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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Mehrad Asadiedivand,

Petitioner,

vs.

Ghulam Rasool, ICE Enforcement and
Removal Operations Phoenix Supervisory
Detention and Deportation Officer;

Justin Smith, ICE Enforcement and Removal
Operations Phoenix Assistant Field Office
Director;

John Cantu, ICE Enforcement and Removal
Operations Phoenix Field Office Director;

Marcos Charles, ICE Acting Executive
Associate Director, Enforcement and
Removal Operations;

Kristi Noem, United States Secretary of
Homeland Security; and

Pamela Bondi, Attorney General of the
United States,

Respondents.

No.

**Motion for Limited Discovery in
Support of Petition for a Writ of Habeas
Corpus Under 28 U.S.C. § 2241**

Mehrad Asadiedivand respectfully moves this Court to order Respondents to provide the limited discovery described below. The reasons in support of this Motion are set forth in the following Memorandum of Points and Authorities.

Memorandum of Points and Authorities

I. Introduction

As explained more fully in the habeas corpus petition filed herewith, Mehrad Asadieidivand is an asylum-seeker who came to this country fleeing persecution in Iran—where he was harassed, physically assaulted, and criminally charged for the “crime” of becoming a Christian. He was found to have a credible fear of persecution, and has a hearing set on his asylum claim in September of this year. He was released on bond in 2022, and for years lived freely in this country, complying with all of his conditions and obeying this country’s laws. On May 31 of this year, however, he was arrested and detained by U.S. Immigration and Customs Enforcement (ICE), which since then has persistently refused to release him. Mehrad explains in his Petition why this action amounted to a violation of the Administrative Procedure Act and the Due Process Clause of the Fifth Amendment to the United States Constitution. Mehrad incorporates the substance of his habeas corpus petition by this reference. He seeks an Order authorizing him to conduct the limited discovery articulated herein in support of his habeas corpus petition.

II. Argument

Although a habeas petitioner does not have the same presumptive entitlement to discovery as a traditional civil litigant, a court may grant a habeas petitioner’s discovery request under Rule 6(a) of the Rules Governing Section 2254 Cases, 28 U.S.C. foll. § 2254, upon a showing of good cause. *Ishmuratov v. Rivas*, et al., No. 25-cv-01366-JAT-ESW (D. Ariz.) (Doc. 31 at 1–2) (*quoting Rich v. Calderon*, 187 F.3d 1064, 1068 (9th Cir. 1999); and *citing Bracy v. Gramley*, 520 U.S. 899, 904 (1997)). Good cause exists “‘where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is entitled to relief[.]’” *Id.* at 2 (*quoting Bracy*, 520 U.S. at 908–09). Mehrad has good cause for seeking the following carefully limited forms of discovery in support of his habeas corpus petition:

1. Alien File. A noncitizen's Alien File or "A-File" is "the official record system that contains information regarding transactions involving an individual as he/she passes through the U.S. immigration and inspection process." *Privacy Act of 1974; U.S. Citizenship and Immigration Services, Immigration and Customs Enforcement, Customs and Border Protection—001 Alien File, Index, and National File Tracking System of Records*, 76 Fed. Reg. 34233-01, 34234 (June 13, 2011). The contents of Mehrad's A-File will enable him to fully develop his claims for relief, by confirming and detailing Respondents' motivations and justifications for revoking his release, and for subsequently refusing to parole or otherwise release him from detention. The A-File will also permit Mehrad to place in context any partial and/or misleading assertions by Respondents as to their justifications and motivations for these actions. This information pertains directly to Mehrad's claims that Respondents' actions arresting and re-detaining him, and subsequently refusing to parole or otherwise release him, were arbitrary, capricious, and violative of the Administrative Procedure Act and the Fifth Amendment's Due Process Clause. Mehrad thus seeks leave to request from Respondents a complete and up-to-date copy of his A-File in paper and/or electronic form.
2. Communications regarding Mehrad's arrest. In his habeas petition, Mehrad claims that his arrest and detention were arbitrary, capricious, contrary to the governing statute, regulation, and ICE Directive, the product of mistaken identity, and motivated by invidious discrimination against noncitizens from Iran. In support of these claims, Mehrad seeks leave to request from Respondents all records in their actual or constructive possession, custody, or control of communications between and among Respondents, and between and among any and all agents or employees of Respondents, pertaining to his arrest and detention, including the justification(s) and motivation(s) therefor, and including any communications relating to Respondents' and/or their agents' or employees having intended to arrest and detain a person other than Mehrad

when they arrested him, or otherwise having mistaken him for another individual when they arrested him.

3. Communications regarding arrest of Iranian noncitizens near time of Mehrad's arrest.

Mehrad's final claim is that Respondents violated the equal protection component of the Fifth Amendment's Due Process Clause by detaining and refusing to release him pursuant to a policy, confirmed by an official U.S. Department of Homeland Security press release roughly contemporaneous with his arrest, of deeming Iranian noncitizens presumptively "suspected terrorists" meriting arrest and detention, regardless of whether they have any known or suspected connections to terrorism or extremism. In support of this claim, Mehrad seeks leave to request from Respondents all records of communications between and among Respondents, and between and among any and all agents or employees of Respondents, pertaining to (1) the Department of Homeland Security's June 24, 2025 press release titled, "ICE Arrests 11 Iranian Nationals Illegally in the U.S. Over the Weekend," or (2) any policy or practice, referenced in communications composed between May 1, 2025 and the present, that pertained to focusing on, emphasizing, and/or prioritizing the arrest and/or continued detention of noncitizens from Iran.

III. Conclusion

For the reasons set forth above, the Court should order Respondents to provide to Mehrad the limited discovery outlined above. A proposed Order is being lodged herewith.

Respectfully submitted:

July 15, 2025

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Federal Public Defender

s/Daniel L. Kaplan
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