

1 STEPTOE LLP

Michelle S. Kallen (CA SBN 271322)

mkallen@steptoe.com

2 Michel Paradis (NY SBN 4312443) (pro hac vice)

mparadis@steptoe.com

3 Jason Wright (VA SBN 68813) (pro hac vice)

jwright@steptoe.com

4 Conor Tucker (CA SBN 318075)

ctucker@steptoe.com

5 Patrick Fields (TX SBN 24146721) (pro hac vice)

pfields@steptoe.com

6 1330 Connecticut Ave, NW

Washington DC 20036

7 Tel.: (202) 429-6415

8 Fax: (202) 429-3902

Attorneys for Petitioner

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 R [REDACTED] K [REDACTED]

13
14 *Petitioner,*

15 vs.

16 JEREMY CASEY, in his official capacity
17 as Warden of the Imperial Regional
18 Detention Facility; et al.

19 *Respondents.*

Case No.: 3:25-cv-01926-DMS-DEB

20 PETITIONER [REDACTED]
21 [REDACTED]'S SUPPLEMENTAL
22 BRIEF AND NOTICE OF
23 ADDITIONAL AUTHORITY

Judicial Officer: Hon. Dana M. Sabraw
Courtroom number: 13A
Hearing Date/Time: August 6, 2025 at
2:30 p.m.

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28 PETITIONER [REDACTED] S SUPPLEMENTAL BRIEF
AND NOTICE OF ADDITIONAL AUTHORITY

Case No. 3:25-cv-01926-DMS-DEB

1 **SUPPLEMENTAL BRIEF AND NOTICE OF ADDITIONAL AUTHORITY**

2 On August 6, 2025, the Court heard argument on Petitioner's motion for a
3 temporary restraining order and order to show cause why a preliminary injunction
4 should not issue. The Court asked questions regarding: 1) Mr. [REDACTED]'s testimony
5 that he was informed by Officer Gonzalez that less than 80% of Iranian nationals
6 were removed, 2) statistics respecting the removal of Iranian non-citizens, and
7 3) decisions in other similar cases. In addition, shortly before the hearing, counsel for
8 Respondents proffered an email claiming that Mr. [REDACTED] was, in fact, given an
9 informal interview at the time of his arrest. Following the hearing, Petitioner and his
10 counsel learned further information pertinent to those questions. Petitioner provides
11 that information here.

12 **1. Mr. [REDACTED]'s contemporaneous notes of the meeting with Officer**
13 **Gonzalez on July 30, 2025, reflect the "80%" statement.**

14 On the advice of his immigration counsel, Mr. [REDACTED] has a practice of taking
15 contemporaneous notes of his interactions with ICE personnel. Attached herewith as
16 Exhibit A is a true and correct copy of Mr. [REDACTED]'s contemporaneous notes of his
17 conversation with Officer Gonzalez on July 30, 2025. Counsel did not have these
18 notes prior to the hearing and obtained them by driving multiple hours to see Mr.
19 [REDACTED] last night after the hearing.

20 Counsel for Respondents represented to the Court that the conversation with
21 Officer Gonzalez was "loose" and that Officer Gonzalez did not recall telling Mr.
22 [REDACTED] that 80% of Iranian nationals stay in the United States. After taking down
23 Officer Gonzalez's contact information, the first substantive line of Mr. [REDACTED]'s
24 notes states that Officer Gonzalez informed him: "3rd country – if accepted. 80% stay
25 in US." At the end of his notes, Mr. [REDACTED] recorded Officer Gonzalez reiterating
26 the 80% number in response to a question. "I asked Officer Gonzalez in his

1 experience, what happens to Iranians that have CAT [Convention Against Torture]?
2 He said 80% stay in the U.S. if they cant find a 3rd country to deport to.”

3 **2. ICE’s published statistics confirm less than 20% of Iranian nationals**
4 **with criminal records have been removed in the last five years.**

5 At the hearing, counsel for Respondents stated he did not have statistics on
6 ICE’s likelihood of removing a removable Iranian national, like Petitioner, with CAT
7 protections. Following the hearing, Petitioner learned that ICE tracks its enforcement
8 and removal statistics and publishes those data online at [https://www.ice.gov/](https://www.ice.gov/statistics)
9 [statistics](https://www.ice.gov/statistics). Courts may and routinely do take judicial notice of publicly available
10 statistics compiled by the federal government, including immigration authorities. *See*
11 *United States v. Orozco-Acosta*, 607 F.3d 1156, 1164 & n.5 (9th Cir. 2010) (taking
12 judicial notice of statistics regarding removal compiled by the Department of Justice
13 and Department of Homeland Security).

14 According to ICE’s data, 118 Iranians nationals with criminal records (i.e.,
15 like Petitioner with convictions or charges) have been arrested in the last five years.
16 However, only 19 of those individuals have been removed. ICE’s own published
17 statistics, if they are believed, thus show that ICE has been unable to remove
18 approximately 84% of Iranian nationals with criminal records arrested in the last five
19 years. ICE’s own data thus corroborates Officer Gonzalez’s admission to Petitioner.

20 **3. After the hearing, Petitioner learned of an additional similar case.**

21 This Court inquired whether similar cases have been decided by fellow district
22 courts. In addition to the cases cited by counsel at the hearing and in his briefing,
23 Petitioner submits the following decision from the Eastern District of Texas, entered
24 last weekend, granting a petition for writ of habeas corpus in *Escalante v. Noem*, No.
25 9:25-CV-00182-MJT, 2025 WL 2206113 (E.D. Tex. Aug. 2, 2025) (order overruling
26 objections and adopting report and recommendation). That case, like this one, “is
27 not your typical first round detainment of an alien awaiting removal.” *Id.* at *3.

1 Instead, Escalante, like Petitioner, filed a petition for writ of habeas corpus to contest
2 revocation of release and re-detention. In that (and this) circumstance, it becomes the
3 Government's "burden to show a significant likelihood that the alien may be
4 removed." *Ibid.* "Imposing the burden of proof on the alien each time he is re-
5 detained would lead to an unjust result and serious due process implications." *Ibid.*
6 Any deficiency in the record regarding likelihood of removal thus weighs against
7 detention for detention's sake—both there and here.

8 **4. The Deportation Officer's claim in her email that she gave Mr. [REDACTED]**
9 **an informal interview at the time of his arrest is contradicted by Mr.**
10 **[REDACTED]'s contemporaneous notes.**

11 On the afternoon of August 6, 2025, counsel for Respondents forwarded
12 counsel for Mr. [REDACTED] an email from Deportation Officer Linda Lopez. That email
13 claims that Mr. [REDACTED] was "provided an interview regarding his OSUP revocation."
14 Counsel for Respondents relied on this email to represent to the Court that Mr.
15 [REDACTED] was provided the procedural due process protections set forth in 8 C.F.R.
16 §§ 241.4(l), 241.13(i).

17 As noted above, Mr. [REDACTED] has a practice of recording contemporaneous
18 notes of interactions with ICE officials. Attached herewith as Exhibit B is a true and
19 correct copy of Mr. [REDACTED]'s notes from May 6, 2025, and July 10, 2025. On May 6,
20 2025, his notes reflect that he was asked by the Officer four pro forma questions
21 respecting his 1) marital status, 2) children, 3) property ownership, and 4) business
22 ownership. He was then told to report back two months later because his "probation
23 officer wasn't there."

24 When Mr. [REDACTED] reported back on July 10, 2025, Detention Officer Linda
25 Lopez, asked him the same four pro forma questions, as well as the name of his
26 business. She then stated that "they're going to detain me. I asked why. She said
27 they're detaining anyone with a 'Withholding of Removal Order.' I told her that my

1 mother had a stroke last month & that I was taking care of her health at home & that
2 she lives with me. I also mentioned that detaining me would be a death sentence for
3 her. My attorney asked if they can issue bond or place me in an ankle monitor & she
4 said no.”

5 This is the full extent of Mr. [REDACTED]'s interaction with Ms. Lopez prior to his
6 booking, as recorded in his contemporaneous notes. Following his initial booking,
7 Mr. [REDACTED]'s notes recount being served with the Notice of Revocation and Warrant
8 of Removal. They then recount his being asked to sign a document that he did not
9 read, and declining to do so without the advice of counsel. No notice of the reasons
10 for his detention, no interview, and no opportunity to be heard are reflected,
11 corroborating the sworn declaration Mr. [REDACTED]'s submitted to this Court.

12
13 **STEPTOE LLP**

Dated: August 7, 2025

14 /s/Michelle S. Kallen

15 Michelle S. Kallen

16 Michel Paradis

17 Jason Wright

Conor Tucker

Patrick Fields

18 Attorneys for Petitioner [REDACTED]

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EXHIBIT A

Ice agent Gonzalez

Adrian.Gonzalez@ice.dhs.gov.

7/30
@
2:30
pm

3rd country - If accepted

80% stay in US

Questions asks by Officer Gonzalez:

- photo (taken)
- Place of birth (me)
- mom/dad (place of birth)
- closest city to Tehran - (Karaj) ^{I didn't know}

I asked what's procedure - Gonzalez said

- 90 day hold - review after
- 90 day hold additional review
- 180 day total hold
- May hold past 180 days in certain conditions
- After 1st 90 day hold he will request for release.
- Usually have to wait additional 90 days (total 180 days) for 2nd request to be released if can't find a 3rd country to deport to
- His supervisor no longer has the authority to release me. Washington has authority to release me.

I asked officer Gonzalez in his experience, what happens to Iranian's that have CAT?

He said 80% stay in the U.S. if they can't find a 3rd country to deport to.

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EXHIBIT B

5/06/25 @ 10 AM

My annual ICE probation check in.

ICE officer asked me the following questions:

1. Am I married - No
2. Do I have any kids - No
3. Do I own any property - No
4. Do I own a business - Yes

- I mentioned that I lived at the same house since 2009 (16 yrs)

- ICE officer requested for me to come back & report to probation in 2 months (7/10/25)

- I asked why in 2 months because I've been checking in every 12 months.

- He said that my Probation officer wasn't there.

- There were numerous times when my PO wasn't there & they signed my doc & would ask me to return in 12 months.

- Almost every time there was a different PO there.

~~8/6~~

7/10/25 @ 12 - 145 PM (wait to be seen by ICE PO)

Santa Ana - ICE - check into probation

2 pm - ICE officer Lopez asked for me to step into a room.

~~I stepped.~~

I complied & my attorney was present.
Mr. ~~XXXXXXXXXX~~

- ICE officer Lopez asked me:

1. Am I married - No
2. Do I have any kids - No
3. Do I own any property - No
4. Do I own a business - Yes
5. What's the name of my business? - Aggressive Holding

- ICE officer Lopez stated that they're going to detain me.

- I asked why.

- She said they're detaining anyone with a "Withholding of Removal Order".

- I told her that my mother had a stroke last month & that I was taking care of her health at home & that she lives with me. I also mentioned that detaining me would be a death sentence to her.

- My attorney asked if they can issue bond ~~or~~ or place me in an ankle monitor & she said no.

- I was placed into a holding cell & then:

1. Taken my photo
 2. Taken my fingerprints
 3. Served doc "Notice of Revocation of Release"
 4. Served doc "Warning to Alien Ordered Removed or Reported"
- They asked me to sign an unknown doc on which I informed them I can't sign anything w/o my attorney present.