

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
CALIFORNIA

**Gevorg Muradyan v. Warden, Otay Mesa Detention Center**

Muradyan · No. 3:26-cv-00063-CAB-AHG · Decided January 23, 2026

SUMMARY

The court denied without prejudice Gevorg Muradyan’s petition for a writ of habeas corpus challenging his continued detention after a final order of removal. Applying *Zadvydas v. Davis*, the court held that Muradyan had been detained for less than the six-month presumptively reasonable period and had not met his initial burden. The court also concluded that his medical-care claims were not properly raised in a habeas petition and could instead be pursued in a civil rights action.

CASE DETAILS

|                       |                                                                                                                                                                                                                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of California                                                                                                                                                 |
| WRITING FOR THE COURT | Cathy Ann Bencivengo                                                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the Southern District of California                                                                                                                                                 |
| DECIDED               | January 23, 2026                                                                                                                                                                                                     |
| DOCKET                | 3:26-cv-00063-CAB-AHG                                                                                                                                                                                                |
| DISPOSITION           | dismissed                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging post-removal-order detention and allegedly inadequate medical care.                                                                          |
| STANDARD OF REVIEW    | The petitioner bears the burden of demonstrating that his custody violates the Constitution or laws of the United States. The court evaluated the legal sufficiency and ripeness of the § 2241 claims on the papers. |
| PRECEDENTIAL VALUE    | District-court order; precedential status unknown.                                                                                                                                                                   |
| PARTIES               | Gevorg Muradyan v. Warden, Otay Mesa Detention Center                                                                                                                                                                |

TOPICS

- immigration detention
- removal proceedings
- subject matter jurisdiction
- civil procedure
- immigration

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252 deprived the district court of subject matter jurisdiction over Muradyan's § 2241 challenge to post-removal-period detention.
2. Whether Muradyan's continued detention violated 8 U.S.C. § 1231(a)(6) under *Zadvydas v. Davis* before the six-month presumptively reasonable removal period had expired.
3. Whether alleged inadequate medical care supported release through a habeas petition.

## HOLDINGS

1. Section 1252 did not deprive the district court of jurisdiction because § 2241 habeas proceedings remain available for statutory and constitutional challenges to post-removal-period detention.
2. Muradyan was not entitled to habeas relief because he had been detained for less than the six-month presumptively reasonable period recognized in *Zadvydas*.
3. Allegations concerning insufficient medical care did not support release through a habeas petition because such claims concern conditions of confinement rather than the validity or duration of confinement.

## KEY QUOTATIONS

*“that § 2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention.”* (at 2)

*“The Petitioner has the initial burden to show that he has experienced post-removal order detention for more than *Zadvydas*’ six-month presumptively reasonable period of detention.”* (at 5)

## FACTUAL BACKGROUND

Muradyan, a native of Armenia, entered the United States on December 1, 2024, and later applied for asylum and withholding of removal. An immigration judge ordered him removed on September 30, 2025, but granted withholding of removal to Armenia; Muradyan waived appeal, making the order final that day. He remained detained for less than six months while ICE sought a third country for removal, and respondents asserted that removal to a third country was significantly likely in the reasonably foreseeable future.

## PROCEDURAL HISTORY

Muradyan filed a § 2241 habeas petition challenging his continued immigration detention and seeking release based on *Zadvydas v. Davis*, as well as release based on alleged insufficient medical care. Respondents filed a return, and Muradyan filed a traverse. The court decided the matter on the papers, denied the petition without prejudice, and stated that Muradyan could file a new petition if he remained detained after the six-month presumptively reasonable period expired.

## DISPOSITION

dismissed

#### CASES CITED

- Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Martinez v. Noem, No. 25-CV-2740-BJCBJW, 2025 WL 3171738, at \*2 (S.D. Cal. Nov. 13, 2025)
- Zadvydas v. Davis, 533 U.S. 678, 687-88, 701 (2001)
- Khalilova v. Smith, No. 25-CV-2140 JLS (DDL), 2025 WL 3089522, at \*3 (S.D. Cal. Nov. 5, 2025)
- Muhammad v. Close, 540 U.S. 749, 750 (2004)

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