

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MEHRAN RAHMATIAN,

Petitioner,

V.

JOSHUA JOHNSON, Field Office §
 Director for Detention and Removal, U.S. §
 Immigration and Customs Enforcement, §
 Department of Homeland Security and §
 Warden, Prairieland Detention Center, §

Respondents.

No. _____

Agency No.: A 

PETITION FOR WRIT OF HABEAS CORPUS

This is a petition for a writ of habeas corpus filed on behalf of MEHRAN RAHMATIAN seeking relief to remedy his unlawful detention. Respondents are detaining Mr. RAHMATIAN pending the execution of his final removal order, which was deferred by an Immigration Judge under the Convention Against Torture (CAT). Mr. RAHMATIAN has fully cooperated with Respondents in their efforts to remove him, despite an Immigration Judge ordering that his removal is deferred under CAT. To date, Respondents have been unable or unwilling to remove Mr. RAHMATIAN and thus, he has been detained for 1 day. Mr. RAHMATIAN is not a flight risk or a danger to the community. Prior to his detention, he was reporting with the U.S. Immigration and Customs Enforcement (USICE) and had committed no additional crimes since the crime he committed in 1999 which caused him to be placed in removal proceedings and stripped him of his permanent resident status. His detention is not justified under the Constitution or the Immigration and Nationality Act (INA).

On or about July 11, 2025, Respondent Joshua Johnson arrested Mr. RAHMATIAN and placed him in the custody of the Prairieland Detention Center in Alvarado, Texas. Mr.

RAHMATIAN's detention was for the purpose of executing his removal order, despite it being deferred by an Immigration Judge under CAT. On July 11, 2025, Respondent Joshua Johnson reviewed the custody status of Mr. RAHMATIAN and determined that he should be detained because of his conviction and because Respondents expected to remove Mr. RAHMATIAN to a third country, not his native country of Iran. Mr. RAHMATIAN seeks a determination on whether his removal to a third country would result in him being tortured in the third country to which he is removed. *Trump v. J.G.G., et al*, 604 U.S. ____ (2025) (slip opinion dated April 7, 2025). The original order from the Immigration Judge deferring Mr. RAHMATIAN's removal under CAT was on account of his religion, a protected ground under CAT. Mr. RAHMATIAN is an Iranian Christian.

Mr. RAHMATIAN has fully cooperated with Respondents' requests to complete the necessary paperwork to secure his travel documents in the past. Respondents, however, have not secured the necessary paperwork to remove Mr. RAHMATIAN. Mr. RAHMATIAN submits that his detention is in violation of his constitutional rights and the Immigration Judge's order that his removal be deferred under CAT. If Respondents now seek to remove Mr. RAHMATIAN, Respondents should go through the proper legal channels by seeking another order from an Immigration Judge regarding the likelihood of Mr. RAHMATIAN being tortured either in his own country of nationality or a third country to which Respondents seek to remove him. His detention is not justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his detention is unlawful and ordering Respondents to release Mr. RAHMATIAN from their custody.

CUSTODY

1. Mr. RAHMATIAN is in the physical custody of Respondent Joshua Johnson, Acting Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement

(USICE), the Department of Homeland Security (DHS), and Respondent Warden of Prairieland Detention Center in Alvarado, Texas. At the time of the filing of this petition, Petitioner is detained at the Prairieland Detention Center in Alvarado, Texas. The Prairieland Detention Center contracts with the DHS to detain aliens such as Petitioner. Mr. RAHMATIAN is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. 1, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Respondents, Joshua Johnson and Warden of Prairieland Detention Center reside and where Petitioner is detained. 28 U.S.C. § 1391(e).

PARTIES

4. Petitioner RAHMATIAN is a national and citizen of Iran who was accorded lawful permanent resident status on or about August 26, 1990, and whose ordered of removal was deferred by an Immigration Judge on December 5, 2003. He is detained by Respondents pursuant to 8 U.S.C. § 1231, which permits the DHS to detain aliens, such as Petitioner, pending the execution of the alien’s removal order.

5. Respondent Joshua Johnson is the Acting Field Office Director for Detention and Removal, USICE, DHS. Respondent Warden of Prairieland Detention Center is a custodial official acting within the boundaries of the judicial district of the United States Court for the Northern District of Texas, Dallas Division. Pursuant to Respondent Johnson's orders, Petitioner remains detained.

6. Respondent Warden Prairieland Detention Center in Alvarado, Texas. He is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Northern District of Texas, Dallas Division.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Mr. RAHMATIAN has exhausted his administrative remedies to the extent required by law.

8. He has fully cooperated with Respondents and has not delayed or obstructed his detention.

9. Mr. RAHMATIAN's only remedy is by way of this judicial action.

STATEMENT OF FACTS

10. Petitioner RAHMATIAN is a national and citizen of Iran who was previously accorded lawful permanent resident status but after conviction of a crime in 1999 was ordered removed. Petitioner's order of removal was deferred under CAT on December 5, 2003 by an Immigration Judge. The government did not appeal the relief from removal Petitioner was granted. Petitioner RAHMATIAN was in removal due to a criminal conviction that has since been set aside by the trial court. Petitioner RAHMATIAN currently has a pardon hearing scheduled for August 27, 2025 with the Governor of Arizona, the state in which his criminal conviction occurred in 1999.

11. After being ordered removed and having his removal deferred, Mr. RAHMATIAN started his own business where he employed over 40 people. In 2022, Mr. RAHMATIAN sold his business and started another business. In 2024, Mr. RAHMATIAN sold his second business

and began investing in real estate. The Department of Homeland Security (DHS) allowed Mr. RAHMATIAN to report and he did so without any problems.

12. On July 11, 2025, Respondent Johnson and his agents arrested Mr. RAHMATIAN at the time of his ICE check-in. The reason for his arrest was not stated at the time, but is presumably to execute his removal order even though such order was deferred under CAT.

13. However, Respondents have been unable or unwilling to remove Mr. RAHMATIAN for the past twenty-two (22) years.

14. Mr. RAHMATIAN has fully cooperated with Respondents' efforts to obtain his travel documents. Anytime he was asked to request a passport, Mr. RAHMATIAN complied with Defendants' requests.

15. Mr. RAHMATIAN has now been in detention for 1 day pending his removal. Respondents continue to detain Mr. RAHMATIAN even though it is clear that Respondents cannot remove Mr. RAHMATIAN since his removal was ordered deferred under CAT by an Immigration Judge in 2003..

16. Mr. RAHMATIAN is not a danger to the community or a flight risk. He has no pending criminal cases and he long ago completed his community supervision sentence relating to his prior criminal conviction in 1999. Petitioner has complied with reporting for probation in his criminal proceeding and has complied with ICE's requirement that he check-in yearly since he was released from their custody in 2003.

17. Mr. RAHMATIAN has deep roots in this community. He has one U.S. citizen child, a U.S. citizen girlfriend with whom he resides, a U.S. citizen mother, three (3) brothers who are U.S. citizens, and a sister who is a U.S. permanent resident.

18. Prior to his arrest, Mr. RAHMATIAN was working, paying his taxes, and providing for his

family. His continued detention deprives his family of his companionship and income. His mother, brother and sister are currently visiting him from California, and are staying at his home.

19. Respondents' decision to detain Mr. RAHMATIAN is not legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. RAHMATIAN's request for release.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

20. Petitioner alleges and incorporates by reference paragraphs 1 through 19 above.

21. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution. It also violates an Immigration Court's order that his removal be deferred under CAT.

COUNT TWO STATUTORY CLAIM

22. Petitioner alleges and incorporates by reference paragraphs 1 through 19 above.

23. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

24. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

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

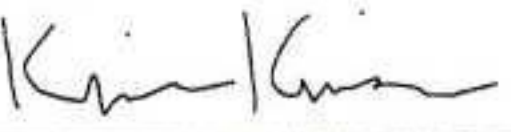
1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;

3. Issue a writ of habeas corpus ordering Respondents to release Mr. RAHMATIAN on his own recognizance or under parole, a low bond or reasonable conditions of supervision show;
4. Award Petitioner reasonable costs and attorney's fees; and,
5. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

Kimberly J. Kinser, Esq.
Kinser Law Office, PC
2810 Trinity Mills Rd.
Ste. 209-315
Carrollton, Texas 75006
Phone: 972-491-1145
Fax: 972-294-3391
kimberly@kinserlaw.com

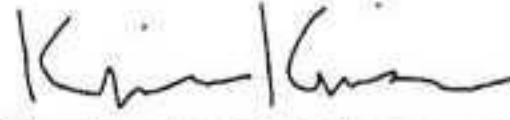
ATTORNEY FOR PETITIONER

By: 

Kimberly J. Kinser
DC Bar No. 480284

VERIFICATION OF COUNSEL

I, Kimberly J. Kinser, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.



Kimberly J. Kinser