

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLIOIS,  
EASTERN DIVISION**

ALI NEZAMABADI,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Case No.:
CALEB VITELLO is the acting director of	)	
U.S. Immigration and Customs	)	
Enforcement (ICE); SAM OLSON is the	)	
director of the Chicago field office for	)	
U.S. Immigration and Customs Enforcement	)	
(ICE). KRISTI NOEM is the Secretary of	)	
the Department of Homeland Security	)	
(DHS),	)	
	)	
Respondents.	)	


**AMENDED COMPLAINT AND PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner Ali Nezamabadi ("Petitioner"), by and through his attorneys, Kameli Law, P.C., hereby submits his Complaint and Petition for Writ of Habeas Corpus, and alleges as follows:

**JURISDICTION AND VENUE**

1. This is a civil action brought pursuant to 28 U.S.C. § 2241 to redress Petitioner's federal detention in violation of the Fifth Amendment to the United States Constitution.
2. Jurisdiction is proper pursuant 28 U.S.C. § 1331(a) because the constitutionality of Respondents' actions are in question.
3. Venue is proper in the Northern District of Illinois, Eastern Division under 28 U.S.C. § 1391(e) because at least one of the Respondents and Petitioner reside in this District.

## **PARTIES**

4. Petitioner Ali Nezamabadi is an Iranian national residing in Chicago, Illinois, His alien number is A \* .

5. Caleb Vitello is the acting director of U.S. Immigration and Customs Enforcement (ICE).

6. Sam Olson is the director of the Chicago field office for U.S. Immigration and Customs Enforcement (ICE).

7. Kristi Noem is the Secretary of the Department of Homeland Security (DHS).

## **FACTUAL INTRODUCTION**

8. Petitioner entered the United States on or about January 14, 2011 with an immigrant visa. Petitioner is a beneficiary to his father's I-526, Petition by Alien Entrepreneur.

9. On December 19, 2012, Petitioner's father filed the I-829, Petition by Entrepreneur to Remove Conditions with USCIS.

10. Petitioner has been residing and has been living continuously in the United States since that date.

11. Due to the denial of his I 829 application, Petitioner along with his family are in removal proceedings with his next Master Cour Hearing scheduled for March 19, 2025. Exhibit A.

12. Petitioner has requested the Immigration Court to review his I 829 application.

13. Petitioner is still considered a conditional Permanent Resident of the United States.

14. Petitioner was in possession of a valid proof of his permanent residency, Temporary evidence of I 551, issued by the Department of Homeland Security upon his arrival to the United States. Exhibit B.

15. ICE officials took Petitioner into custody on or about February 11, 2025, and Petitioner was detained in federal custody at O'Hare International Airport without any justification.

16. Petitioner is a Medical student who needs to attend his classes immediately.

17. Petitioner is no threat to our national security.

18. Petitioner and his family reside in Chicago, IL and where he will be residing as a permanent resident after his unlawful detention by the Respondents.

19. Respondents may have moved the Petitioner to another facility in another State.

20. Respondents have taken so many wrong decisions in the past few days, depriving liberty of an individual lawfully residing in the United States and lawfully re-entering the United States after a short visit to Mexico.

### **CLAIMS FOR RELIEF**

#### **COUNT I**

#### **Writ of Habeas Corpus**

#### **Petitioner's Indefinite Detention Pending a Determination of his Removability Violates His Due Process Rights**

21. Petitioner incorporates by reference paragraphs 1 – 20 as though fully set forth herein.

22. The purpose of the mandatory detention provision in 8 U.S.C. § 1226(c) is to ensure that aliens convicted of crimes are subjected to a determination of removability in removal proceedings without fleeing the jurisdiction. The Due Process Clause of the United States Constitution prohibits any reading of § 1226 that would permit continued detention of a non-citizen for purposes unrelated to removal including undue delay.

23. Petitioner has not been convicted of any crime within the meaning of 8 USC 1226(c)

24. Petitioner's indefinite detention is unreasonable.

**COUNT II**  
**Writ of Habeas Corpus**

25. Petitioner incorporates by reference paragraphs 1 – 20 as though fully set forth herein.

26. Petitioner is a Conditional Permanent Resident of the U.S.

27. No court has taken that right of residing freely in the U.S. from him.

28. Respondents have ABSOLUTELY no right to detain the Petitioner when he entered the U.S. with the explicit permission of the United States.

29. Respondents have no authority to keep the Petitioner in custody.

**PRAYER FOR RELIEF**

Wherefore, Petitioner Ali Nezamabadi respectfully requests this Honorable Court grant the following relief:

- (a) Assume jurisdiction over this matter;
- (b) Declare that Respondents' continued and indefinite detention of Petitioner violates the Due Process Clause of the Fifth Amendment of the United States Constitution;
- (c) Issue a Writ of Habeas Corpus requiring the Respondents or their agents holding the Petitioner to release Petitioner;
- (d) Award Petitioner actual, compensatory, and punitive damages against Respondents for violating the United States Constitution;
- (e) Award Petitioner attorney's fees and costs to the extent authorized by law; and
- (f) Grant any and all other relief this Court deems proper and just.

Respectfully submitted,

**KAMELI LAW, P.C.**

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Taher Kameli

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**DATED: February 13, 2025**