

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

SHAHRYAR TALEBINEJAD,
5401 Upper Mill Terrace South,
Frederick, MD 21703,

Petitioner,

v.

NIKITA BAKER, Field Office Director, Baltimore
Field Office, United States Immigration and
Customs Enforcement; 31 Hopkins Plaza, 6th Floor,
Baltimore, MD 21201,

and

WARDEN, Frederick County Detention Center,
7300 Marcies Choice Lane, Frederick, MD 21704;

and

TODD M. LYONS, Acting Director, United States
Immigration and Customs Enforcement, 500 12th
Street, SW, Mail Stop 5900,
Washington, DC 20536,

and

KRISTI NOEM, Secretary of Homeland Security,
245 Murray Lane, SW, Mail Stop 0485,
Washington, DC 20528-0485;

and

PAMELA JO BONDI, United States Attorney
General, U.S. Department of Justice, 950
Pennsylvania Avenue, NW, Washington, DC
20530-0001, *in their official capacities,*

Respondents.

Civil Action No.: 1:25-cv-02024

**PETITION FOR WRIT OF HABEAS
CORPUS**

A 

PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Shahryar Talebinejad was born in Iran on January 21 1989. He came to the United States in 1998 with his family when he was nine years old. The entire family was granted asylum due to their past persecution on account of religious and political persecution. On March 23 2005 he was issued a Permanent Resident Card (A Number 076 947 195). *See* Exhibit A. On or about January 5, 2010, an immigration judge ordered removal after Mr. Talebinejad was placed in removal proceedings. *See* Exhibit B. Thereafter on July 6, 2015, U.S. Immigration & Customs Enforcement (“ICE”), issued an Order of Supervision, advising that the service will not effectuate his removal or deportation during the period prescribed by law and ordered him into supervised release, setting forth conditions of personal appearance/check in with ICE as required. Mr. Talebinejad has fully complied with all terms and conditions. However, he is currently in custody despite having done everything required of him by the U.S. Department of Homeland Security (“DHS”), Immigration & Customs Enforcement.
2. Despite his compliance, Petitioner has now been detained by ICE.
3. Petitioner’s return to Iran or a third country without a full hearing to determine his credible fear of return to a country that is currently an Islamic dictatorship, wherein, as recent events attest there has been crackdowns on dissidents, a usurpation of the democratic process, and killings, jailings and alleged torture for anyone who does not adhere to strict or religious and political beliefs of those in power. The petitioner, Mr. Talebinejad would surely suffer if removed from the United States to Iran or any other country. There is an ongoing denial of basic human rights in Iran.

4. Petitioner challenges his detention as a violation of the Immigration and Nationality Act (“INA”) and the Due Process Clause of the Fifth Amendment.
5. Petitioner respectfully requests that this Court grant him a Writ of Habeas Corpus and order Respondents to release him from custody. Petitioner seeks habeas relief under 28 U.S.C. 2241, which is the proper vehicle for challenging civil immigration detention. *See Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004) (“Challenges to immigration detention are properly brought directly through habeas”) (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)).

CUSTODY

6. Petitioner is in the physical custody of Respondents. Petitioner is imprisoned at an immigration detention facility, in Baltimore, Maryland, or at one of the three immigration detention facilities in Maryland (including the Howard County Detention Center, the Frederick County Detention Center, and the Worcester County Detention Center). Regardless of where he is detained in Maryland, Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

7. This Court has jurisdiction to entertain this habeas petition under 28 U.S.C. 1331; 28 U.S.C. 2241; the Due Process Clause of the Fifth Amendment, U.S. Const. Amend. V; and the Suspension Clause, U.S. Const. Art. I, § 2.

VENUE

8. Venue is proper in this District under 28 U.S.C. 1391 and 28 U.S.C. 2242 because at least one Respondent is in this District, Petitioner is detained in this District, Petitioners’

immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. *See generally Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) (“the proper respondent to a habeas petition is ‘the person who has custody over the petitioner’”) (citing 28 U.S.C. 2242) (cleaned up).

PARTIES

9. Petitioner is currently detained by Respondents at an immigration detention facility in Baltimore, Maryland (or somewhere else in Maryland). He has been in ICE custody since on or about June 23 2025, when he was arrested by ICE agents. Petitioner normally resides at 5401 Upper Mill Terrace South, Frederick, MD 21703. *See Exhibit C.*
10. Respondent Warden is in charge of the facility where Petitioner is currently detained. He or she is a legal custodian of Petitioner and is named in his or her official capacity.
11. Respondent Nikita Baker is the Field Office Director responsible for the Baltimore Field Office of ICE with administrative jurisdiction over Petitioner’s immigration case. She is a legal custodian of Petitioner and is named in her official capacity.
12. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.
13. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security. She is a legal custodian of Petitioner and is named in her official capacity.
14. Respondent Pamela Jo Bondi is the Attorney General of the United States Department of Justice. She is a legal custodian of Petitioner and is named in her official capacity.

STATEMENT OF FACTS

15. Petitioner came to the United States in 1998 at the age of nine with his family and sought protection from the United States by seeking asylum based on past religious and political

persecution. He was granted lawful permanent resident status on March 23 2005.

16. On or about January 10 2010, an immigration judge issued an order of removal but this order was not effectuated against the petitioner who was thereafter issued an Order of Supervision on July 6, 2015. See Exhibit B.
17. As part of the Order of Supervision, the petitioner was advised that the Service will not effectuate his removal or deportation and ordered him to be placed under supervision under the following conditions:
 - (1) That he appear I person at the time and place specified, upon each and every request of the Service
 - (2) That upon request of the Service he appears for medical or psychiatric examination at the expense of the U.S. government
 - (3) That he provides information under oath about his nationality, circumstances, habits, associations and activities and such other information as the Service considers appropriate
 - (4) That he not travel outside of Maryland, Virginia, Washington DC. For more than 48 hours without first having notified the service of the dates and places of such proposed travel
 - (5) That he furnishes written notice to the service of any change of residence or employment within 48 hours of such change
 - (6) That he assists ICE in obtaining any necessary travel documents
18. Since the date of this Order, the petitioner has fully complied with each condition and cooperated as necessary.
19. ICE officers took Petitioner into custody on June 23 2025.
20. On June 24 2025, his counsel, Parastoo Golesorkhi Zahedi, sent an email to the ICE office and relevant supervisory officials at the Baltimore field office identifying herself as his

counsel and noting the filing of this instant petition for a writ of habeas corpus. That email also included a form G-28 proof of legal representation. *See* Exhibit D.

CLAIMS FOR RELIEF

COUNT ONE
VIOLATION OF THE DUE PROCESS CLAUSE
OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

21. Petitioner realleges and incorporates by reference each and every allegation contained above.
22. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. Amend. V. *See generally Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); and *Demore v. Kim*, 538 U.S. 510 (2003).
23. Petitioners' detention violates the Due Process Clause because it is not rationally related to any immigration purpose; because it is not the least restrictive mechanism for accomplishing any legitimate purpose the government could have in imprisoning Petitioner; and because it lacks any statutory authorization.
24. Under the Fifth Amendment to the United States Constitution, those threatened with the loss of liberty or property due to actions by the federal government are entitled to due process of law.
25. Procedural due process requires in most cases, a hearing of some kind. *Mathews v. Eldridge*, 424 U.S. 319, 332-333, 96 S.Ct. 893, 901-902 (1976). The process due depends on three factors:

[f]irst, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's

interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Id. 424 U.S. at 335, 96 S.Ct. at 903.

26. The procedures employed by Defendants offered Petitioner no hearing, no notice, and no opportunity to be heard.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant him the following relief:

1. Assume jurisdiction over this matter;
2. Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. 2243;
3. Declare that his detention violates the Immigration and Nationality Act;
4. Declare that his detention violates the Due Process Clause of the Fifth Amendment;
5. Grant him a writ of habeas corpus ordering Respondents to immediately release him from custody;
6. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
7. Grant him such further relief as this Court deems just and proper.

Dated: June 24, 2025

Respectfully submitted,

COUNSEL FOR PETITIONER

/s/Brian Scott Green

Brian Scott Green

U.S. District Court Bar ID # 19493

Law Office of Brian Green

9609 S University Boulevard, #630084

Littleton, CO 80130

Phone (443) 799-4225

BrianGreen@greenUSimmigration.com

Verification

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

June 24, 2025

/s/Brian Scott Green

Brian Scott Green