**IN THE UNITED STATES DISTRICT COURT**
**FOR THE MIDDLE DISTRICT OF GEORGIA**
**COLUMBUS DIVISION**

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| **OMID KAMALI,** | : | |
| | : | |
| **Petitioner,** | : | |
| | : | **Case No. 4:25-CV-257-CDL-CHW** |
| **v.** | : | **28 U.S.C. § 2241** |
| | : | |
| **WARDEN, STEWART DETENTION CENTER,**[1] | : | |
| | : | |
| | : | |
| **Respondent.** | : | |

## MOTION TO DISMISS

On August 12, 2025, Petitioner filed an application for a writ of habeas corpus ("the Petition"). ECF No. 1. On August 25, 2025, the Court ordered Respondent to file a comprehensive response within twenty-one days from the date of filing. ECF No. 3. On September 10, 2025, Respondent filed a Motion for Leave to File Out of Time Response. ECF No. 4. On September 11, 2025, the Court granted Respondent's Motion. ECF No. 5. Respondent now files this Motion to Dismiss in lieu of a comprehensive response and requests that the Petition be dismissed.

## BACKGROUND

Petitioner is a native and citizen of Iran. Declaration of Deportation Officer Dennis Karwowski ("Karwowski Decl.") ¶ 3 & Exs. A, B, and C. On February 9, 2018, Petitioner adjusted his status to that of a lawful permanent resident ("LPR"). *Id.* ¶ 4 & Exs. B and C.

[1] Petitioner names the Department of Homeland Security and Immigration and Customs Enforcement as Respondents in his Petition. "[T]he default rule [for claims under 28 U.S.C. § 2241] is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official." *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (citations omitted). Thus, Respondent has substituted the Warden of Stewart Detention Center as the sole appropriately named respondent in this action.

On February 10, 2020, Petitioner was convicted in the Superior Court of Jasper County, Georgia for the offenses of: Criminal Attempt to Commit a Felony, Computer Pornography, and Sexual Exploitation of Children. *Id.* ¶ 5 & Exs. B, C, and D. Petitioner was sentenced to a total of 15 years in prison. *Id.* On March 31, 2020, Immigration and Customs Enforcement ("ICE")/Enforcement and Removal Operations ("ERO") issued Petitioner a Notice to Appear charging him with removability under section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1227(a)(2)(A)(iii)) for having, at any time after admission, been convicted of an aggravated felony as defined in section 101(a)(43)(I) of the INA (8 U.S.C. § 1101(a)(43)(I)) in that he was convicted of an offense described in Title 18 of the United States Code, Section 2251, 2251A, or 2252 (relating to child pornography) and as defined in section 101(a)(43)(U) of the INA (8 U.S.C. § 1101(a)(43)(U)) in that he was convicted of an attempt or conspiracy to commit an offense described in section 101(a)(43)(A) of the INA (8 U.S.C. § 1101(a)(43)(A)) (relating to "murder, rape, or sexual abuse of a minor"). Karwowski Decl. ¶ 6 & Ex. B.

Petitioner first entered ICE/ERO custody on or about May 22, 2020. *Id.* ¶ 7. On June 30, 2020, Petitioner appeared before an Immigration Judge ("IJ"). *Id.* ¶ 8. The IJ found Petitioner removable from the United States under section 237(a)(2)(A)(iii) of the INA (8 U.S.C. § 1227(a)(2)(A)(iii)) and ordered his removal to Iran. Karwowski Decl. ¶ 8 & Ex. C. Petitioner and the Department of Homeland Security waived appeal, making Petitioner's removal order final as of June 30, 2020. *Id.* ¶ 8; 8 C.F.R. § 1241.1(b). Petitioner was released from ICE/ERO custody on an order of supervision on May 25, 2021. Karwowski Decl. ¶ 9.

On July 2, 2025, ICE/ERO took Petitioner into custody. *Id.* ¶ 10 & Ex. A. Petitioner is detained at Stewart Detention Center under the authority of INA § 241(a) (8 U.S.C. § 1231(a)). *Id.* Since January 1, 2025, ICE has removed approximately seventy-five (75) Iranian citizens to Iran.

Declaration of Deportation and Detention Officer Quincy Hodges, III ("Hodges Decl.") ¶ 3. Further, there are ongoing negotiations with Iran to accept a charter flight of Iranian citizens in the near future. *Id.* ¶ 4. Iran has represented that travel documents will be issued to individuals with Iranian identity documents and interviews will be conducted with those without Iranian documentation. *Id.* ¶ 5. Based on the foregoing, there is a significant likelihood of Petitioner's removal to Iran in the reasonably foreseeable future. *Id.* ¶ 6.

## ARGUMENT

The Petition should be dismissed for two reasons. First, to the extent Petitioner asserts that his detention post-final order of removal has become prolonged under *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Petition is premature and should be dismissed. Second, Petitioner fails to show that he is otherwise entitled to release under *Zadvydas*. Additionally, Petitioner's arguments that he should not be removed to Iran are an improper attempt to litigate his removal order, are not cognizable in habeas, and should be dismissed.

### I. The Petition should be dismissed because Petitioner's *Zadvydas* claim is premature.

The Petition is premature on its face under *Zadvydas* because Petitioner has been detained post-final order of removal for less than six months. The Petition should be dismissed because Petitioner is not entitled to any relief.

Since Petitioner is detained post-final order of removal, his detention is governed by 8 U.S.C. § 1231. Congress provided in § 1231(a)(1) that the Department of Homeland Security ("DHS") shall remove an alien within ninety (90) days of the date the order of removal becomes administratively final. *See* 8 U.S.C. §§ 1231(a)(1)(A)-(B). During this ninety-day time frame, known as the "removal period," detention is mandatory. *See id.* at § 1231(a)(2). If ICE does not remove an alien during the removal period, detention may continue if it is "reasonably necessary"

to effectuate removal. *See Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). In *Zadvydas*, the Supreme Court determined that, under the Fifth Amendment, detention for six months is presumptively reasonable. *Zadvydas*, 533 U.S. at 700. "After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.* at 701 (emphasis added); *see also* 8 C.F.R. § 241.13.

The Eleventh Circuit has made clear that "[t]his six-month period thus must have expired at the time [Petitioner's] § 2241 petition was filed in order to state a claim under *Zadvydas*." *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002); *see also Themeus v. U.S. Dep't of Justice*, 643 F. App'x 830, 833 (11th Cir. 2016); *Guo Xing Song v. U.S. Att'y Gen.*, 516 F. App'x 894, 899 (11th Cir. 2013). Even if the Petition was filed after the six-month post-removal detention period—which it was not—Petitioner also carries the burden to establish that there is no "reasonable likelihood of removal" in the foreseeable future. *Zadvydas*, 533 U.S. at 701.

Here, Petitioner was ordered removed on June 30, 2020. Karwowski Decl. ¶ 8 & Ex. C. His removal order became final that day, when he waived appeal. *See* 8 C.F.R. § 1003.38(b); 8 C.F.R. § 1241.1(b). Petitioner most recently entered ICE/ERO custody on July 2, 2025. Karwowski Decl. ¶ 10. Petitioner filed the Petition on July 29, 2025—just twenty-seven days later.[2] *See* Pet. 1, ECF No. 1. Therefore, Petitioner has not been detained beyond the presumptively reasonable six-month period under *Zadvydas*, and the Petition should be dismissed as premature.

[2] Although the Court received the Petition on August 12, 2025, Petitioner signed it on July 29, 2025. Pet. 8, ECF No. 1. "Under the prison mailbox rule, a pro se prisoner's court filing is deemed filed on the date it is delivered to prison authorities for mailing." *United States v. Glover*, 686 F.3d 1203, 1205 (11th Cir. 2012) (internal quotation marks omitted). "Unless there is evidence to the contrary, like prison logs or other records, we assume that a prisoner's motion was delivered to prison authorities on the day he signed it." *Id.* Even if the Court uses the date of receipt to calculate the filing, the Petition is still well within the six-month presumptively reasonable period from *Zadvydas*, and is premature.

*See Akinwale*, 287 F.3d at 1052; *Themeus*, 643 F. App'x at 833; *Guo Xing Song*, 516 F. App'x at 899.

Courts throughout the Eleventh Circuit—including this Court—have dismissed non-citizens' habeas applications raising *Zadvydas* claims where the presumptively reasonable six-month period had not expired when they filed their petitions. *Singh v. Garland*, No. 3:20-cv-899, 2021 WL 1516066, at *2 (M.D. Fla. Apr. 16, 2021); *Garcon v. Warden, Irwin Cty. Det. Ctr.*, No. 7:16-CV-158-WLS-MSH, 2017 WL 9250368, at *2 (M.D. Ga. Aug. 30, 2017), *recommendation adopted*, 2018 WL 2056562 (M.D. Ga. Feb. 27, 2018); *Elienist v. Mickelson*, No. 15-61701-Civ, 2015 WL 5316484, at *3 (S.D. Fla. Aug. 18, 2015), *recommendation adopted*, 2015 WL 5308882 (S.D. Fla. Sept. 11, 2015); *Maraj v. Dep't of Homeland Sec.*, No. CA 06-0580-CG-C, 2007 WL 748657, at *3 (S.D. Ala. Mar. 7, 2007); *Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1363-65 (N.D. Ga. 2002). The Court should similarly dismiss the Petition here.

Petitioner makes some attempt to argue that his previous period of post-final order of removal detention—between June 30, 2020 and May 25, 2021—should be added to the current period of detention in calculating whether he has been detained beyond the six-month presumptively reasonable period. This argument should be rejected. In *Meskini v. Attorney General of United States*, No. 4:14-CV-42, 2018 WL 1321576 (M.D. Ga. Mar. 14, 2018), this Court denied a petition raising a *Zadvydas* claim where the petitioner had been detained by ICE/ERO multiple times which collectively amounted to more than six months. The Court stated:

> This Court does not read *Zadvydas* to be a permanent "Get Out of Jail Free Card" that may be redeemed at any time just because an alien was detained too long in the past. The Court's focus is on *today* and whether Petitioner will likely be removed in the reasonably foreseeable future based on the facts available to the Court *today*. The Court acknowledges the Supreme Court's observation that the length of prior detention is a factor that must be considered in deciding a reasonable length of time for future detention, but the Court does not understand that factor to necessarily be

> dispositive. Things do change. To ignore that change would be as judicially irresponsible as ignoring the events leading up to it.

*Meskini*, 2018 WL 1321576, at *3. Therefore, Petitioner should not be able to rely on his previous period of detention to satisfy the *Zadvydas* threshold. The circumstances surrounding his detention have unquestionably changed and the Court should look to the present and not his prior detention. As stated above, there is a significant likelihood of Petitioner's removal to Iran in the reasonably foreseeable future. Hodges Decl. ¶¶ 3-6. ICE has removed approximately seventy-five (75) Iranian citizens to Iran since January 1, 2025. *Id.* ¶ 3. Further, there are ongoing negotiations with Iran to accept a charter flight of Iranian citizens. *Id.* ¶ 4. Iran has represented that travel documents will be issued to individuals with Iranian identity documents and interviews will be conducted with those without Iranian documentation. *Id.* ¶ 5.

Thus, the circumstances have changed significantly since Petitioner's previous period of detention in 2020-2021, and that period should not be considered in determining if Petitioner has surpassed the presumptively reasonable six-month post-removal order period for his *Zadvydas* claim. The Petition should consequently be dismissed as premature.

**II. In the alternative, Petitioner fails to show that he is entitled to release under *Zadvydas*.**

Even if the Petition was filed after the six-month post-removal order detention period—which it was not—Petitioner also fails to show that he is entitled to release under *Zadvydas*.

In *Akinwale v. Ashcroft*, 287 F.3d 1050 (11th Cir. 2002), the Eleventh Circuit elaborated on the framework announced by the Supreme Court in *Zadvydas*, stating that "in order to state a claim under *Zadvydas* the alien not only must show post-removal order detention in excess of six months but also must provide evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." 287 F.3d at 1052. Thus, the burden is on Petitioner to demonstrate: (1) post-removal order detention lasting more than six months; and

(2) evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. *Gozo*, 309 F. App'x at 346 (quoting *Akinwale*, 287 F.3d at 1051-52).

Petitioner presents no evidence to show that he is not likely to be removed in the reasonably foreseeable future. Instead, he asserts in conclusory fashion that there is no significant likelihood of removal in the reasonably foreseeable future because ICE/ERO was unable to remove him the last time he was in post-final order detention. Pet 6. As an initial matter, Petitioner's conclusory statements that he is unlikely to be removed in the near future are insufficient to state a claim under *Zadvydas*. *See Novikov v. Gartland*, No. 5:17-cv-164, 2018 WL 4100694, at *2 (S.D. Ga. Aug. 28, 2018), *recommendation adopted*, 2018 WL 4688733 (S.D. Ga. Sept. 28, 2018); *Gueye v. Sessions*, No. 17-62232-Civ, 2018 WL 11447946, at *4 (S.D. Fla. Jan. 24, 2018); *Rosales-Rubio v. Att'y Gen. of United States*, No. 4:17-cv-83-MSH-CDL, 2018 WL 493295, at *3 (M.D. Ga. Jan. 19, 2018), *recommendation adopted*, 2018 WL 5290094 (M.D. Ga. Feb. 8, 2018). Furthermore, the fact that Iran did not issue a travel document in the past is not indicative of whether ICE/ERO will be able to obtain a travel document for Petitioner at this time.

Nevertheless, even accepting Petitioner's conclusory statements, he still cannot satisfy his burden under *Zadvydas*. Courts have recognized that non-citizens' unsubstantiated speculations that consulates will not issue a travel document are insufficient to meet the evidentiary burden under *Zadvydas*. For example, in *Mirza v. Dep't of Homeland Sec.*, No. 22-cv-02610, 2023 WL 2664860 (D. Colo. Jan. 10, 2023), a district court recently denied a habeas application under analogous circumstances. There, ICE/ERO submitted a travel document request to the foreign consulate, but nearly seven months after the request was originally submitted, the travel document request still remained pending as the consulate attempted to verify the non-citizen's nationality.

*Mirza*, 2023 WL 2664860, at *1-2. Yet, ICE/ERO asserted his removal was likely once a travel document was issued. *Id.* at *2. The non-citizen sought habeas relief under *Zadvydas*, arguing only that he had "been compliant in trying to obtain [his] travel document" but that a travel document had not been issued. *Id.* *3. The Court denied the habeas application, finding that respondent's assertions concerning the status of the travel document request and the likelihood of his removal after issuance of a travel document demonstrated a significant likelihood of removal in the reasonably foreseeable future. *Id.*

District courts in the Eleventh Circuit have similarly held that the mere delay in a consulate's issuance of a travel document is insufficient for a non-citizen to meet his evidentiary burden under *Zadvydas*. *See Novikov*, 2018 WL 4100694, at *2 (denying non-citizen's *Zadvydas* claim where the non-citizen did "not explain how the past lack of progress in the issuance of his travel documents means that [his country of nationality] will not produce the documents in the foreseeable future"); *Linton v. Holder*, No. 10-20145-Civ-Lenard, 2010 WL 4810842, at *4 (S.D. Fla. Oct. 4, 2010) ("[A] delay in issuance of travel documents does not, without more, establish that a petitioner's removal will not occur in the reasonably foreseeable future, even where the detention extends beyond the presumptive 180 day (6 month) presumptively reasonable period." (citations omitted)); *Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1336 (N.D. Ga. 2002) ("The lack of visible progress since [ICE] requested travel documents from the [foreign] government does not in and of itself meet [the non-citizen's] burden of showing that there is no significant likelihood of removal." (citation omitted)). The Court should reach the same conclusion here and deny the Petition because Petitioner fails to meet his evidentiary burden under *Zadvydas*.

Even assuming Petitioner offered evidence sufficient to shift the burden to Respondent to show a likelihood of removal—which he has not—Respondent meets his burden. Since January

1, 2025, ICE has removed approximately seventy-five (75) Iranian citizens to Iran. Hodges Decl. ¶ 3. Further, there are ongoing negotiations with Iran to accept a charter flight of Iranian citizens. *Id.* ¶ 4. Iran has represented that travel documents will be issued to individuals with Iranian identity documents and interviews will be conducted with those without Iranian documentation. *Id.* ¶ 5. Accordingly, there is a significant likelihood of removal in the reasonably foreseeable future and the Petition should be denied.

## III. Any claim unrelated to the constitutionality of Petitioner's present detention should be dismissed because it is not cognizable in this habeas proceeding.

In the Petition, Petitioner argues that he should not be returned to Iran for "fear of prosecution because of religious practices," and points to a document from the UN High Commission for Refugees that states he has been recognized as a refugee. Pet. 6 & Ex. A, ECF No. 1-1. By claiming that he should not be returned to Iran based on fear, Petitioner appears to challenge his removal order. Rather than seeking release based on a procedural due process right, he instead asserts error in the underlying removal proceedings themselves. The Court should dismiss this claim because it lacks jurisdiction to judicially review removal orders.

A claim may proceed in this Court only if federal subject matter jurisdiction exists. *Lifestar Ambulance Serv., Inc. v. United States*, 365 F.3d 1293, 1295 (11th Cir. 2004). This is because "[f]ederal courts are not courts of general jurisdiction; they have only the power that is authorized by Article III of the Constitution and the statutes enacted by Congress pursuant thereto." *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) (citation omitted). "The limits upon federal jurisdiction, whether imposed by the Constitution or by Congress, must be neither disregarded nor evaded." *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978). Additionally, "[a] petitioner may not create the jurisdiction that Congress chose to remove simply

by cloaking an . . . argument in constitutional garb." *Arias v. U.S. Att'y Gen.*, 482 F.3d 1281, 1284 (11th Cir. 2007) (internal quotations and citations omitted).

In the immigration context, "[f]ollowing enactment of the REAL ID Act of 2005, district courts lack habeas jurisdiction to entertain challenges to final orders of removal." *Themeus v. U.S. Dep't of Justice*, 643 F. App'x 830, 832 (11th Cir. 2016) (per curiam) (citing 8 U.S.C. § 1252(a)(5), (b)(9)). "Instead, 'a petition for review filed with the appropriate court is now an alien's exclusive means of review of a removal order.'" *Id.* (quoting *Alexandre v. U.S. Att'y Gen.*, 452 F.3d 1204, 1206 (11th Cir. 2006)). Section 1252(b)(9) provides in full:

> Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States under [subchapter II of chapter 12 (8 U.S.C. §§ 1151-1378)] shall be available only in judicial review of a final order under this section. Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of title 28 or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.

8 U.S.C. § 1252(b)(9).

Indeed, the Supreme Court has described section 1252(b)(9) as an "unmistakable zipper clause" that streamlines litigation by consolidating and channeling claims first to the agency and then to the circuit courts through petitions for review. *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999) ("*AADC*"). In *AADC*, the Court elaborated on the breadth of section 1252(b)(9), explaining that it serves as a "general jurisdictional limitation" on challenges to actions arising from removal operations and proceedings. *Id.* at 482. District courts are barred from reviewing removal proceedings regardless of how the non-citizen characterizes his claim. *Mata v. Sec'y of Dep't of Homeland Sec.*, 426 F. App'x 698, 700 (11th Cir. 2011) (per curiam) (affirming district court's dismissal of challenge to removal order brought pursuant to the federal

question and mandamus statutes, Administrative Procedure Act, and the Declaratory Judgment Act).

Additionally, 8 U.S.C. § 1252(g) provides that

> [e]xcept as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), . . . no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.

8 U.S.C. § 1252(g). "When asking if a claim is barred by § 1252(g), courts must focus on the action being challenged." *Canal A Media Holding, LLC v. U.S. Citizenship & Imm. Servs.*, 964 F.3d 1250, 1257-58 (11th Cir. 2020). Section 1252(g) provision applies "to three discrete actions that the Attorney General may take: [the] 'decision or action' to '*commence* proceedings, *adjudicate* cases, or *execute* removal orders.'" *AADC*, 525 U.S. at 482 (emphasis in original). Section 1252(g) operates as "a 'discretion-protecting provision' designed to prevent the 'deconstruction, fragmentation, and hence prolongation of removal proceedings.'" *Camarena v. Director, Imm. & Customs Enf't*, 988 F.3d 1268, 1272 (11th Cir. 2021) (quoting *AADC*, 525 U.S. at 487).

Petitioner's removal order directing his removal to Iran is squarely within the discretion of the Attorney General to "adjudicate cases, or execute removal orders." Thus, the Court is without jurisdiction to adjudicate any claim that Petitioner should not be removed to Iran pursuant to Section 1252(g). To the extent Petitioner seeks release via a writ of habeas corpus to avoid removal to Iran, such a claim should be dismissed for lack of jurisdiction.

## CONCLUSION

For the foregoing reasons, Respondent requests that the Petition be dismissed.

Respectfully submitted this 15th day of September, 2025.

WILLIAM R. KEYES
UNITED STATES ATTORNEY

BY: */s/ Michael P. Morrill*
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## CERTIFICATE OF SERVICE

This is to certify that I have this date filed the Respondent's Motion to Dismiss with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

N/A

I further certify that I have this date mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

Omid Kamali
A[redacted]
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

This 15th day of September, 2025.

BY: */s/ Michael P. Morrill*
MICHAEL P. MORRILL
Assistant United States Attorney

DECLARATION OF DENNIS KARWOWSKI

I, Dennis Karwowski, declare as follows:

1. I have been employed with the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE/ERO) since July 2024. I am currently employed as a Deportation Officer working at Stewart County Detention Center in Lumpkin, Georgia.

2. In my capacity as a Deportation Officer, I am the officer assigned to the case involving Omid Kamali (the petitioner), whose alien registration number is [redacted]. I have reviewed the relevant documents from the petitioner's alien files (A-file) and other official government records related to the petitioner's removal proceedings and, unless otherwise stated, this declaration is based on that review.

3. The petitioner is a native and citizen of Iran. Exhibit A, Form I-213 Record of Inadmissible/Deportable Alien, dated July 4, 2025; Exhibit B, Form I-862 Notice to Appear, dated March 31, 2020; Exhibit C, Order of the Immigration Judge, dated June 30, 2020.

4. The petitioner adjusted his status to that of a lawful permanent resident on February 9, 2018. Exhibit B, Form I-862 Notice to Appear, dated March 31, 2020; Exhibit C, Order of the Immigration Judge, dated June 30, 2020.

5. On February 10, 2020, the petitioner was convicted in the Superior Court of Jasper County, Georgia for the offenses of: Criminal Attempt to Commit a Felony and sentenced to 10 years, Computer Pornography and sentenced to 10 years, and Sexual Exploitation of Children and sentenced to 15 years. The sentences were ordered to run concurrently. Exhibit B, Form I-862 Notice to Appear, dated March 31, 2020; Exhibit C, Order of the Immigration Judge, dated June 30, 2020; Exhibit D, Superior Court of Jasper County, State of Georgia, Criminal Records, Criminal Action # 18CR08-184.

6. On March 31, 2020, ICE/ERO issued the petitioner a Form I-862 Notice to Appear charging him with removability under section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (INA) for having, at any time after admission, been convicted of an aggravated felony as defined in section 101(a)(43)(I) of the INA in that he was convicted of an offense described in Title 18 of the United States Code, Section 2251, 2251A, or 2252 (relating to child pornography) and as defined in section 101(a)(43)(U) of the INA in that he was convicted of an attempt or conspiracy to commit an offense described in section 101(a)(43)(A) of the INA (relating to "murder, rape, or sexual abuse of a minor"). Exhibit B, Form I-862 Notice to Appear, dated March 31, 2020.

7. The petitioner first entered ICE/ERO custody on or about May 22, 2020 at the Irwin County Detention Center.

8. On June 30, 2020, the petitioner appeared before an Immigration Judge. The Immigration Judge found the petitioner removable from the United States under section 237(a)(2)(A)(iii) of the INA and ordered his removal to Iran. The petitioner and DHS waived appeal. Exhibit C, Order of the Immigration Judge, dated June 30, 2020.

9. On May 25, 2021, the petitioner was released on an order of supervision.

10. On July 2, 2025, ICE/ERO apprehended the petitioner. Exhibit A, Form I-213 Record of Inadmissible/Deportable Alien, dated July 4, 2025. Petitioner is detained at the Stewart Detention Center under the authority of INA § 241(a).

Pursuant to Title 28, U.S. Code Section 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, this the 11th of September 2025.

DENNIS R KARWOWSKI

Digitally signed by DENNIS R KARWOWSKI
Date: 2025.09.15 07:14:40 -04'00'

Dennis Karwowski, Deportation Officer
Department of Homeland Security
Immigration & Customs Enforcement
Stewart Detention Center
Lumpkin, Georgia