

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MELIKA MOHAMMADI GAZVAR
OLYA,

Petitioner,

v.

ANGEL GARITE, *et al.*,

Respondents.

No. 3:25-CV-00083-DCG

PETITIONER'S RESPONSE TO RESPONDENTS' ADVISORY TO THE COURT

Petitioner Melika Mohammadi Gazvar Olya ("Ms. Olya") hereby files this Response to Respondents' September 18, 2025 Advisory to the Court regarding their failure, once again, to remove Ms. Olya, and renewed request for release. ECF No. 23.

Despite Respondents' suggestions to the Court that Ms. Olya would be deported to Iran on a charter flight by the end of August, *see* ECF No. 19 ¶¶ 9–11, Ms. Olya remains in indefinite civil detention in the United States. ECF No. 23. This time "logistical issues" prevented the anticipated August charter flight to Iran from leaving. Yet Ms. Olya could not have been on that flight anyway because Respondents did not have a travel document for her then. *See* ECF No. 23-1. ¶ 6 (stating that Ms. Olya was not interviewed by the Iranian Interests Section until September 8, 2025).

Again, with no travel document in hand, Respondents come to this Court with promises of a charter flight next month. But the clock has long since run. In fact, Ms. Olya's detention has exceeded the presumptively constitutional six months by at least double since the last removal attempt. With this being the *fourth* time Respondents have promised the Court that Ms. Olya's

removal is imminent¹—the first instance dating back to April 2, 2025—it has become indisputable that Ms. Olya is now in indefinite civil detention. Consistent with the Supreme Court’s holding in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and for the reasons set out in Ms. Olya’s prior briefing, the Court should grant Ms. Olya’s immediate release.

Dated: September 18, 2025

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¹ See ECF No. 9-1 ¶ 33 (Apr. 2, 2025) (“Removal to Iran is imminent upon the issuance of a TD to Mohammadi, which remains pending. ERO does not anticipate any impediments to the TD issuance.”); ECF No. 15 ¶ 1 (July 21, 2025) (“Despite recent escalations between the United States and Iran, the likelihood of Petitioner’s removal in the reasonably foreseeable future has only strengthened.”); ECF No. 18-1 ¶ 11 (Aug. 21, 2025) (“Based on the foregoing, there is a significant likelihood of Mohammadi’s removal to Iran in the reasonably foreseeable future.”).

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***Petitioner is represented by a clinic
operated by Texas A&M University School
of Law, but this document does not purport
to present the school's institutional views, if
any.