

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MEHDI ROKHFIROOZ

DEFENDANTS

CHRISTOPHER J. LAROSE; JOSEPH FREDEN; TODD M. LYONS;
KRISTI NOEM; and PAM BONDI

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'25CV2053 RSH VET

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 2241Brief description of cause:
Habeas Corpus

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
08/11/2025SIGNATURE OF ATTORNEY OF RECORD
/s/ Joshua A. Altman

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8
9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 MEHDI ROKHFIROOZ,

12 Petitioner,

13
14 vs.

15 CHRISTOPHER J. LAROSE, Senior
16 Warden, Otay Mesa Detention Center,
al.,

17 Respondents.
18

Case No. 25cv2053 RSH VET

DATE: September 3, 2025

TIME: 2:00 p.m.

CTRM: 3B (Schwartz)

Hon. Robert S. Huie

19
20 **RETURN IN OPPOSITION**
21
22 **TO PETITION FOR WRIT OF HABEAS CORPUS**
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I. INTRODUCTION

Petitioner claims that he has been unlawfully re-detained to execute a warrant of removal for his resettlement to a third country. Petitioner's first claim is under the Administrative Procedure Act (APA), but APA review is not available in habeas proceedings, which concern only the legality and duration of custody. Petitioner's second claim is that the revocation of his Order of Supervision was unlawful under 8 C.F.R. § 241.13(i)(2), alleging that Immigration and Customs Enforcement (ICE) has not notified him "of the reason for his re-detention" and has not "provided him with an initial interview at which he can respond to the purported reasons for revocation." Pet., para. 52. Those allegations are not accurate and, regardless, the appropriate remedy would not be release from custody. Petitioner's third claim is that his re-detention is unconstitutional under *Zadvydas v. Davis*, 533 U.S. 678 (2001), but *Zadydas* holds that detention beyond the removal period is presumptively reasonable for six months and, in recent similar cases, courts have confirmed that the same presumption applies after re-detention. Petitioner has not rebutted the presumption of reasonableness, and it has been widely reported that the U.S. government has made arrangements with several countries to resettle noncitizens like Petitioner under ICE's unprecedented resettlement program. Petitioner's fourth claim is that he is entitled to a bond hearing under *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011), but *Singh* concerned bond hearings in a completely different context. The only potential relief in a case like this would be release and, if such relief were granted, ICE would have authority to set reasonable conditions of release.

II. STATEMENT OF FACTS

Petitioner Rokhfirooz is a native and citizen of Iran. Pet., para. 22.

On August 1, 2000, he entered the United States unlawfully at or near San Ysidro, California. Ceja Declaration, para. 6.

On December 23, 2003, DHS apprehended Petitioner and placed him in removal proceedings. *Id.*, para. 7. On June 17, 2004, an Immigration Judge ordered Petitioner removed from the United States to Iran and granted his application for Withholding of

1 Removal to Iran. *Id.*, para. 8. On October 17, 2005, Petitioner was released from custody
2 on an Order of Supervision. *Id.*, para. 9; Pet., para. 3; ECF No. 1-2 at 11.

3 On January 3, 2011, Petitioner was arrested by the San Diego Police Department for
4 violating Cal. Pen. Code § 243(E)(1), Battery of a Spouse. ICE issued an Immigration
5 Detainer for Petitioner based on the arrest. Ceja Declaration, para. 10. Criminal charges
6 were never filed, and Petitioner was transferred to ICE custody on January 5, 2011.
7 pursuant to the Immigration Detainer. *Id.*, para. 11. On January 5, 2011, the San Diego
8 filed office of ICE Enforcement and Removal Operations (ERO) declined to seek an
9 alternate country of removal and released Petitioner on an Order of Supervision. *Id.*, para.
10 12.

11 On December 5, 2012, Petitioner was arrested by officers of the Internal Revenue
12 Service for violating 18 U.S.C. § 371, Conspiracy to Structure Currency Deposits and 21
13 U.S.C. § 5324, Structuring Currency Deposits. Criminal charges were filed with the U.S.
14 District Court for the Southern District of California. *Id.*, para. 13.¹ On December 20, 2012,
15 Petitioner was released from Federal criminal custody on a \$30,000 bond and was
16 transferred to DHS custody pursuant to an Immigration Detainer. He was released from
17 DHS custody on an Order of Supervision the same day after ERO declined to seek an
18 alternate country for removal. *Id.*, para. 14.

19 On January 20, 2025, the President issued Executive Order (EO) 14165, *Securing*
20 *Our Borders*, 90 Fed. Reg. 8467 (Jan. 20, 2025), directing the Secretary of State, the
21 Attorney General, and the Secretary of Homeland Security to “take all appropriate action
22 to facilitate additional international cooperation and agreement . . . based upon the
23 provisions of . . . 8 U.S.C. 1158(a)(2)(A).” Section 1158(a)(2)(A) provides authority to
24 remove and resettle noncitizens in third countries.

25 ///

26 ///

27

28 ¹ See *United States v. Bahador, et al.*, 12-cr-5229 JAH (S.D. Cal.) (dismissal without
prejudice in June 2014).

1 On April 18, 2025, in the case of *D.V.D. v. U.S. Dep't of Justice*, the district court
2 certified a nationwide class, and Petitioner appears to be a member of the class. *See D.V.D.*
3 *v. DHS*, No. CV 25-10676-BEM, 2025 WL 1142968, at *11 (D. Mass. Apr. 18, 2025),
4 *opinion clarified*, No. CV 25-10676-BEM, 2025 WL 1323697 (D. Mass. May 7, 2025),
5 *and opinion clarified*, No. CV 25-10676-BEM, 2025 WL 1453640 (D. Mass. May 21,
6 2025), *reconsideration denied sub nom. D.V.D v. DHS*, No. CV 25-10676-BEM, 2025 WL
7 1495517 (D. Mass. May 26, 2025) (“All individuals who have a final removal order issued
8 in proceedings under Section 240, 241(a)(5), or 238(b) of the INA (including withholding-
9 only proceedings) whom DHS has deported or will deport on or after February 18, 2025,
10 to a country (a) not previously designated as the country or alternative country of removal,
11 and (b) not identified in writing in the prior proceedings as a country to which the individual
12 would be removed.”).

13 The district court also issued a preliminary injunction, *see id.* at *24, and on June
14 23, 2025, the U.S. Supreme Court stayed the injunction pending review by the First Circuit
15 Court of Appeals. *See DHS v. D.V.D.*, 145 S. Ct. 2153 (2025) (“The April 18, 2025,
16 preliminary injunction of the United States District Court for the District of Massachusetts,
17 case No. 25–cv–10676, is stayed pending the disposition of the appeal in the United States
18 Court of Appeals for the First Circuit and disposition of a petition for a writ of certiorari,
19 if such writ is timely sought. Should certiorari be denied, this stay shall terminate
20 automatically.”). The district court attempted to circumvent the Supreme Court’s stay, and
21 upon further review, the Supreme Court clarified: “Our June 23 order stayed the April 18
22 preliminary injunction in full.” *Dep’t of Homeland Sec. v. D.V.D.*, -- S. Ct. --, No.
23 24A1153, 2025 WL 1832186, at *1 (U.S. July 3, 2025)).

24 On June 23, 2025, ERO determined that there is a significant likelihood of
25 Petitioner’s removal and resettlement in a third country in the reasonably foreseeable future
26 and re-detained him to execute his warrant of removal. Ceja Declaration, para. 15; Ex. 4
27 (warrant). At the time of apprehension, Deportation Officer De La Cruz explained the
28 reason for re-detention. Ex. 2. Petitioner’s counsel has been afforded an opportunity to

1 communicate with ICE about the specifics of resettlement efforts. ECF No. 1-2 at 22-34
2 (“negative travel response from Canada . . . still awaiting travel responses from the UK and
3 Ireland”).

4 On July 3, 2025, ERO sent a request for travel documents to several third countries.
5 Requests remain pending. Ceja Declaration, para. 16.

6 On August 11, 2025, Petitioner commenced this action. ECF No. 1.

7 On August 15, 2025, Deportation Officer Bergman served Petitioner with a Notice
8 of Revocation of Release, explaining to Petitioner verbally and in writing the reasons for
9 the revocation and inviting Petitioner to “submit any evidence or information you wish to
10 be reviewed in support of your release.” Ex. 7. ERO informed the undersigned today that
11 Petitioner has not submitted any such information or evidence.

12 On August 21, 2025, ERO Headquarters, Removal and International Operations
13 (RIO), confirmed that Petitioner should remain in ICE custody, because resettlement in a
14 third country remains significantly likely in the reasonably foreseeable future. Ceja
15 Declaration, para. 17. Resettlement efforts continue with the Detention and Deportation
16 Officer (DDO) assigned to Iran cases within RIO. *Id.*, para. 18.

17 **III. ARGUMENT**

18 **A. ICE’S RE-DETENTION AUTHORITY**

19 ICE’s authority to detain, release, and re-detain noncitizens who are subject to a final
20 order of removal is governed by 8 U.S.C. § 1231(a), which provides that “the Attorney
21 General shall remove the alien from the United States within a period of 90 days,” and “[i]f
22 the alien does not leave or is not removed within the removal period, the alien, pending
23 removal, shall be subject to supervision under regulations prescribed by the Attorney
24 General.” 8 U.S.C. §§ 1231(a)(1)(A), 1231(a)(3). *See also* 8 U.S.C. § 1231(a)(6).

25 An Order of Supervision may be issued under 8 C.F.R. § 241.4, and the order may
26 be revoked under section 241.4(l)(2)(iii) where “appropriate to enforce a removal order or
27 to commence removal proceedings against an alien.” *See also* 8 C.F.R. § 241.5 (Conditions
28 of release after removal period). It is also provided in 8 C.F.R. § 241.13(i)(2) that the Order

1 of Supervision may be revoked to effect a removal due to changed circumstances,
2 particularly where ICE has determined that there is a significant likelihood of removal in
3 the reasonably foreseeable future.

4 It is undisputed that ICE revoked Petitioner's Order of Supervision for the purpose
5 of executing his warrant of removal, and it is undisputed that ICE has authority to remove
6 and resettle Petitioner. *See* 8 U.S.C. § 1231(b)(2)(E).

7 **B. FIRST CLAIM: NO APA REVIEW OF OSUP REVOCATION**

8 Petitioner seeks judicial review of ICE's decision to revoke his Order of Supervision,
9 claiming that it was "arbitrary, capricious, an abuse of discretion, and contrary to law"
10 under 5 U.S.C. § 706(a)(2)(A). Pet., para. 50. Habeas relief is available to challenge only
11 the legality or duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir.
12 2023); *see also Flores-Miramontes v. INS.*, 212 F.3d 1133, 1140 (9th Cir. 2000) ("For
13 purposes of immigration law, at least, "judicial review" refers to petitions for review of
14 agency actions, which are governed by the Administrative Procedure Act, while habeas
15 corpus refers to habeas petitions brought directly in district court to challenge illegal
16 confinement.").

17 Petitioner specifically contends that, under 8 C.F.R. § 241.13(i)(2), ICE may not re-
18 detain him unless his removal is significantly likely in the reasonably foreseeable future.
19 Pet., para. 48. Petitioner is conflating the requirements of the regulation with the decision
20 itself. ICE complied with the regulation by making the determination before re-detaining
21 Petitioner. *See* Ceja Declaration, para. 15. By asking this Court to review the determination
22 that was made, Petitioner's claim really overlaps with his third claim in which he invokes
23 the *Zadvydas* analysis.

24 In this claim, Petitioner is indirectly challenging the authority of ICE to resettle
25 noncitizens by contending that it cannot re-detain them without first obtaining travel
26 documents. The Court should therefore consider whether he is inappropriately litigating
27 matters that are being litigated in *D.V.D. v. DHS*. *See Crawford v. Bell*, 599 F.2d 890, 892–
28 93 (9th Cir. 1979) (finding that a member of a pending class action for equitable relief may

1 not maintain a separate, individual suit for relief that is also sought by the class but may
2 pursue only equitable relief that “goes beyond” the class action); *see also McNeil v.*
3 *Guthrie*, 945 F.2d 1163, 1165 (5th Cir. 1991) (en banc) (“Individual suits for injunctive
4 and equitable relief from alleged unconstitutional prison conditions cannot be brought
5 where there is an existing class action.”); *Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th
6 Cir. 1988) (en banc) (“Individual members of the class and other prisoners may assert any
7 equitable or declaratory claims they have, but they must do so by urging further action
8 through the class representative and attorney, including contempt proceedings, or by
9 intervention in the class action.”). The Court should consider whether to direct Petitioner
10 to maintain this claim through the class representatives in the *D.V.D. v. DHS* case. Since
11 all efforts to effect Petitioner’s resettlement are being directed and controlled by ICE
12 Headquarters in Washington, D.C., there is no need for auxiliary local control.

13 C. SECOND CLAIM: COMPLIANCE WITH 8 C.F.R. § 241.13(i)(2)

14 Petitioner claims that ICE has not complied with procedures set forth in 8 C.F.R. §
15 241.13(i)(2), alleging that ICE has not notified him “of the reason for his re-detention” and
16 has not “provided him with an initial interview at which he can respond to the purported
17 reasons for revocation.” *Id.*, para. 52. Apart from the inaccuracy of Petitioner’s
18 allegations,² the appropriate remedy would be to provide the reasons and the interview, not
19 to release Petitioner from custody. *See Guselnikov v. Noem*, No. 25-cv-1971-BTM-KSC,
20 2025 WL 2300873, at *1 (S.D. Cal. Aug. 8, 2025) (finding petitioners’ claims did not arise
21 under § 2241 because they were not arguing they were unlawfully in custody and receiving
22 the requested relief would not entitle them to release). Petitioner’s second claim therefore
23 does not relate to the legality or duration of his custody, which is the narrow scope of
24 habeas jurisdiction. *See, e.g., Ferguson v. Noonan*, No. 23cv498 RBM BLM, 2023 WL
25 4054697, at *1 (S.D. Cal. May 18, 2023) (“Absent any challenge to the legality or duration
26

27 ² Deportation Officer De La Cruz explained to Petitioner the reason for his re-
28 detention, Deportation Officer Bergman and Petitioner’s counsel have communicated about
ongoing resettlement efforts, and Officer Bergman served Petitioner with notice and gave
him an opportunity to provide information or evidence in support of his release.

1 of Petitioner's confinement, the Petition fails to state a cognizable claim for federal habeas
2 relief."). The Court should therefore reject Petitioner's second claim.

3 D. THIRD CLAIM: ZADVYDAS

4 Petitioner claims that he should be released from custody, because his resettlement is
5 not significantly likely in the reasonably foreseeable future, citing *Zadvydas v. Davis*, 533
6 U.S. 678, 701 (2001). His only argument is that ICE did not obtain travel documents before
7 it re-detained him, but that argument is not evidence of unlikelihood, and *Zadvydas* does
8 not impose such a requirement. On the contrary, the Supreme Court held that, under 8
9 U.S.C. § 1231(a)(1)(A) and 1231(a)(6), detention is presumptively reasonable for six
10 months to allow time to obtain travel documents. *Zadvydas*, 533 U.S. at 701.

11 In *Zadvydas*, the Supreme Court held that "the habeas court must ask whether the
12 detention in question exceeds a period reasonably necessary to secure removal. It should
13 measure reasonableness primarily in terms of the statute's basic purpose, namely, *assuring*
14 *the alien's presence at the moment of removal.*" *Zadvydas v. Davis*, 533 U.S. at 699
15 (emphasis added). The Court in *Zadvydas* therefore recognized that detention is
16 presumptively reasonable pending efforts to obtain travel documents, because the
17 noncitizen's assistance is needed to obtain the travel documents, and a noncitizen who is
18 subject to an imminent, executable warrant of removal becomes a significant flight risk,
19 especially if he or she is aware that it is imminent.

20 The Court in *Zadvydas* also held that the detention could exceed six months: "This
21 6-month presumption, of course, does not mean that every alien not removed must be
22 released after six months. To the contrary, an alien may be held in confinement until it has
23 been determined that there is no significant likelihood of removal in the reasonably
24 foreseeable future." *Id.* at 701. "After this 6-month period, once the alien provides good
25 reason to believe that there is no significant likelihood of removal in the reasonably
26 foreseeable future, the Government must respond with evidence sufficient to rebut that
27 showing and that the noncitizen has the initial burden of proving that removal is not
28 significantly likely." *Id.*

1 In recent similar cases involving re-detention to effect resettlement, courts have
2 recognized that ICE has a presumptively reasonable period of six months to obtain travel
3 documents. *See Ghamelian v. Baker*, No. SAG-25-02106, 2025 WL 2049981, at *4 (D.
4 Md. July 22, 2025) (“The government is entitled to its six-month presumptive period before
5 Petitioner’s continued § 1231(a)(6) detention poses a constitutional issue”); *Guerra-Castro*
6 *v. Parra*, No. 25-cv-22487-GAYLES, 2025 WL 1984300, at *4 (S.D. Fla. July 17, 2025)
7 (“The Court finds that the Petition is premature because Petitioner has not been detained
8 for more than six months. Petitioner has been in detention since May 29, 2025; therefore,
9 his two-month detention is lawful under *Zadvydas*.”); *Grigorian v. Bondi*, No. 25-CV-
10 22914-RAR, 2025 WL 1895479, at *8 (S.D. Fla. July 8, 2025) (“Because Grigorian has
11 been in custody for fifteen days, his detention does not violate the implicit six-month period
12 read into the post-removal-period detention statute under *Zadvydas*.”). *Cf. Nhean v. Brott*,
13 No. CV 17-28 (PAM/FLN), 2017 WL 2437268, at *2 (D. Minn. May 2, 2017), *report and*
14 *recommendation adopted*, No. CV 17-28 (PAM/FLN), 2017 WL 2437246 (D. Minn. June
15 5, 2017) (“Nhean’s 90-day removal period began to run on October 12, 2010, when his
16 removal order became final, and he was released after 91 days of custody to supervised
17 release on January 11, 2011. Nhean was transferred back into ICE custody on August 26,
18 2016. Nhean’s detention was presumptively reasonable for an additional 90 days (six
19 months in total)”), *cited in Sied v. Nielsen*, No. 17-CV-06785-LB, 2018 WL 1876907, at
20 *6 (N.D. Cal. Apr. 19, 2018); *Farah v. INS*, No. Civ. 02-4725(DSD/RLE), 2003 WL
21 221809, at *5 (D. Minn. Jan. 29, 2013) (holding that when the government releases a
22 noncitizen and then revokes the release based on changed circumstances, “the revocation
23 would merely restart the 90-day removal period, not necessarily the presumptively
24 reasonable six-month detention period under *Zadvydas*”).

25 Petitioner has not met his burden of rebutting the presumption of reasonableness,
26 and ICE’s optimism about the likelihood of resettling Petitioner is based on a new policy
27 that has met with proven success. According to a recent CBS report: “At least a dozen
28 countries have already accepted or agreed to accept deportees from other nations since the

1 second Trump administration took office, and U.S. officials have been aggressively
2 courting other governments.” CBS, *U.S. broadens search for deportation agreements,*
3 *striking deals with Honduras and Uganda, documents show*, Aug. 21, 2025,
4 <https://www.cbsnews.com/news/us-deportation-agreements-honduras-uganda/>; *see also*
5 CNN, *Rwanda agrees to take in up to 250 migrants deported from the US*, Aug. 5, 2025,
6 <https://www.cnn.com/2025/08/05/africa/us-rwanda-migrants-deal-intl>; Associated Press,
7 *Rwanda agrees to take deportees from the US after a previous migrant deal with the UK*
8 *collapsed*, Aug. 5, 2025, [https://apnews.com/article/trump-immigrants-deportees-rwanda-](https://apnews.com/article/trump-immigrants-deportees-rwanda-us-bb5edea43bb470e76af3ecee5ddad10c)
9 [us-bb5edea43bb470e76af3ecee5ddad10c](https://apnews.com/article/trump-immigrants-deportees-rwanda-us-bb5edea43bb470e76af3ecee5ddad10c) (“Government spokesperson Makolo said the
10 agreement with the U.S. was Rwanda doing its part to help with international migration
11 issues because ‘our societal values are founded on reintegration and rehabilitation.’”); *see*
12 *also* Associated Press, *US completes deportation of 8 men to South Sudan after weeks of*
13 *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)
14 [deport-supreme-court-50f9162cff680b5c8729873e11d514e9](https://apnews.com/article/trump-south-sudan-djibouti-deport-supreme-court-50f9162cff680b5c8729873e11d514e9) (“The immigrants from
15 Cuba, Laos, Mexico, Myanmar, Vietnam and South Sudan arrived in South Sudan on
16 Friday after a federal judge cleared the way for the Trump administration to relocate them
17 in a case that had gone to the Supreme Court.”). The Court should therefore reject
18 Petitioner’s third claim.

19 E. FOURTH CLAIM: BOND HEARING

20 Petitioner claims that he is entitled to a bond hearing under *Singh v. Holder*, 638
21 F.3d 1196 (9th Cir. 2011), but there is no such holding in *Singh*, which concerns judicial
22 review of bond hearings that are convened pending a petition for review in removal
23 proceedings and, even in that context, there would be no right to a bond hearing after only
24 two months. *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 581 (2022) (“On its face, the
25 statute says nothing about bond hearings before immigration judges or burdens of proof,
26 nor does it provide any other indication that such procedures are required.”).

1 More importantly, the only potential remedy in a case like this one³ is release and,
2 even then, ICE has authority to impose conditions of release. *See Doan v. INS*, 311 F.3d
3 1160, 1162 (9th Cir. 2002) (“We therefore conclude that there is no merit to appellant’s
4 contention that because a bond is not expressly listed as a condition in the statute,
5 imposition of any bond as a condition of supervised release is unlawful.”). The Court
6 should therefore reject Petitioner’s fourth claim.

7 IV. CONCLUSION

8 Respondents respectfully request that the Court deny the petition for writ of habeas
9 corpus. Petitioner’s first two claims are beyond the scope of habeas jurisdiction, ICE has
10 authority to re-detain Petitioner to execute the warrant of removal for resettlement, re-
11 detention is presumptively reasonable, and Petitioner has failed to rebut the presumption
12 of reasonableness.

13 DATED: August 27, 2025

14 ADAM GORDON
15 United States Attorney

16 s/ Samuel W. Bettwy
17 SAMUEL W. BETTWY

18 ERIN M. DIMBLEBY

19 Assistant U.S. Attorneys

20 Attorneys for Respondents

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26 ³ Some courts have afforded a bond hearing to a noncitizen who has been detained
27 for a prolonged period of time under 8 U.S.C. § 1231(a) during withholding-only
28 proceedings, after reinstatement of an order of removal. *See, e.g., Hilario M.R. v. Warden,*
Mesa Verde Det. Ctr., No. 24-CV-00998-EPG-HC, 2025 WL 1158841, at *1 (E.D. Cal.
Apr. 21, 2025) (citing *Juarez v. Choate*, No. 24-cv-00419-CNS, 2024 WL 1012912 (D.
Colo. Mar. 8, 2024)).

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
8

9 MEHDI ROKHFIROOZ,
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11 Petitioner,
12

13 v.
14

15 CHRISTOPHER J. LAROSE, et al.,
16

17 Respondents.
18

Case No. 25-cv-02053 RSH VET

DECLARATION
OF MARIELLE CEJA

19 I, Marielle Ceja, declare the following under 28 U.S.C. § 1746 and state that
20 under the penalty of perjury that the following is true and correct to the best of my
21 knowledge and belief:


22 1. I am currently employed by the U.S. Department of Homeland Security
23 (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and
24 Removal Operations (ERO), as a Supervisory Detention and Deportation Officer
25 (SDDO) assigned to the Otay Mesa suboffice of the ICE ERO San Diego Field
26 Office.

27 2. I have been employed by ICE as a law enforcement officer since
28 February 2, 2020.

3. As an SDDO, I am responsible for, among other things, supervising the
daily operations of ICE ERO deportation officers assigned to the Otay Mesa

1 Detention Center (OMDC) in Otay Mesa, California, and ensuring that those officers
2 comply with all relevant laws, regulations, and policies. The officers assigned to the
3 OMDC are also responsible for managing the cases and detainees housed at the San
4 Luis Regional Detention Facility (SLRDF).

5 4. This declaration is based on my personal knowledge and experience as
6 a law enforcement officer and information provided to me in my official capacity as
7 an SDDO for the Otay Mesa suboffice of the ICE ERO San Diego Field Office.

8 5. I am familiar with the case of Mehdi Rokhfirooz (A ) , a
9 native and citizen of Iran.

10 6. Petitioner entered the United States unlawfully on August 1, 2000, at
11 or near San Ysidro, California.

12 7. On December 23, 2003, ICE apprehended the Petitioner, served him
13 with a Notice to Appear (NTA), and placed him in removal proceedings.

14 8. On June 17, 2004, an Immigration Judge ordered the Petitioner
15 removed to Iran and granted his application for Withholding of Removal.

16 9. On October 17, 2005, Petitioner was released from ICE custody on an
17 Order of Supervision.

18 10. On January 3, 2011, Petitioner was arrested by the San Diego Police
19 Department for violating Cal. Pen. Code § 243(E)(1), Battery of a Spouse. DHS
20 issued an Immigration Detainer for the Petitioner based on the arrest.

21 11. Criminal charges were never filed, and the Petitioner was transferred to
22 DHS custody on January 5, 2011. pursuant to the Immigration Detainer.

23 12. On January 5, 2011, the ERO San Diego field office declined to seek
24 an alternate country of removal and released the Petitioner on an Order of
25 Supervision.

26 13. On December 5, 2012, Petitioner was arrested by Federal Law
27 Enforcement Officers with the Internal Revenue Service for violating 18 U.S.C. §
28 371, Conspiracy to Structure Currency Deposits and 21 U.S.C. § 5324, Structuring

1 Currency Deposits. Criminal charges were filed with the U.S. District Court for the
2 Southern District of California.

3 14. On December 20, 2012, Petitioner was released from Federal criminal
4 custody on a \$30,000 bond and was transferred to DHS custody pursuant to an
5 Immigration Detainer. He was released from DHS custody on an Order of
6 Supervision the same day after ERO declined to seek an alternative country for
7 removal.

8 15. On June 23, 2025, ERO determined that there is a significant likelihood
9 of removal and resettlement in a third country in the reasonably foreseeable future
10 and re-detained Petitioner to execute his warrant of removal.

11 16. On July 3, 2025, a request for acceptance and travel documents was
12 sent to several third countries. Requests remain pending.

13 17. On August 21, 2025, after further consideration, ERO Headquarters,
14 Removal and International Operations (RIO), determined that Petitioner should
15 remain in ICE custody, because resettlement in a third country remained likely in
16 the foreseeable future.

17 18. Resettlement efforts continue with the Detention and Deportation
18 Officer (DDO) assigned to Iran cases within RIO.

19 19. At this time, requests for a third country resettlement remain pending,
20 and based on the undersigned's experience, it is anticipated that resettlement will be
21 accomplished in the near future.

22 I declare under the penalty of perjury that the foregoing is true and correct to
23 the best of my knowledge, information, belief, and reasonable inquiry in the above
24 captioned case.

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1 Executed on this 26th day of August 2025.

2
3 **MARIELLE CEJA**

Digitally signed by MARIELLE
CEJA
Date: 2025.08.26 12:08:56 -07'00'

4 Marielle Ceja
5 Supervisory Detention and Deportation
6 Officer San Diego Field Office, Otay Mesa
7 Suboffice Enforcement and Removal
8 Operations
9 U.S. Immigration and Customs Enforcement
10 U.S. Department of Homeland Security
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MEHDI ROKHFIROOZ,

Petitioner,

vs.

CHRISTOPHER J. LAROSE, Senior
Warden, Otay Mesa Detention Center,
al.,

Respondents.

Case No. 25cv2053 RSH VET

EXHIBITS

12 6/23/25 Form I-213 (Record of Deportable/Inadmissible Alien)

1-3

13 6/23/25 Form I-200 (Warrant for Arrest of Alien)

4

14 6/23/25 Form I-286 (Notice of Custody Determination)

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15 8/15/25 Notice of Revocation of Release

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