

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

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ZAREFARD, Alireza)	
INTRODUCTION.....)	Case No.: 25-cv-00895
BACKGROUND.....)	JUDGE EDWARDS, JR.
<i>Petitioner,</i>)	
LEGAL ARGUMENT.....)	MAGISTRATE JUDGE
v.)	PEREZ-MONTES
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>)	
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CONCLUSION.....)	

**RESPONSE TO GOVERNMENT’S RESPONSE FOR WRIT OF HABEAS
CORPUS**

TABLE OF CONTENTS

	Page(s)
INTRODUCTION.....	1-2
BACKGROUND.....	2-5
LEGAL ARGUMENT.....	5-9
A. REMOVAL HAS NOT OCCURED AND WILL NOT OCCUR IN THE REASONABLY FORESEEABLE FUTURE.....	5-6
B. PETITIONER, LIKE OTHER IRANIANS IN DETENTION, IS UNLIKELY TO BE REMOVED TO HIS NATIVE COUNTRY.....	6-7
C. THIS HONORABLE COURT OFFERS PETITIONER HIS ONLY LEGAL RECOURSE TO END HIS INDEFINITE AND UNLAWFUL DETENTION....	7-8
D. PETITIONER IS THE IDEAL CANDIDATE FOR RELEASE FROM DETENTION AND IS WILLING TO ACCEPT CONDITIONS TO EFFECTUATE HIS RELEASE.....	8-9
CONCLUSION.....	9-10

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Zadvydas v. Davis</i> , 533 U.S. 678, 121 S. Ct. 2491, 150 L. Ed (2001).....	5
<i>Clark v. Martinez</i> , 543 U.S. 371, 125 S. Ct. 716, 160 L. Ed. 2d 734 (2005).....	5
Statutes	
8 C.F.R. § 208.33(a).....	3
8 C.F.R. § 241.4.....	4
8 C.F.R. § 241.13.....	4
Exhibit D, United States Immigration and Customs Enforcement, Enforcement and Removal Operations (ERO), November 2024, https://static.frxnews.com/content/uploads/2024/12/get-backs-re-non-detained-de-eri-1.pdf (November 2024).....	7

UNITED STATES DISTRICT COURT
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EXHIBITS

	Page(s)
<i>Exhibit A</i> , Affidavit of Mohammadreza Zarefard, Petitioner's United States Citizen Brother.....	4-5
<i>Exhibit B</i> , American Immigration Council, Immigration Detention in the United States by Agency, https://www.americanimmigrationcouncil.org/fact-sheet/immigration-detention-united-states-agency/ (August 20, 2025).....	6
<i>Exhibit C</i> , United States Immigration and Customs Enforcement, Annual Report, Fiscal Year 2024, https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf (December 19, 2024).....	7
<i>Exhibit D</i> , United States Immigration and Customs Enforcement, Enforcement and Removal Operations (ERO), November 2024, https://static.foxnews.com/foxnews.com/content/uploads/2024/12/get-backs-re-non-detained-docket-1.pdf (November 2024).....	7

I. INTRODUCTION

On June 24, 2025, Mr. Alireza Zarefard ("Petitioner"), filed a Petition for Writ of Habeas Corpus requesting that this Court order his immediate release from detention at River Correctional Facility in Ferriday, Louisiana. On September 19, 2025, the Assistant United States Attorney for the Western District of Louisiana, on behalf of the government ("Respondent"), filed a response to Petitioner's petition. Respondent's sole reason to deny Petitioner's Writ of Habeas Petition rests on a claim that there is a significant likelihood of Petitioner's removal in the future, thus his detention is thus lawful under *Zedye v. Davis*. The record clearly states this assertion is a factual falsehood.

Petitioner continues to remain in a perpetual state of detention because there is no significant likelihood that he will be removed in the reasonably foreseeable future. This is supported by the time that has elapsed since his removal order became final on July 30, 2024, the

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I. INTRODUCTION

On June 24, 2025, Mr. Alireza Zarefard (“Petitioner”), filed a Petition for Writ of Habeas Corpus requesting that this Court order his immediate release from detention at River Correctional Facility in Ferriday, Louisiana. On September 29, 2025, the Assistant United States Attorney for the Western District of Louisiana, on behalf of the government (“Respondents”), filed a response to Petitioner’s petition. Respondents’ sole reason to deny Petitioner’s Writ of Habeas Petition rests on a claim that there is a significant likelihood of Petitioner’s removal foreseeable in the future, thus his detention is thus lawful under *Zadvydas v. Davis*. The record clearly states this assertion is a factual falsehood.


Petitioner continues to remain in a perpetual state of detention because there is no significant likelihood that he will be removed in the reasonably foreseeable future. This is supported by the time that has elapsed since his removal order became final on July 30, 2024, the

numerous times he has been transferred to several different detention facilities and returned from airports after attempted but failed removals, and the government's own information on immigration enforcement regarding Iran. Petitioner has been detained by the United States Immigration and Customs Enforcement ("ICE") for over 550 days now, an unimaginable length of time that is a clear violation of his statutory and constitutional due process rights. During this time, he has suffered irreparable psychological and physical harm, experiencing severe mental distress and losing over 50 pounds.

This Honorable Court offers the only legal recourse remaining for Petitioner to be freed from his indefinite and unlawful detention. He has not been in removal proceedings since July 30, 2024, when his application for relief was denied by the Immigration Judge, and he has exhausted all of his remedies for relief from detention since his Post-Order Custody Review (POCR) on January 20, 2025. He meets the requirements for release from detention, as he is not a danger to society and is not a flight risk. Finally, even if removal could occur in the future, Petitioner can have conditions placed on his release to assure his removal.

Therefore, because Petitioner can, pursuant to *Zadvydas*, establish that his post removal order detention has been in excess of six months at the time of the filing of his habeas petition, that there is good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, and because he meets the requirements for release from detention, this Honorable Court should grant Petitioner's habeas petition and order his immediate release.

II. BACKGROUND

Petitioner is a citizen of Iran born on  He entered the country on or about April 24, 2024, at San Ysidro, California. Petitioner 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.

On April 24, 2024, he was given a credible fear interview, of which he did not receive a positive determination. Petitioner expressed during this interview that he was afraid of returning to Iran because [REDACTED]

[REDACTED] suffering extreme physical violence as a result. Therefore, he feared persecution in Iran on [REDACTED]. The interviewing officer found that Petitioner was credible and had established a nexus to [REDACTED] requirements for being found to have a credible fear of persecution. However, the interviewing officer ultimately found that Petitioner was subject to the conditions on asylum eligibility under 8 C.F.R. § 208.33(a)¹, and therefore had not established a credible fear of persecution with respect to his application for asylum.

On May 14, 2024, Petitioner 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 Petitioner established that he had experienced past harm in Iran, specifically [REDACTED]. The officer found that the presumption of past persecution had not been rebutted and that the persecution was based on [REDACTED]. Petitioner expressed a fear of returning to Iran [REDACTED]. In his final analysis, the officer found that there was a reasonable possibility that Petitioner could establish in a full hearing that he suffered past persecution on the basis of [REDACTED], who has provided

As a result of the positive reasonable fear determination, Petitioner was issued a Notice to Appear (NTA) dated May 23, 2024, which placed him in removal proceedings. After the issuance

¹ 8 C.F.R. § 208.33(a), Lawful pathways condition on asylum eligibility.

of the NTA, Petitioner was transferred to River Correctional Center in Ferriday, Louisiana on May 31, 2024. On July 30, 2024, Petitioner's I-589 Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture was denied. His application for pre-conclusion and post-conclusion voluntary departure was also denied. Consequently, Petitioner was issued a final order of removal to Iran.

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. On January 20, 2025, a POCR was conducted by U.S. Immigration and Customs Enforcement (ICE). Unfortunately, although Petitioner's testimony proved that he should be released, that custody review resulted in Petitioner not being released, and he cannot request another custody redetermination by law because the circumstances of his case have not changed.

Petitioner has spent an unfathomable 550 days (and counting) in immigration detention, a length of time that is a testament to Respondents' inability to effectuate his removal from the United States. Petitioner, like so many other Iranians who are also in detention, cannot be removed to their native country despite Respondent's repeated efforts. As the information and statistics included later in this response will illustrate, Respondents have historically had great difficulty effectuating the removal of Iranian citizens, and nothing has changed to suggest that they will be successful in removing Petitioner in the reasonably foreseeable future.

The emotional, psychological, and physical suffering that Petitioner has endured is something he shares with his United States citizen brother, Mr. Mohammadreza Zarefard, who has provided an affidavit in support of this petition.² Petitioner has been transferred eight times across three states and six detention facilities. Four of those detention facilities have been in Louisiana: Winn

² *Exhibit A*, Affidavit of Mohammadreza Zarefard, Petitioner's United States Citizen Brother.

Correctional Facility, Jackson Parish Correctional Center, Alexandria Staging Facility, and River Correctional Center. The other two detention facilities are Otay Mesa Detention Center in California and Adams County Correction Center in Missouri.³ During his time in detention, Respondents have brought Petitioner to an airport on three different occasions in attempts to remove him to Iran, but they failed every time.⁴ The constant movements with no resolution in sight have taken a significant toll on Petitioner's health, leaving him "physically and emotionally shattered."⁵ Petitioner has lost over 50 pounds since being detained, a startling development that shows the tangible, health-threatening effects of his prolonged detention.⁶

Petitioner is therefore before this Honorable Court, seeking the only legal recourse he has to end his indefinite and unlawful detention, which is a granting of this petition.

III. LEGAL ARGUMENT

A. REMOVAL HAS NOT OCCURED AND WILL NOT OCCUR IN THE REASONABLY FORESEEABLE FUTURE.

The Supreme Court addressed the issue of indefinite detention and immigration orders of removal in *Zadvydas v. Davis* and *Clark v. Martinez*.⁷ According to those decisions, an alien seeking release from detention that files a petition for habeas corpus must: (1) establish post removal order detention in excess of six months at the time of the filing of his or her petition; and, 2) establish good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. **If this is done, "the Government must respond with evidence to rebut that showing."**⁸

³*Id.* at ¶ 3.

⁴*Id.*

⁵*Id.* at ¶ 2, 4.

⁶*Id.* at ¶ 4.

⁷ *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150 L. Ed (2001); *Clark v. Martinez*, 543 U.S. 371, 125 S. Ct. 716, 160 L. Ed. 2d 734 (2005).

⁸ *Zadvydas*, 533 U.S. at 701.

It is not disputed that Petitioner was in detention more than six months at the time of filing his petition. The issue at dispute is whether there is a significant likelihood of removal in the reasonably foreseeable future. **The answer to that question is overwhelmingly, no.**

There is much more than “mere ‘speculation and conjecture’” as to second prong under *Zadvydas*: the facts of Petitioner’s detention are undeniable. Petitioner has been in detention for over 550 days. However, contrary to Respondents’ response, Petitioner is not simply relying on how long he has been in detention. Since his removal order became final on July 30, 2024, Respondents have transferred Petitioner eight times, across six different detention facilities spanning three states, and have brought him to an airport on three separate occasions. Still, he remains in detention, and Respondents have provided no evidence to show that they will be able to remove him in the reasonably foreseeable future. Instead, *they* in fact rely on “mere ‘speculation and conjecture’” to support their claim that removal will occur in the foreseeable future. Petitioner, on the other hand, offers his factual circumstances and irrefutable data in support of his petition.

B. PETITIONER, LIKE OTHER IRANIANS IN DETENTION, IS UNLIKELY TO BE REMOVED TO HIS NATIVE COUNTRY.

While over 500 days in detention is reprehensible on its own, it is even more catastrophic when considering that the average length of detention in Fiscal Year 2024 was just 47 days.⁹ Of the 550 days (and counting) Petitioner has spent in detention, over 450 of those days have been since his removal proceedings concluded, and over 280 days have elapsed since Petitioner underwent his custody redetermination that did not result in his release. Respondents have had over 450 days to remove Petitioner to his native country of Iran, but the existence of “particular

⁹ *Exhibit B, American Immigration Council, Immigration Detention in the United States by Agency*, <https://www.americanimmigrationcouncil.org/fact-sheet/immigration-detention-united-states-agency/> (August 20, 2025).

barriers to his repatriation”, which Respondents have done a tremendous job at completely ignoring in their response, have prevented Respondents from doing so.

Petitioner has been shuffled like human cargo across three states and six detention facilities, and has been taken to the airport three separate times to be sent to Iran, only to be brought right back to the detention center. The inability of Respondents to repatriate Petitioner is unsurprising, because while the astronomic length of detention and multiple failed attempts to fly Petitioner back to Iran is evidence in of itself, the facts specific to the United States and Iran cement the conclusion that there is no significant likelihood of removal in the foreseeable future. For example, from Fiscal Year 2019 to Fiscal Year 2024, ICE has removed just 105 Iranians, with 27 Iranians being removed in 2024.¹⁰ This is a truly miniscule number, especially compared to other countries like Brazil, with 10,840 removals, Dominican Republic, with 13,904 removals, and even Cuba, with 3,933 removals.¹¹ Furthermore, according to an ICE document from November 2024, ICE considers Iran as an “uncooperative” country when attempting to send Iranians back to their country of birth,¹² which is to be expected considering the lack of diplomatic relation between the two countries.

C. THIS HONORABLE COURT OFFERS PETITIONER HIS ONLY LEGAL RECOURSE TO END HIS INDEFINITE AND UNLAWFUL DETENTION.

Due to the barriers to Petitioner’s removal to Iran, he has been stuck in perpetual detention with no other legal avenue for release since his PO CR denial on January 20, 2025. While Mr. Robert Ainley, Assistant Field Office Director with the United States Department of Homeland

¹⁰ *Exhibit C*, United States Immigration and Customs Enforcement, Annual Report, Fiscal Year 2024, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf> (December 19, 2024).

¹¹ *Id.*

¹² *Exhibit D*, United States Immigration and Customs Enforcement, Enforcement and Removal Operations (ERO), November 2024, <https://static.foxnews.com/foxnews.com/content/uploads/2024/12/get-backs-re-non-detained-docket-1.pdf> (November 2024).

Security (DHS), ICE, Enforcement and Removal Operations (ERO) in the New Orleans Field Office, states in Respondents' Ex. A that Petitioner may request a custody redetermination based on a showing that his circumstances have changed materially since the last bond redetermination, but that he has not done so, that alternative is suggested in bad faith. Circumstances have remained the same since the last custody determination on January 20, 2025, and they are unlikely to change, a fact that ICE and anyone in a leadership position such as Mr. Ainley should know. As a result, a custody redetermination is simply not possible.

Petitioner has spent an agonizing 550 days (and counting) in detention, with more than two thirds of that time waiting for Respondents to effectuate his removal. He has been treated like livestock as he has been moved across state lines, in and out of detention facilities, and to and from airports, only to still be held in detention. He has suffered in every sense of the word, with his family listening on the other end of the telephone line, hearing the hopelessness that any individual in his position would feel. Petitioner does not know of an end date, and neither do Respondents. Despite their best efforts, they have been unable to remove him to his native country of Iran, and ICE's own statistics and information leave without a shadow of a doubt that removal of Respondent is a challenge that they are not able to overcome. Truly, this Honorable Court offers Petitioner his only recourse for relief to end his unlawful and indefinite detention.

D. PETITIONER IS THE IDEAL CANDIDATE FOR RELEASE FROM DETENTION AND IS WILLING TO ACCEPT CONDITIONS TO EFFECTUATE HIS RELEASE.

Finally, Petitioner is a perfect candidate for release from detention. He has been in unlawful and indefinite detention for over a gargantuan 550 days. He has no criminal record in the United States or anywhere else in the world, including his native Iran. Nothing in his history suggests that he is a danger to society. He has family in the United States including a United States Citizen

brother, Mr. Mohammadreza Zarefard, who has submitted an affidavit in support of this action. Additionally, Petitioner is afraid to return to Iran and received a positive reasonable fear determination, showing that even the government believes that his fear is legitimate. For all these reasons, he is not a flight risk.

Nonetheless, Petitioner is willing to accept conditions for his release, such as some form of supervision. Petitioner does not have anything in his history that warrants keeping him in detention to guarantee his removal. If conditions are placed on his release from detention, those will ensure that his whereabouts are always known and that if removal does become imminent, he can easily be located and taken back into custody. It simply makes no sense and goes against his constitutional rights to keep him in detention when he can be responsibly released while Respondents try to resolve their issues in removing him to Iran.

IV. CONCLUSION

Respondents have not provided any evidence to prove that they will be able to remove Petitioner to Iran in the reasonably foreseeable future. Instead, they simply point to the Petitioner's burden. Thankfully, that burden has been met, both by the specific factual circumstances of Petitioner's case, and the unbiased information on detention and removal regarding Iran, much of which comes from ICE itself.

Therefore, because Petitioner has met his burden under *Zadvydas* by showing that there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future", the law mandates his release from detention. Accordingly, Petitioner asks this Honorable Court to end his indefinite and unlawful detention by granting this habeas petition and ordering his immediate release.

Respectfully submitted,

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