

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

**REZA ZAVVAR,**  
BALTIMORE HOLDING CELL  
31 Hopkins Plaza  
Baltimore, MD 21201,

Petitioner,

v.

**NIKITA SCOTT,** Director of Baltimore Field Office,  
U.S. Immigration and Customs Enforcement  
31 Hopkins Plaza  
6<sup>th</sup> Floor  
Baltimore MD 21021

**KRISTI NOEM,** Secretary of the U.S. Department  
Homeland Security  
MS 0525 Department of Homeland Security  
2707 Martin Luther King, Jr. Ave, SE  
Washington DC 20528-0525

and

**PAM BONDI,**  
Attorney General of the United States,  
950 Pennsylvania Avenue, NW  
Washington DC 20530

in their official capacities,

Respondents.

Case No. 1:25-cv-02104

**PETITION FOR WRIT OF  
HABEAS CORPUS**

**ORAL ARGUMENT  
REQUESTED**

ALIEN # A



**INTRODUCTION**

1. Petitioner, Reza Zavvar, files this petition for a writ of habeas corpus. He is detained by U.S. Immigration & Customs Enforcement at the Baltimore Holding Cell in Baltimore Maryland. Mr. Zavvar is a citizen of Iran. In 2007, an Immigration Judge granted Mr. Zavvar's application for withholding of removal under 8 U.S.C. §1231(b)(3)(A). The Immigration Judge's ordered Mr. Zavvar's removal to any country other than Iran. Since that time, Mr. Zavvar has lived peacefully with his family members in Maryland.
2. On June 28, 2025, officers from U.S. Immigration & Customs Enforcement ("ICE") took Mr. Zavvar into custody outside his house and have held him in custody since then. It is not clear what ICE intends to do with Mr. Zavvar other than to send him to Port Isabel, Texas, for the next phase of his detention.
3. Mr. Zavvar is currently detained under the provisions of 8 U.S.C. §1231, which governs the detention of non-citizens with a final order of removal that has been withheld or deferred by an immigration judge due to a likelihood of persecution in his home country. 8 U.S.C. §1231(a)(1)(B)(1). Mr. Zavvar's removal order and accompany grant of withholding of removal became final when ICE failed to timely appeal his grant of withholding. 8 C.F.R. §1241.1.
4. Mr. Zavvar's continued detention violates 8 U.S.C. §1231(a)(6), as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), because his removal is not reasonably foreseeable. He may not be deported to Iran because he was granted the protection of withholding of removal with respect to Iran. 8 C.F.R. §1208.17. Moreover, ICE has identified no alternative third countries to which it could remove Mr. Zavvar to, making the likelihood that Mr. Zavvar's removal is speculative and not reasonably foreseeable.

5. In addition, Mr. Zavvar fears that he may be subjected to third country removal without being provided with notice of a country of removal and opportunity to contest removal on the basis of a fear or likelihood of persecution in such third country. To remove Mr. Zavvar to a third country without affording him the opportunity to contest such removal would violate the Immigration & Nationality Act and the Due Process Clause of the Fifth Amendment.

### **JURISDICTION**

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.
9. Federal Courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See e.g., Zadvydas*, 533 U.S. at 687.

### **VENUE**

10. Venue is proper because Petitioner is detained at Baltimore Holding Cell in Baltimore, Maryland, which is within the jurisdiction of this District.

### **REQUIREMENTS OF 28 U.S.C. § 2243**

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief.

28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

### **PARTIES**

13. Petitioner Reza Zavvar is a native of Iran who is currently detained by U.S. Immigration & Customs Enforcement at the Baltimore Holding Cell in Baltimore, Maryland. He is in custody, and under the direct control, of Respondents and their agents.
14. Respondent Nikita Baker is sued in her official capacity as the Director of the Baltimore Field Office of U.S. Immigration and Customs Enforcement. Respondent Baker is a legal custodian of Petitioner and has authority to release him.
15. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (“DHS”). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement the component agency responsible for Petitioner’s detention and custody. Respondent Noem is a legal custodian of Petitioner.
16. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (“DOJ”). In that

capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

### **STATEMENT OF FACTS**

17. Petitioner is a 52-year-old citizen of Iran. He entered the U.S. with his family at the age of 12 and subsequently gained asylum and permanent residence. In 2004, the Department of Homeland Security placed him into removal proceedings based upon two marijuana convictions in 1994 and 1998, respectively. He was not detained during these proceedings. In 2007, the immigration judge ordered Mr. Zavvar’s removal but granted withholding of removal to Iran. At the time of the grant of withholding of removal, Mr. Zavvar was not in custody of the Department of Homeland Security. He remained free from custody until June 28, 2025, which ICE took him into custody. Mr. Zavvar is currently in custody of the Respondents, although it is not clear to what end.

### **LEGAL FRAMEWORK**

18. When an IJ grants a non-citizen withholding or CAT relief, the IJ issues a removal order and simultaneously withholds or defers that order with respect to the country or countries for which the non-citizen demonstrated a sufficient risk of persecution or torture. *See Johnson v. Guzman Chavez*, 141 S. Ct. 2271, 2283 (2021). Once withholding or CAT relief is granted, either party has the right to appeal that decision to the BIA within 30 days. *See* 8 C.F.R. § 1003.38(b). If both parties waive appeal or neither party appeals within the 30-day period, the withholding or CAT relief grant and the accompanying removal order become administratively final. *See id.* §1241.1.

19. When a non-citizen has a final withholding or CAT relief grant, they cannot be removed to the country or countries for which they demonstrated a sufficient likelihood of persecution or torture. See 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 1208.17(b)(2). While ICE is authorized to remove non-citizens who were granted withholding or CAT relief to alternative countries, see 8 U.S.C. § 1231(b); 8 C.F.R. § 1208.16(f), the removal statute specifies restrictive criteria for identifying appropriate countries. Non-citizens can be removed, for instance, to the country “of which the [non-citizen] is a citizen, subject, or national,” the country “in which the [non-citizen] was born,” or the country “in which the [non-citizen] resided” immediately before entering the United States. 8 U.S.C. § 1231(b)(2)(D)-(E).
20. If ICE identifies an appropriate alternative country of removal, ICE must undergo further proceedings in immigration court to effectuate removal to that country. *See Jama v. ICE*, 543 U.S. 335, 348 (2005) (“If [non-citizens] would face persecution or other mistreatment in the country designated under § 1231(b)(2), they have a number of available remedies: asylum, § 1158(b)(1); withholding of removal, § 1231(b)(3)(A); [and] relief under an international agreement prohibiting torture, see 8 CFR §§ 208.16(c)(4), 208.17(a) (2004) . . .”); *Romero v. Evans*, 280 F. Supp. 3d 835, 848 n.24 (E.D. Va. 2017) (“DHS could not immediately remove petitioners to a third country, as DHS would first need to give petitioners notice and the opportunity to raise any reasonable fear claims.”), *rev’d on other grounds*, *Guzman Chavez*, 141 S. Ct. 2271.
21. 8 U.S.C. § 1231 governs the detention of non-citizens “during” and “beyond” the “removal period.” 8 U.S.C. § 1231(a)(2)-(6). The “removal period” begins once a non-citizen’s removal order “becomes administratively final.” 8 U.S.C. § 1231(a)(1)(B). The

removal period lasts for 90 days, during which ICE “shall remove the [non-citizen] from the United States” and “shall detain the [non-citizen]” as it carries out the removal. 8 U.S.C. § 1231(a)(1)-(2). If ICE does not remove the non-citizen within the 90-day removal period, the non-citizen “may be detained beyond the removal period” if they meet certain criteria, such as being inadmissible or deportable under specified statutory categories. 8 U.S.C. § 1231(a)(6) (emphasis added).

22. To avoid “indefinite detention” that would raise “serious constitutional concerns,” the Supreme Court in *Zadvydas* construed § 1231(a)(6) to contain an implicit time limit. 533 U.S. at 682. *Zadvydas* dealt with two non-citizens who could not be removed to their home country or country of citizenship due to bureaucratic and diplomatic barriers. The Court held that § 1231(a)(6) authorizes detention only for “a period reasonably necessary to bring about the [non-citizen]’s removal from the United States.” *Id.* at 689. Six months of post-removal order detention is considered “presumptively reasonable.” *Id.* at 701.
23. No statute permits Defendants to re-detain an individual who has been released under § 1231(a)(3) without evidence that removal is now reasonably foreseeable or that the individual has violated the conditions of their release
24. Mr. Zavvar’s detention is governed by 8 U.S.C. § 1231(a)(6) because more than 90 days have passed since he received a final grant of withholding relief. The 90-day removal period began for Mr. Zavvar on November 10, 2007, when the appeal period began and expired without either party filing a timely appeal. *See* 8 U.S.C. § 1231(a)(1)(B)(i); 8 C.F.R. § 1241.1(c). Therefore, the *Zadvydas* framework applies to Mr. Zavvar’s detention, and it has been more than six months since his removal order became final.

25. In the 18 years since Mr. Zavvar's order became final, the Respondents have never made an effort to seek Mr. Zavvar's removal. Similarly, the Respondents have made no effort to identify a third country to which they intend to seek Mr. Zavvar's removal.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

##### **Violation of Immigration & Nationality Act, 8 U.S.C. §1231(a)(6)**

The allegations in the above paragraphs are realleged and incorporated herein.

1. 8 U.S.C. §1231(a)(6), as interpreted by the Supreme court in *Zadvydas*, authorizes detention only for a period reasonably necessary to bring about the alien's removal from the United States. 533 U.S. at 689., 701.
2. Petitioner's detention is unreasonable because his removal is not reasonably foreseeable. Therefore, his continued detention violates 8 U.S.C. §1231(a)(6) and he must be immediately released.

#### **COUNT TWO**

##### **Violation of 8 U.S.C. §1231(b)(3) and Implementing Regulations**

The allegations in the above paragraphs are realleged and incorporated herein.

1. Seeking to remove the Petitioner to a third country to which he has not had an opportunity to contest violates 8 U.S.C. §1231(b)(3) and Petitioner's right to contest his removal to a third country where he may face persecution.



### **COUNT THREE**

#### **Violation of Fifth Amendment Due Process Clause and Administrative Procedure Act, 5**

#### **U.S.C. §706(2)(D)**

26. The INA, and implementing regulations mandate meaningful notice and opportunity to present a fear-based claim to an immigration judge before DHS deports a person to a third country.

27. Petitioner has a due process right to meaningful notice and opportunity to present a fear-based claim to an immigration judge before DHS deports a person to a third country. *See, e.g., Aden v. Nielsen*, 409 F. Supp. 3d 998, 1004 (W.D. Wash. 2019). Plaintiffs also have a due process right to not be re-detained to seek unspecified third country removal because Respondents have no provided procedural protections to ensure meaningful notice and an opportunity to present a fear-based claim prior to removal to a third country. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The APA also compels a reviewing court to “hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

#### **PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
3. Declare that Petitioner’s detention violates the Immigration & Nationality Act, Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1231(b)(3) and 8 C.F.R. §208.2(c)(2) and order his release from the Respondent’s custody.

4. Issue a Writ of Habeas Corpus ordering Respondents to provide Petitioner with notice of any third country to which it seeks his removal and an opportunity to contest such removal.
5. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
6. Grant any further relief this Court deems just and proper.

Dated: June 30, 2025

Respectfully submitted,

/s/Brian Scott Green

Brian Scott Green

U.S. District Court ID # 19493

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**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, Reza Zavvar, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 30<sup>th</sup> day of June, 2025.

s/Brian Scott Green

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