

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

ALI NEZAMABADI,

Petitioner,

v.

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.

Case No.: 25 CV 1568


Honorable Judge Virginia Kendall

Magistrate Judge Honorable Maria Valdez

EMERGENCY MOTION TO RELEASE PETITIONER FROM CUSTODY

Petitioner Ali Nezamabadi ("Petitioner"), by and through his attorneys, Kameli Law, P.C., hereby submits his Emergency Motion to Release Petitioner from Defendants' Custody pursuant to FRCP 65(b) and 22 USC 2241. This motion is based on the extraordinary and exigent circumstances presented, including ongoing violations of Petitioner's constitutional rights, substantial risk of irreparable harm to Petitioner's, and the unreasonable and unlawful detention of the Petitioner. Petitioner states as follows:

1. On February 13, 2025, Petitioner filed Writ of Habeas Corpus due to an unlawful detention by the Defendants.

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

3. 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.

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

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

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

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

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

9. 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.

10. 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.

11. Petitioner poses no flight risk or danger to the community, as evidenced by substantial ties to the local community, including residing in Chicago with his sister and mother.

- a. Petitioner has no history of violence and has consistently complied with all prior legal obligations.
- b. Petitioner is a Medical student who needs to attend his classes immediately. Exhibit C.
- c. Petitioner is not committed any crime to make him inadmissible or removable under INA 212 or INA 237.

12. Petitioner is no threat to our national security.

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

14. 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.

15. Petitioner's continued detention under these conditions constitutes a violation of Petitioner's constitutional rights under the First, Fifth and Eighth Amendments, as the conditions amount to punitive detention without due process and demonstrate deliberate indifference to Petitioner's residency condition.

16. Petitioner faces irreparable harm. Petitioner has been in custody for over three days and Defendants have indicated that they will continue to keep him in custody.

17. Petitioner is likely to succeed on the merits of this case as he is considered a conditional permanent resident of the U.S. without any event subject him to inadmissibility or removability under INA 212 or INA 236.

18. Public interest supports Petitioner's release as he was taken into custody without any legal justification and he is no threat to our national security.

19. The United States, once a beacon of freedom and liberty, has increasingly forsaken these foundational principles through the wrongful detention of legal noncitizens, eroding the very values upon which this nation was built. The unlawful detention of Petitioner reflects a troubling departure from the nation's commitment to liberty and freedom, values that have long defined the American identity.

20. Counsel for Petitioner contacted the Assistant United States Attorney in regard to this motion.

WHEREFORE, Petitioner respectfully requests that this Court:

1. GRANT this Emergency Motion for Immediate Release Pending Resolution of the Habeas Corpus Petition;
2. ORDER Petitioner's release from DHS custody under reasonable conditions of supervision; and
3. GRANT any other relief this Court deems just and proper.

Respectfully submitted,

KAMELI LAW, P.C.

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DATED: February 14, 2025