

1 ADAM GORDON  
United States Attorney  
2 SAMUEL W. BETTWY, SBN 94918  
3 MARY CILE GLOVER-ROGERS, SBN 321254  
Assistant U.S. Attorneys  
4 Office of the U.S. Attorney  
880 Front Street, Room 6293  
5 San Diego, CA 92101-8893  
6 619-546-7125 / 619-546-7751 (fax)

7 Attorneys for Respondents

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

11 REY DENZO KAZEMI,

12 Petitioner,

13 vs.

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

17 Respondents.

Case No. 25cv1926 DMS DEB

**SUR-REPLY TO PETITIONER'S  
SUPPLEMENTAL BRIEFING**

18  
19 This a sur-reply to Petitioner's August 7, 2025, post-hearing, Supplemental Brief.  
20 ECF No. 21.

21 **July 10, 2025 interview with ICE Officer Linda Lopez**

22 Petitioner provides handwritten notes that provide details of his interview with  
23 Officer Lopez on July 10, 2025. *Id.* at 11. Those notes corroborate Officer Lopez's  
24 statement<sup>1</sup> that there was an interview during which she provided an explanation and  
25 answered his questions, and they show that Petitioner was represented by counsel at the  
26 time of the interview, *id.* ("my attorney was present, Mr. Ali Farahmand"), and that his

27  
28 <sup>1</sup> Attached is a copy of the redacted email, which was provided to the Court and  
Petitioner's counsel on August 6, 2025.

1 counsel was permitted to ask questions. *Id.* (“May attorney asked if they can issue bond or  
2 place me on an ankle monitor and she said no”).

3 Petitioner’s notes directly contradict his own July 29, 2025 sworn declaration. *See*  
4 ECF No. 2-2, para. 10 (“Upon my arrival, ICE advised that my release was revoked, and  
5 ICE detained me immediately without explanation or discussion”), para. 13 (“I have not  
6 participated in any interview, discussion, or other procedure”), *id.*, para. 20 (“Aside from  
7 the Notice of Revocation, I have received no explanation for my detention.”).

8 Also, Petitioner’s notes were written “[o]n the advice of his immigration counsel,”  
9 ECF No. 21 at 2, who was present at the July 10, 2025 interview. According to Petitioner’s  
10 handwritten notes concerning the May 6, 2025 interview, the ICE officer told him to return  
11 in two months and that Petitioner asked the officer “why in 2 months because I’ve been  
12 checking in every 12 months.” *Id.* at 10. Petitioner’s notes show that he was concerned  
13 about the upcoming July 10, 2025 check-in, which explains why he brought his  
14 immigration attorney with him to the July 10, 2025 interview. This raises the question  
15 whether Petitioner’s notes, written upon the advice of counsel, accurately reflect all that  
16 occurred at the interview.

17 **July 30, 2025 interview with ICE Officer Adrian Gonzalez**

18 Petitioner also provides handwritten notes about his July 30, 2025 interview with  
19 Officer Gonzalez, which state that he asked Officer Gonzalez about the success rate of  
20 resettling Iranians and that Officer Gonzalez responded that “80% stay in the U.S. if they  
21 can’t find a 3rd country to deport to.” *Id.* at 8. Officer Gonzalez reported to the undersigned  
22 that Petitioner is the first Iranian that he has ever processed for removal, whether it be for  
23 repatriation or resettlement. And, as the Court noted at the August 6, 2025 hearing, the  
24 current resettlement program is recent and unprecedented, so there is clearly not enough  
25 data to formulate a statistic about the success rate of resettlements. The statistics offered  
26 by Petitioner concern repatriations of Iranians in the last five years, *id.* at 3, and if Officer  
27 Gonzalez was referring to those statistics, they have no bearing on what ICE’s success rate  
28 will be under the current resettlement program.



1       **The period of presumptively reasonable re-detention**

2       Petitioner argues that that there is no presumptively reasonable period of detention  
3 upon re-detention, even after a lengthy period of supervised release. That argument does  
4 not jibe with the Supreme Court's holding in *Zadvydas*, which is based on reasonableness  
5 and a heightened standard after ICE has been given a reasonable opportunity to execute the  
6 outstanding warrant of removal. Likewise, it would not be reasonable to interpret ICE's  
7 regulatory framework in a manner that would make re-detentions for removal  
8 impracticable. ICE has broad discretion to revoke an order of supervision to execute a  
9 warrant of removal. *See* 8 C.F.R. § 241.4(l)(2)(iii) ("Release may be revoked in the exercise  
10 of discretion when, in the opinion of the revoking official . . . (iii) It is appropriate to enforce  
11 a removal order or to commence removal proceedings against an alien. . .").

12       At the August 6, 2025 hearing, the undersigned referred to caselaw holding that,  
13 upon re-detention, ICE has at least ninety days to execute the warrant of removal before  
14 having to bear the burden of showing significant likelihood of removal in the reasonably  
15 foreseeable future. *See Nhean v. Brott*, No. CV 17-28 (PAM/FLN), 2017 WL 2437268, at  
16 \*2 (D. Minn. May 2, 2017), *report and recommendation adopted*, No. CV 17-28  
17 (PAM/FLN), 2017 WL 2437246 (D. Minn. June 5, 2017) ("Nhean's 90-day removal period  
18 began to run on October 12, 2010, when his removal order became final, and he was  
19 released after 91 days of custody to supervised release on January 11, 2011. Nhean was  
20 transferred back into ICE custody on August 26, 2016. Nhean's detention was  
21 presumptively reasonable for an additional 90 days (six months in total)"), *cited in Sied v.*  
22 *Nielsen*, No. 17-CV-06785-LB, 2018 WL 1876907, at \*6 (N.D. Cal. Apr. 19, 2018); *Farah*  
23 *v. INS*, No. Civ. 02-4725(DSD/RLE), 2003 WL 221809, at \*5 (D. Minn. Jan. 29, 2013)  
24 (holding that when the government releases a noncitizen and then revokes the release based  
25 on changed circumstances, "the revocation would merely restart the 90-day removal  
26 period, not necessarily the presumptively reasonable six-month detention period under  
27 *Zadvydas*").

28       ///

1           **Recent resettlements**

2           As the undersigned stated at the hearing, it was widely reported on August 5, 2025,  
3 that the administration is making progress with resettlements. *See, e.g., CNN, Rwanda*  
4 *agrees to take in up to 250 migrants deported from the US*, Aug. 5, 2025,  
5 <https://www.cnn.com/2025/08/05/africa/us-rwanda-migrants-deal-intl>; Associated Press,  
6 *Rwanda agrees to take deportees from the US after a previous migrant deal with the UK*  
7 *collapsed*, Aug. 5, 2025, [https://apnews.com/article/trump-immigrants-deportees-rwanda-](https://apnews.com/article/trump-immigrants-deportees-rwanda-us-bb5edea43bb470e76af3ecee5ddad10c)  
8 [us-bb5edea43bb470e76af3ecee5ddad10c](https://apnews.com/article/trump-immigrants-deportees-rwanda-us-bb5edea43bb470e76af3ecee5ddad10c) (“Government spokesperson Makolo said the  
9 agreement with the U.S. was Rwanda doing its part to help with international migration  
10 issues because ‘our societal values are founded on reintegration and rehabilitation.’”); *see*  
11 *also* Associated Press, *US completes deportation of 8 men to South Sudan after weeks of*  
12 *legal wrangling*, July 5, 2025, [https://apnews.com/article/trump-south-sudan-djibouti-](https://apnews.com/article/trump-south-sudan-djibouti-deport-supreme-court-50f9162cff680b5c8729873e11d514e9)  
13 [deport-supreme-court-50f9162cff680b5c8729873e11d514e9](https://apnews.com/article/trump-south-sudan-djibouti-deport-supreme-court-50f9162cff680b5c8729873e11d514e9) (“The immigrants from  
14 Cuba, Laos, Mexico, Myanmar, Vietnam and South Sudan arrived in South Sudan on  
15 Friday after a federal judge cleared the way for the Trump administration to relocate them  
16 in a case that had gone to the Supreme Court.”).

17           **Ninety-Day Custody Review**

18           As the undersigned stated at the August 6, 2025 hearing, and as Officer Gonzalez  
19 explained to Petitioner, a ninety-day custody review will be conducted pursuant to 8 C.F.R.  
20 § 241.4(l)(3). The undersigned therefore recommends a status report and/or hearing in mid-  
21 October 2025.

22           DATED: August 7, 2025

ADAM GORDON  
United States Attorney

23           *s/ Samuel W. Bettwy*  
24           SAMUEL W. BETTWY

25           MARY CILE GLOVER-ROGERS  
26           Assistant U.S. Attorneys



**From:** Lopez, Linda  
**To:** Contreras, Julia; Shields, Charles R  
**Cc:** [REDACTED]  
**Subject:** RE: Reza Kazemi, A035-807-042; 25cv1926  
**Date:** Wednesday, August 6, 2025 6:48:57 AM

---

Good morning,

Reza KAZEMI, A [REDACTED] was provided an interview regarding his OSUP revocation.

On 07/10/2025, Reza KAZEMI, A035 807 042, reported to the Santa Ana Sub-Office (SAA) ERO, and was interviewed regarding his immigration case. I explained to KAZEMI that all immigration cases were being reviewed and due to the fact that he had a final order of removal issued, his OSUP was being revoked, and he was going to be taken into immigration custody to effect his removal. After explaining this, I asked KAZEMI, if he had any further questions. Once his questions were answered, he was arrested. When KAZEMI was served the OSUP revocation memo and the Warrant of Removal, Form I-205, I reiterated to KAZEMI that his OSUP was revoked to effect his removal from the U.S., and I asked if he had any further questions or concerns. He did, and I answered his questions. Two questions he asked that I was not able to answer at that time were: Where was he to be housed, and what time would he be transferred from SAA ERO.

Please advise if any further information is needed.

Respectfully,

**Linda Lopez**  
Deportation Officer  
Los Angeles Field Office, Santa Ana Sub-office  
**Enforcement and Removal Operations**  
**U.S. Immigration and Customs Enforcement**  
[REDACTED]

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. The contents of this communication are considered to be draft, deliberative, and pre-decisional in nature.