

Kaveh Kamyab

A# [REDACTED]

Northwest Detention Center
1623 East J Street
Tacoma, WA 98421-1615

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAVEH KAMYAB,

Petitioner,

v.

PAMELA BONDI, Attorney General of
the United States; KRISTI NOEM,
Secretary, United States Department of
Homeland Security; DREW BOSTOCK,
Seattle Field Office Director, United
States Citizenship and Immigration
Services; WARDEN of Immigration
Detention Facility; and the United States
Immigration and Customs Enforcement,

Respondents.

No.

PETITION FOR WRIT OF HABEAS
CORPUS BY A PERSON IN FEDERAL
CUSTODY PURSUANT TO 28 U.S.C.
§ 2241

PETITION

1. Place of detention:

Northwest Detention Center, 1623 East J Street, Tacoma, Washington 98421-1615, pursuant to a contractual arrangement with my custodian, the ICE Field Office Director at Seattle, Washington.

2. Name and location of court and name of judge who imposed confinement:
ICE Field Director, Seattle, Washington.

3. Case Number or numbers [ICE file number, if known]:

A# [REDACTED]

PETITION FOR WRIT OF HABEAS CORPUS - 1
(Kamyab v. Bondi, et al; Case No.)

FEDERAL PUBLIC DEFENDER
1601 Fifth Avenue, Suite 700
Seattle, Washington 98101
(206) 553-1100

1 4. Date of Order of Confinement:

2 A. Taken into custody by ICE: 07/16/2024

3 B. Date of Order of Removal: 08/28/2024

4 5. Did you appeal from the judgment of conviction or the imposition of sentence:

5 N/A

6 6. If you answered "yes" to (5), list

7 A. The name of each court or administrative tribunal to which you appealed:

8 N/A

9 B. The result in each court to which you appealed:

10 N/A

11 C. The date of each result:

12 N/A

13 D. If known, citations of any written opinions or orders entered pursuant to
14 such results:

15 N/A

16 7. Have you previously filed petitions for habeas corpus, motions under section
17 2255 of Title 28, United States Code, or any other applications, petitions or
18 motions with respect to this confinement:

19 None

20 8. If you answered "yes" to (7), list with respect to each petition, motion or
21 application:

22 A. The specific nature thereof:

23 N/A

24 B. The name and location of the court in which each was filed:

25 N/A

26

1 C. The disposition:

2 N/A

3 D. The date of such disposition:

4 N/A

5 E. If known, citations of any written opinions or orders entered pursuant to
6 each such disposition:

7 N/A

8 9. State concisely the grounds on which you base your allegation that you are being
9 held in custody unlawfully, and the facts which support each of the grounds.

10 **GROUND FOR RELIEF**

11 A. My continued detention by respondent ICE is in violation of my rights to
12 procedural and substantive due process, as guaranteed by the Fifth Amendment to the
13 United States Constitution.

14 B. Because I am seeking relief related only to my custody status, which is
15 not inconsistent with an order of deportation, exhaustion of administrative remedies, if
16 any, is not required.

17 C. Because there is not good reason to believe my removal will be
18 effectuated in the foreseeable future, ICE has no statutory authority pursuant to 8
19 U.S.C. § 1231(a)(6) to detain me. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Lin Guo Xi*
20 *v. INS*, 298 F.3d 832 (9th Cir. 2002); *Thai v. Ashcroft*, 366 F.3d 790 (9th Cir. 2004).

21 D. I was taken into ICE custody on July 16, 2024. My order of removal
22 became final on August 28, 2024. As of today's date, ICE has not been able to
23 effectuate my removal to Iran. I have done everything that ICE has asked me to do to
24 try to get travel documents and will cooperate fully in the process of getting travel
25 documents. However, Iran has rejected our application for travel documents on the
26 grounds that I am not a citizen of that country.

1 E. The statute authorizing my detention, 8 U.S.C. § 1231, and related
2 regulations are unconstitutional as applied to me and others like me. Because ICE's
3 communications with my country establish no reason to believe I will be deported in
4 the reasonably foreseeable future, my continued detention is purely a punitive measure
5 that violates my constitutional rights. *See Wong Wing v. U.S.*, 163 U.S. 228, 237 (1896)
6 (holding that punitive measures could not be imposed upon immigrants ordered
7 removed because "all persons within the territory of the United States are entitled to the
8 protection" of the Constitution).

9 10. Do you have any petition or appeal now pending in any court or administrative
10 body as to the claims raised above?

11 N/A

12 11. Have you exhausted your administrative remedies with respect to the claims
13 raised above?

14 *See* 9(C), above.

15 12. If you are seeking leave to proceed in forma pauperis, have you completed the
16 sworn affidavit setting forth the required information?

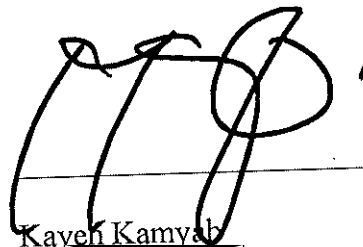
PRAYER FOR RELIEF

Based upon the illegal and unconstitutional actions listed above, I request that the Court grant my petition and direct respondent to release me from custody, as well as any other relief to which I may be entitled in this proceeding under 28 U.S.C. § 2241.

I verify, under penalty of perjury, that the foregoing information is true and correct to the best of my recollection.

DATED this 3rd day of March, 2025.

Respectfully submitted,



[SIGN NAME]

Kaveh Kamyab

A#

Northwest Detention Center
1623 East J Street
Tacoma, WA 98421-1615

sworn affidavit setting forth the required information?