia. *See* Exhibit 1 (Form I-213).¹ On December 7, 2021, he was admitted into the United States on a nonimmigrant visa, which expired on June 6, 2022. *See id.* The next day, Petitioner applied for asylum and that application is still pending. *See id.* On May 28, 2026, Petitioner was encountered by Immigration and Customs Enforcement (ICE) in Camp Pendleton and taken into custody. *See id.* Petitioner admitted he did not have any documents authorizing him to remain in the United States. *See id.* The Department of Homeland Security (DHS) determined that Petitioner is deportable/removable under 8 U.S.C. § 1227(a)(1)(B), as an individual who was admitted to the United States and has remained for a time longer than permitted by law (i.e., a visa overstay). *See* Exhibit 2 (Notice to Appear). Based on that charge, he was issued a Notice to Appear (NTA) and placed in removal proceedings under 8 U.S.C. § 1229a. *See id.* At the time Petitioner was detained, he was provided with a Notice of Custody Determination, which informed Petitioner he could request a bond hearing in front of an immigration judge. *See* Exhibit 3 (Notice of Custody Determination). Petitioner did not request a bond hearing. At Petitioner's master calendar hearing on June 8, 2026, the immigration judge informed Peitioner that he is eligible for a bond hearing but Petitioner did not request one. Petitioner's individual merits hearing is scheduled for July 1, 2026.

Petitioner is currently detained at the Otay Mesa Detention Center under 8 U.S.C. § 1226(a). As of this filing, Petitioner has not requested a bond hearing from the detention facility.

III. Argument

A. Petitioner is Lawfully Detained Under 8 U.S.C. § 1226(a)

Petitioner's due process claims are premature and without merit. Section 1226 provides for arrest and detention "pending a decision on whether the alien is to be

¹ The attached exhibits are true copies, with redactions of private information, of documents obtained from ICE counsel. Other facts have been obtained from ICE counsel.

1 removed from the United States.” 8 U.S.C. § 1226(a). Under § 1226(a), the government
2 may detain an alien during his removal proceedings, release him on bond, or release
3 him on conditional parole. By regulation, immigration officers can release aliens upon
4 the alien demonstrating that he “would not pose a danger to property or persons” and
5 “is likely to appear for any future proceeding.” 8 C.F.R. § 236.1(c)(8). An alien can also
6 request a custody redetermination (i.e., a bond hearing) by an immigration judge at any
7 time before a final order of removal is issued. *See* 8 U.S.C. § 1226(a); 8 C.F.R. §§
8 236.1(d)(1), 1236.1(d)(1), 1003.19.

9 As set forth above, Petitioner was apprehended on May 28, 2026, and detained
10 pursuant to 8 U.S.C. § 1226(a). DHS determined that Petitioner is deportable/removable
11 under 8 U.S.C. § 1227(a)(1)(B), as an individual who was admitted to the United States
12 but remained for a time longer than permitted by law (i.e., a visa overstay). Based on
13 that charge, he was issued a Notice to Appear (NTA) and placed in removal proceedings
14 under 8 U.S.C. § 1229a. Petitioner is detained pursuant to 8 U.S.C. § 1226(a).
15 Accordingly, Petitioner is entitled to a bond hearing before an immigration judge, which
16 he has yet to request and adjudicate on the merits.

17 **B. Administrative Remedies Should Be Exhausted**

18 Petitioner’s request for habeas relief is not ripe for review. The Court should
19 ensure Petitioner properly exhausts administrative remedies prior to seeking judicial
20 action in the District Court. The Ninth Circuit requires that “habeas petitioners exhaust
21 available judicial and administrative remedies before seeking relief under § 2241.”
22 *Castro–Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001). “When a petitioner does
23 not exhaust administrative remedies, a district court ordinarily should either dismiss the
24 petition without prejudice or stay the proceedings until the petitioner has exhausted
25 remedies, unless exhaustion is excused.” *Leonardo v. Crawford*, 646 F.3d 1157, 1160
26 (9th Cir. 2011); *see also Alvarado v. Holder*, 759 F.3d 1121, 1127 n.5 (9th Cir. 2014)
27 (issue exhaustion is a jurisdictional requirement); *Tijani v. Holder*, 628 F.3d 1071, 1080
28 (9th Cir. 2010) (no jurisdiction to review legal claims not presented in the petitioner’s

1 administrative proceedings before the BIA). Here, Petitioner is eligible to have a bond
2 hearing before an immigration judge, pursuant to 8 U.S.C. § 1226(a). As previously
3 stated, Petitioner has not requested to have a bond hearing even though the Respondents
4 concede he is entitled to one, upon a request made to the detention facility. Accordingly,
5 the Court should dismiss without prejudice or stay these proceedings until a bond
6 hearing is conducted and concluded.

7 **IV. CONCLUSION**

8 For the foregoing reasons, Respondents respectfully request that the Court
9 dismiss this action without prejudice or stay these proceedings until a bond hearing is
10 conducted and concluded.

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13 DATED: June 12, 2026

Respectfully submitted,

14 ADAM GORDON
15 United States Attorney

16 s/ Camille Savedra
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18 Assistant United States Attorney
19 Attorneys for Respondents
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