

On July 21, 2025, Respondents filed a Motion for Summary Judgment. (Dkt No. 11). In their motion, Respondents contend that Petitioner's detention is consistent with the law and outside the scope of *Zadvydas*. According to Respondents, the Embassy of Iran had recently agreed to conduct another interview with Petitioner, and this ongoing engagement demonstrated that removal efforts were progressing. Based on this, Respondents argued that Petitioner had failed to show that his removal was not reasonably foreseeable or that his continued detention was unconstitutional, and therefore the petition should be denied.

On August 4, 2025, Petitioner filed a timely Response in Opposition to Respondents' Motion for Summary Judgment, arguing that there is a genuine issue of material fact as to whether there is a significant likelihood of Petitioner's removal to Iran in the reasonably foreseeable future. Petitioner attached a letter from the Iranian government confirming the Iranian government is unable to issue a travel document without Petitioner's original passport and birth certificate, which are documents that the Petitioner does not possess. (Dkt No. 12-3).

On August 11, 2025, Respondents filed a reply in support of their motion. In their reply, Respondents reaffirmed their assertion that the Iranian government was scheduled to interview Petitioner, so his removal is reasonably foreseeable. (Dkt No. 13).

On August 11, 2025, the same day that the summary judgment briefing was completed, Petitioner did, in fact, appear for an interview with the Iranian government. Following that interview, the Iranian government notified Respondents that the Iranian government could not issue a travel document because it had not received Petitioner's original birth certificate and passport. Exh. 1.

Following these new developments, Petitioner submits a letter from the Iranian government dated August 11, 2025, confirming that the Iranian government could not establish Petitioner's Iranian citizenship without his original passport and birth certificate, and, therefore, is unable to issue a travel document. Petitioner also provides a sworn declaration describing his interview with consular officials and his subsequent communications with Immigration and Customs Enforcement ("ICE").

II. Legal Authority to Supplement

Under Rule 1(b) of the Rules Governing Section 2254 Cases, the Habeas Rules also apply to § 2241 Habeas cases. *See Romero v. Cole*, 2016 WL 2893709, at *2 n.4 (W.D. La. Apr. 13, 2016); *see also, Wyant v. Edwards*, 952 F. Supp. 348, 352 (S.D. W. Va. 1997) ("the court has concluded that 2254 Rules were intended to apply to 2241 cases..."). Under Habeas Rule 7, a district court "may direct the parties to expand the record by submitting additional material related to the petition," including letters, documents, or other relevant evidence. As such, the Court has

broad discretion to expand the record where it bears directly to the basis of the petition.

III. Relevance and Materiality of New Evidence

The new evidence is directly relevant and material to the key issue in this habeas proceeding: whether Petitioner's removal is significantly likely to occur in the reasonably foreseeable future.

Respondents relied on the interview to support their claim that Iran was actively facilitating removal. However, the Embassy has now confirmed, again, in writing, that it cannot verify Petitioner's citizenship and will not issue travel documents without Petitioner's original passport and birth certificate. This development undercuts the central premise of Respondents' motion for summary judgment and directly relates to the main issue before this Court, i.e., whether Petitioner's removal is reasonably foreseeable. The evidence now before the Court demonstrates that his removal is not just uncertain, but currently foreclosed.

IV. Conclusion

Petitioner respectfully requests that the Court consider the supplemental evidence in adjudicating the pending motion for summary judgment and/or final disposition of the habeas petition.

To the extent the Court deems it appropriate, Petitioner does not oppose allowing Respondents a short period to respond to the new facts and materials submitted herein.

Dated: August 22, 2025

Respectfully submitted,

By: /s/ Rebecca Chavez

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CERTIFICATE OF SERVICE

I certify that on August 22, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/Rebecca Chavez
Rebecca Chavez