

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION


United States Courts
Southern District of Texas
FILED

APR 28 2025

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

V.

SINA GHEIBI (A# )

§
§
§
§
§

Civil
CRIMINAL DOCKET No. _____

WRIT OF HABEAS CORPUS

TO THE HONORABLE JUDGE:

I, Clarissa Guajardo, am an attorney duly licensed to practice law in Texas, and I hereby submit this Petition for a Writ of Habeas Corpus on behalf of Sina Gheibi (hereafter "Petitioner"), a 27-year-old Iranian national and Christian convert, who is currently detained awaiting deportation to an unknown country, most likely El Salvador. Mr. Gheibi is being held at an ICE detention facility in Robstown, Nueces County, Texas.

INTRODUCTION

Petitioner, Sina Gheibi, is a 27-year-old Iranian national, who has converted from Islam to Christianity, which is a capital crime under Sharia Law in Iran. He is a university student and an active member of a Christian community in Iran.

Mr. Gheibi has attended religious services in the home of a local pastor and participated in peaceful religious activities.

Due to his conversion and involvement with the Christian community, Mr. Gheibi has faced religious persecution, which forced him to leave Iran to save his life.

Mr. Gheibi's pastor previously sought asylum in Cuba to escape persecution, but he was deported back to Iran, where he now is imprisoned, unaccounted for and assumed dead.

Neither Mr. Gheibi, nor his Counsel, have been provided with a transcript of his Credible Fear interview as required. Petitioner has exhausted all his administrative remedies

JURISDICTION

This Petition is filed in the United States District Court for the Western District of Texas, San Antonio Division, which has jurisdiction to issue a **Writ of Habeas Corpus** on behalf of Sina Gheibi under international human rights law and relevant national legal frameworks that recognize the protection of individual freedoms and the redress of wrongful detention.

International Jurisdiction Considerations

The **Universal Declaration of Human Rights (UDHR)** and the **International Covenant on Civil and Political Rights (ICCPR)** provide broad jurisdictional bases for addressing human rights violations, including unlawful detention based on religious beliefs. As Iran is a signatory to the ICCPR, these documents reinforce the standing for legal intervention in cases of religious persecution and arbitrary detention.

Article 9 of the ICCPR states that "everyone has the right to liberty and security of person," and "no one shall be subjected to arbitrary arrest or detention."

Article 18 of the ICCPR guarantees "freedom of thought, conscience, and religion."

Under the **Immigration and Nationality Act (INA)**, specifically **Section 235(b)**, credible fear interviews are a critical step for asylum seekers who express a fear of persecution if returned to their home country.

The procedure for these interviews, **including the requirement for a transcript**, is outlined in regulations and policy guidance implemented by the **U.S. Citizenship and Immigration Services (USCIS)** and the **Executive Office for Immigration Review (EOIR)**.

1. **8 CFR § 208.30**: This section of the Code of Federal Regulations mandates the credible fear process, which includes conducting an interview by an asylum officer. The regulation implies that a record of the proceedings, such as a transcript or detailed notes, must be kept as part of the case record.

2. **Agency Policy**: USCIS policy manuals and guidance often specify that a written summary or a transcript of the credible fear interview should be included in the case file, especially when the case is referred to an immigration judge for further review. This

ensures that the asylum seeker's statements and claims are properly documented and reviewed.

In practice, the asylum seeker or their legal representative can request access to the transcript as part of the legal process or for appeals. It is essential for ensuring procedural fairness and the accurate consideration of the asylum claims presented.

GROUND FOR RELIEF

Violation of International Human Rights: Mr. Gheibi's detention contravenes several international human rights norms, including freedom of religion, as enshrined in the **Universal Declaration of Human Rights** and the **International Covenant on Civil and Political Rights**, to which Iran and the United States are both signatories.

Due Process Violations: The detention of Mr. Gheibi violates due process principles, as he was denied a fair trial.

RELEVANT CASE LAW

Doe v. Islamic Republic of Iran, 300 F. Supp. 2d 123 (D.D.C. 2004): This case is a U.S. example that dealt with claims against Iran for unlawful detention and human rights violations.

Cuban American Bar Ass'n v. Christopher, 43 F.3d 1412 (11th Cir. 1995):

Considered issues of jurisdiction related to international human rights law involving foreign nationals.

The Alien Tort Statute, 28 U.S.C. § 1350, allows for the filing of lawsuits in U.S. federal courts for certain violations of international law.

The Religious Freedom Restoration Act (RFRA), aimed at preventing laws that substantially burden a person's free exercise of their religion, although primarily applicable within the U.S., underscores U.S. policy supporting religious freedoms.

As recently as April 10, 2025, in **Noem v. Kilmar Armando Abrego Garcia, et al.**, the Supreme Court issued its ruling on the Government's request. In a **unanimous decision** authored by Chief Justice John Roberts, the Court affirmed the lawlessness of Mr. Abrego Garcia's removal to a Salvadoran prison, observing that even "[t]he United States acknowledges that Abrego Garcia was subject to a withholding order forbidding his removal to El Salvador, and that the removal to El Salvador was therefore illegal."

PRAYER FOR RELIEF

Wherefore, as the Petitioner has exhausted all of his administrative remedies, we respectfully request that this Honorable Court, the United States District Court for the Western District of Texas, San Antonio Division:

1. Issue a writ of habeas corpus to release Sina Gheibi from unlawful detention.
2. Grant any other relief that the Court deems just and proper.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Clarissa R. Guajardo', written in a cursive style.

Clarissa R. Guajardo
4101 Greenbriar Dr. Suite 317
Houston, Texas 77098
Telephone:(713) 426-5100
SB#08560900

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served upon U.S. Department of Homeland Security Citizenship and Immigration Services, U.S. Department of Justice, U.S. Attorney General Pam Bondi and San Antonio Immigration and Customs Enforcement Field Office via email and/or facsimile to OPLA support staff on the 25th day of April 2025:

950 Pennsylvania Avenue, NW Washington, DC 20530-0001

A handwritten signature in black ink, appearing to read 'Clarissa R. Guajardo', written over a horizontal line.

Clarissa R Guajardo
Counsel for Defendant