

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

ZAREFARD, Alireza	)	
	)	
	)	
<i>Petitioner,</i>	)	Case No.: 1:25-cv-895
	)	
v.	)	<b>VERTIFIED PETITION</b>
	)	<b>FOR WRIT OF HABEAS</b>
	)	<b>CORPUS AND</b>
NEW ORLEANS FIELD OFFICE for the U.S.	)	<b>COMPLAINT FOR</b>
IMMIGRATION AND CUSTOMS ENFORCEMENT;	)	<b>INJUNCTIVE AND</b>
NOEM, KRISTI, U.S. DEPARTMENT OF HOMELAND	)	<b>DECLARATORY RELIEF</b>
SECURITY; BONDI, PAM, Attorney General of the	)	
UNITED STATES of AMERICA; and WARDEN of	)	
RIVER CORRECTIONAL CENTER	)	<b>ORAL ARGUMENT</b>
	)	<b>REQUESTED</b>
<i>Respondents.</i>	)	

**PETITIONER’S MOTION FOR ORDER TO SHOW CAUSE**

- Pursuant to 28 U.S.C. § 2243, Petitioner, Alireza Zarefard (“Petitioner” or “Mr. Zarefard”) respectfully requests that the Court issue an order to Respondents New Orleans Field Office for the U.S. Immigration and Customs Enforcement, Kristi Noem of the U.S. Department of Homeland Security, U.S. Attorney General Pam Bondi, and the Warden of River Correctional Center, requiring them to show cause as to why the Petitioner’s Verified Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief pursuant to 28 U.S.C. § 2241; 28 U.S.C. § 1331; Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Immigration and Nationality Act (“INA”) the Administrative Procedure Act (“APA”), 5 U.S.C § 701; and the Declaratory Judgment Act, 28 U.S.C. § 2201 should not be granted and why Respondents should not be ordered to

release Petitioner from detention.

2. Pending adjudication of these claims, Petitioner seeks a temporary order staying Mr. Zarefard's removal, enjoining his removal from the U.S. while his habeas proceedings are pending.
3. Mr. Zarefard is a citizen of Iran born on April 20, 1992. He entered the country on or about April 24, 2024 at San Ysidro, California.
4. Mr. Zarefard was taken into custody upon entry, at which time he told immigration officials that he feared for his life in Iran and wanted to apply for asylum. He was detained at Adams County Correctional Center in Natchez, Missouri, after which he was placed in expedited removal proceedings.
5. On April 24, 2024, he was given a credible fear interview, of which he did not receive a positive determination. Mr. Zarefard expressed during this interview that he was afraid of returning to Iran because he had converted from Shia Islam to Christianity and protested against the Iranian government, suffering extreme physical violence as a result. Therefore, he feared persecution in Iran on behalf of his religion. The interviewing officer found that Mr. Zarefard was credible and had established a nexus to the protected category of religion, requirements for being found to have a credible fear of persecution.
6. However, the interviewing officer ultimately found that Mr. Zarefard was subject to the conditions on asylum eligibility under 8 C.F.R. § 208.33(a), and therefore had not established a credible fear of persecution with respect to his application for asylum.
7. On May 14, 2024, Mr. Zarefard was given another opportunity to seek asylum relief. He was given a reasonable fear interview, of which he received a positive determination. The interviewing officer found that Mr. Zarefard established that he had experienced past harm

in Iran, specifically harassment, threats, physical beatings, and torture by the Iranian government. The officer found that the presumption of past persecution had not been rebutted and that the persecution was based on the protected ground of religion, in this case Christianity. Mr. Zarefard expressed a fear of returning to Iran on account of his religious beliefs. In his final analysis, the officer found that there was a reasonable possibility that Mr. Zarefard could establish in a full hearing that he suffered past persecution on the basis of his religion as well as his political opinion.

8. As a result of the positive reasonable fear determination, Mr. Zarefard was issued a Notice to Appear (NTA) dated May 23, 2024, which placed him in removal proceedings.
9. On May 31, 2024, Mr. Zarefard was transferred to River Correctional Center in Ferriday, Louisiana, where he remains today.
10. Mr. Zarefard filed his I-589 application before the Jena, Louisiana Immigration Court. Unfortunately on July 30, 2024, Mr. Zarefard's I-589 Application for Asylum, Withholding of Removal, and Protection under the Convention Against the Torture was denied. His application for pre-conclusion and post-conclusion voluntary departure was also denied. Consequently, Mr. Zarefard was ordered removed to Iran.
11. On October 28, 2024, after 180 days in detention had passed, Petitioner's immigration counsel submitted an urgent request for custody review pursuant to 8 C.F.R. § 241.4 and 8 C.F.R. § 241.13.
12. On January 20, 2025, a Post-Order Custody Review (POCR) was conducted by U.S. Immigration and Customs Enforcement (ICE). Unfortunately, that custody review resulted in Mr. Zarefard not being released and instead remaining in detention. It should be noted that during this interview, Mr. Zarefard gave no testimony to show that there was a

significant likelihood of removal in the foreseeable future. This should come as no surprise, as the U.S. and Iran do not have diplomatic relations. Furthermore, he gave no testimony to support a finding that he is a flight risk or danger to the community. He rightfully fears returning to Iran, has family in the United States, and has no criminal history. Nonetheless, he unjustly remains in custody.

13. As of this petition, it has been over 400 days that Mr. Zarefard has been in detention, and over 330 days since the removal order was issued. Nonetheless, Mr. Zarefard has not been released or removed to Iran. Furthermore, Respondents have not shown that they will be able to remove Petitioner to Iran, which is highly unlikely, given that there are no diplomatic relations between Iran and the United States. It seems as though Respondents are determined to unlawfully keep Petitioner in custody and have no plan to effectuate his removal, putting him in a state of perpetual detention.
14. Mr. Zarefard therefore hereby seeks a Petition for Writ of Habeas Corpus to immediately release him from detention by Respondents, or in the alternative, remove him to his native country of Iran.
15. Without this Court's intervention, Respondents will continue to unlawfully detain Mr. Zarefard, with no possibility of resolution.
16. Mr. Zarefard respectfully requests that the Court immediately issue an emergency temporary stay of removal pursuant to the All Writs Act and Suspension Clause. *See Kabenga v. Holder*, 76 F. Supp. 3d 480,486 (S.D.N.Y. 2015) (ordering a stay of removal pending consideration of petitioner's habeas challenge); *Ragbir v. Sessions*, No. 1:18-cv-236 (KBF) (S.D.N.Y. Jan. 29, 2018) (same); *Hamama v. Adducci*, 261 F. Supp. 3d 820 (E.D. Mich. 2017) (same); *Ibrahim v. Acosta*, No. 17-cv-24574-GAYLES

(S.D. Fla. Dec. 19, 2017) (same); *Devitri v. Cronen*, No. 17-11842-PBS (D. Mass. Sept. 26, 2017) (same); *Neth v. Marin*, No. SACV 17-O1898-CJC(GJSx) (C.D. Ca. Dec. 14, 2017) (same); *Sied v. Duke*, 17-cv-O6785-LB (N.D. Cal. Dec. 11, 2017) (same); *Pangemanan v. Tsoukaris*, No. 18-1510 (ES) (D.N.J. Feb. 2, 2018) (same); *Darweesh v. Trump*, 17-cv-480 (AMD) (E.D.N.Y. Jan. 28, 2017) (same).

17. The federal habeas corpus statute provides that “[a] court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. §2243.
18. Section 2243 further provides that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.”
19. Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause “not more than five days after the return unless for good cause additional time is allowed.”
20. Section 2243 further provides that the court “shall summarily hear and determine the fact, and dispose of the matter as law and justice require.”
21. Mr. Zarefard’s continued detention violates the INA and its regulations, the APA and the U.S. Constitution’s due process guarantee. *See Verified Petition.*
22. In light of the fact that Petitioner has a likelihood of success on the merits of his claim, there will be minimum harm to the government if he remains in the United States pending these proceedings.

23. Unless this application is granted, Mr. Zarefard is facing imminent and irreparable harm with his continued detention, and if removed from to Iran, a country he has a credible fear of persecution.

24. Pursuant to 28 U.S.C. § 2243, and in the light of Petitioner's continued unlawful detention, Petitioner respectfully requests that the Court immediately issue an Order to Show Cause against the Respondents and a temporary order staying Petitioner's removal.

Dated: June 24, 2025

Respectfully submitted,

/s/ Kishen Barot

Kishen Y. Barot, Esq. - NJ Bar # 156782017  
Barre Law, LLC  
30 Broad St., 14th Floor  
New York, NY 10004  
Tel: (917) 417-0137  
Fax: (917) 267-5550  
Email: kbarot@barrelaw.com  
*Attorney for Petitioner*

**CERTIFICATE OF SERVICE**

I, Kishen Y. Barot, Esq., hereby certify that on June 24, 2025, I caused a copy of *Petitioner's Application For Order to Show Cause* to be served upon Respondents' Counsel, the United States Attorneys' Office for the Western District of Louisiana at 300 Fannin Street, Suite 3201 Shreveport, LA 7110.

Dated: June 24, 2025

Respectfully submitted,

/s/ Kishen Barot

Kishen Y. Barot, Esq. - NJ Bar # 156782017  
Barre Law, LLC  
30 Broad St., 14th Floor  
New York, NY 10004  
Tel: (917) 417-0137  
Fax: (917) 267-5550  
Email: kbarot@barrelaw.com  
*Attorney for Petitioner*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

ZAREFARD, Alireza	)	
	)	
	)	
<i>Petitioner,</i>	)	Case No.: 1:25-cv-895
	)	
v.	)	
	)	
NEW ORLEANS FIELD OFFICE for the U.S.	)	
IMMIGRATION AND CUSTOMS ENFORCEMENT;	)	
NOEM, KRISTI, U.S. DEPARTMENT OF HOMELAND	)	
SECURITY; BONDI, PAM, Attorney General of the	)	
UNITED STATES of AMERICA; and WARDEN of	)	
RIVER CORRECTIONAL CENTER	)	
	)	
<i>Respondents.</i>	)	
	)	

**PROPOSED ORDER**

WHEREFORE, upon consideration of Plaintiff’s petition for a writ of habeas corpus, the following is declared and ordered:

1. A writ of habeas corpus ordering Petitioner’s release from immigration detention pending final resolution of this habeas proceeding, specifically on whether Petitioner will be given a fair custody redetermination hearing and permanently released or removed to his native country of Iran;
2. Respondents’ detention policies, practices, acts, and omissions described herein as applied to the Petitioner are unlawful and exceed Respondents’ constitutional and statutory authority in violation of 5 U.S.C. §§ 706(2)(A)—(D);
3. Respondents’ detention policies, practices, acts, and omissions described herein are unlawful and violate Petitioner’s rights under the Fourth Amendment to the United States Constitution;



4. Respondent's detention policies, practices, acts, and omissions described herein are unlawful and violate Petitioner's rights under the Fifth Amendment to the United States Constitution;
5. Respondents, their subordinates, agents, employees, and all others are permanently enjoined from acting in concert with them from subjecting Petitioner to these statutory violations and unconstitutional detention policies, practices, acts and omissions described herein, and issue injunctive relief sufficient to rectify those statutory and constitutional violations; and
6. Compensatory and punitive damages be awarded to Petitioner for Respondents' violations of constitutional law, which caused Petitioner to suffer and continue to suffer physical and emotional harm, in the amount of \$\_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Honorable Judge