

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Zhilbert Khachikian v. Jeremy Casey, Warden, Imperial Regional Detention Facility; Joseph Freden, Acting Field Office Director, U.S. Immigration and Customs Enforcement; Todd M. Lyons, Acting Director, U.S. Immigration and Customs Enforcement; Kristi Noem, Secretary, U.S. Department of Homeland Security; and Pamela Bondi, Attorney General of the United States

Khachikian v. Casey · No. 25cv3737-GPC(JLB) · Decided January 8, 2026

SUMMARY

The United States District Court for the Southern District of California grants Zhilbert Khachikian’s petition for a writ of habeas corpus challenging his immigration detention. The court concludes that ICE failed to comply with the requirements of 8 C.F.R. § 241.13(i) governing revocation of supervised release, including requirements concerning changed circumstances, notice of reasons, and an opportunity to respond. The order addresses detention pending removal to Iran and the jurisdictional effect of 8 U.S.C. § 1252(g).

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 8, 2026
DOCKET	25cv3737-GPC(JLB)
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and revocation of supervised release.
STANDARD OF REVIEW	The court reviewed the legality of petitioner's custody under 28 U.S.C. § 2241 and determined whether the respondents complied with the governing immigration detention and release-revocation statutes and regulations.
PRECEDENTIAL VALUE	unpublished district court opinion

PARTIES

Zhilbert Khachikian v. Jeremy Casey, Warden, Imperial Regional Detention Facility, Joseph Freden, Acting Field Office Director, U.S. Immigration and Customs Enforcement, Todd M. Lyons, Acting Director, U.S. Immigration and Customs Enforcement, Kristi Noem, Secretary, U.S. Department of Homeland Security, Pamela Bondi, Attorney General of the United States

TOPICS

immigration detention

federal habeas corpus

removal proceedings

procedural due process

administrative law

PRACTICE AREAS

immigration detention

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administrative law

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) barred the district court from exercising habeas jurisdiction over Khachikian's challenge to the legality of his immigration detention.
2. Whether ICE unlawfully revoked Khachikian's supervised release under 8 C.F.R. § 241.13(i)(2) without first determining, based on changed circumstances, that he was significantly likely to be removed in the reasonably foreseeable future.
3. Whether ICE violated 8 C.F.R. § 241.13(i)(3) by failing to notify Khachikian of the reasons for revocation and provide a meaningful opportunity to respond.
4. Whether the respondents' argument under 8 U.S.C. § 1231(a)(1)(C) that Khachikian failed to cooperate with travel-document efforts authorized continued detention.
5. Whether Khachikian's claims concerning removal to a third country and declaratory relief required decision.

HOLDINGS

1. Section 1252(g) did not bar jurisdiction because Khachikian challenged the legality of his detention and alleged violations of mandatory statutory, regulatory, and constitutional duties, rather than directly challenging the validity or execution of his removal order.
2. ICE unlawfully revoked Khachikian's supervised release because it did not establish that, on account of changed circumstances, there was a significant likelihood that he could be removed in the reasonably foreseeable future before revoking his release.
3. ICE violated 8 C.F.R. § 241.13(i)(3) by failing to provide Khachikian with the reasons for revoking his release, thereby preventing him from meaningfully responding, submitting evidence, and obtaining an evaluation of contested facts.

4. The respondents' argument that Khachikian's alleged refusal to cooperate authorized continued detention under 8 U.S.C. § 1231(a)(1)(C) was moot because the respondents completed and submitted the travel-document request using their own resources.

KEY QUOTATIONS

“Section 241.13(i)(2) requires that the re-detention determination that there is a significant likelihood that Petitioner may be removed in the reasonably foreseeable future must be made before his release is revoked.”
(Discussion C)

“Merely stating that the “purpose of your release has been served” does not inform Petitioner of the “changed circumstances” that created a “significant likelihood of removal in the reasonably foreseeable future.”” (Discussion C)

FACTUAL BACKGROUND

Khachikian, a 72-year-old Iranian national, had been subject to a final removal order since 2002 and had lived in the United States under an order of supervision and later an intensive supervision program for approximately seventeen years. ICE detained him on November 16, 2025, revoked his release, and served a notice stating only that the purpose of his release had been served and that enforcement of the removal order was appropriate. At the time of detention, ICE had not obtained travel documents for Iran; it submitted a travel-document request more than a month after the detention. Khachikian had consistently complied with his supervision conditions and remained detained at the time of the order.

PROCEDURAL HISTORY

Khachikian filed the § 2241 petition on December 23, 2025. Respondents filed a return on January 2, 2026, and Khachikian filed a traverse on January 6, 2026. The district court granted the petition, ordered immediate release subject to the conditions of his prior order of supervision, required a joint status report, and closed the case.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The government was ordered to immediately release Khachikian from custody arising from the November 16, 2025 revocation and arrest, subject to all conditions in effect before his re-detention. The parties were ordered to file a joint status report confirming release by January 12, 2026. The clerk was directed to close the case.

CASES CITED

- Rasul v. Bush, 542 U.S. 466, 473 (2004)
- Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Pinson v. Carvajal, 69 F.4th 1059, 1067 (9th Cir. 2023)

- Espinoza v. Sabol, 558 F.3d 83, 89 (1st Cir. 2009)
- Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482 (1999)
- Ibarra-Perez v. United States, 154 F.4th 989, 997 (9th Cir. 2025)
- Dearinger ex rel. Volkova v. Reno, 232 F.3d 1042, 1044 (9th Cir. 2000)
- United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954)
- United States v. Ramos, 623 F.3d 672, 683 (9th Cir. 2010)
- Ramon-Sepulveda v. INS, 743 F.2d 1307, 1310 (9th Cir. 1984)
- Rombot v. Souza, 296 F. Supp. 3d 383, 388 (D. Mass. 2018)
- Waldron v. I.N.S., 17 F.3d 511, 518 (2d Cir. 1993)
- Zadvydas v. Davis, 533 U.S. 678, 688, 699-701 (2001)
- Phouvieng K. v. Andrews, 2025 WL 3265504, at *4 (E.D. Cal. Nov. 24, 2025)
- Nguyen v. Hyde, 788 F. Supp. 3d 144, 150 (D. Mass. 2025)
- Escalante v. Noem, 2025 WL 2206113, at *3 (E.D. Tex. Aug. 2, 2025)
- Tadros v. Noem, 2025 WL 1678501, at *3 (D.N.J. June 13, 2025)
- Kazemi v. Casey, 2025 WL 3179746, at *2 (S.D. Cal. Oct. 7, 2025)
- Sun v. Noem, 2025 WL 2800037, at *2 (S.D. Cal. Sept. 30, 2025)
- Duong v. Charles, 2025 WL 3187313, at *3 (E.D. Cal. Nov. 14, 2025)
- Sphabmixay v. Noem, 2025 WL 3034071, at *2 (S.D. Cal. Oct. 30, 2025)
- Phakeokoth v. Noem, 2025 WL 3124341, at *4 (S.D. Cal. Nov. 7, 2025)
- Sarail A. v. Bondi, 2025 WL 2533673, at *10 (D. Minn. 2025)
- Diaz v. Wofford, 2025 WL 2581575, at *8 (E.D. Cal. Sept. 5, 2025)
- McSweeney v. Warden of Otay Mesa Detention Facility, 2025 WL 2998376, at *6 (E.D. Cal. Oct. 24, 2025)
- Constantinovici v. Bondi, 2025 WL 2898985, at *6 (S.D. Cal. Oct. 10, 2025)
- Rokhfirooz v. Larose, 2025 WL 2646165, at *4 (S.D. Cal. Sept. 15, 2025)
- Hoac v. Becerra, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025)
- Ceesay, 781 F. Supp. 3d at 164