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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

Abolhassan HASSANZADEH

Petitioner,

v.

Warden, Desert View Facility,
Adelanto, CA
Thomas P. Giles, Director of Los Angeles
Field Office,
Todd Lyons, Acting Director,
U.S. Immigration and Customs Enforcement;
Kristi Noem, Secretary of the U.S. Department of
Homeland Security; and
Pamela Bondi,
Attorney General of the United States,
in their official capacities,

Respondents.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

Petitioner Abolhassan Hassanzadeh is a native and citizen of Iran who has been under U.S. Immigration and Customs Enforcement (ICE) custody—either through an Order of Supervision (OSUP) or physical detention—since December 2018, when he was released from ICE custody following his initial detention. His removal order became final on July 7, 2020, when the Board

of Immigration Appeals dismissed his appeal, and it was affirmed by the Ninth Circuit in March 2022.

From 2018 to 2025, Mr. Hassanzadeh complied fully with the terms of his OSUP, including regular ICE check-ins, movement restrictions, and ongoing reporting obligations. These conditions placed significant restraints on his liberty and constituted custody for habeas purposes under *Jones v. Cunningham*, 371 U.S. 236 (1963), and *Rumsfeld v. Padilla*, 542 U.S. 426 (2004). On July 23, 2025, ICE re-detained him and transferred him to the Desert View Facility in Adelanto, California, where he remains in physical custody.

Despite having had nearly **seven years** to effectuate his removal, the government has failed to do so. Iran has not issued travel documents, no third country has agreed to accept him, and there is no indication that removal will be possible in the reasonably foreseeable future. Mr. Hassanzadeh's continued detention, both constructive and now physical, has exceeded the 90-day statutory removal period authorized by 8 U.S.C. § 1231(a) and is unlawful under *Zadvydas v. Davis*, 533 U.S. 678 (2001). Under *Zadvydas*, detention becomes presumptively unreasonable after six months unless the government can show a significant likelihood of removal in the reasonably foreseeable future. It cannot do so here. Accordingly, Mr. Hassanzadeh respectfully petitions this Court for a writ of habeas corpus ordering his immediate release under appropriate conditions of supervision effectively returning him to the *status quo*.

Thus, to vindicate Petitioner's statutory and constitutional rights, this Court should grant the instant petition for a writ of habeas corpus. Absent an order from this Court, Petitioner will continue to suffer indefinite detention in violation of the Constitution and federal immigration law while facing no viable prospect of removal elsewhere.

Petitioner asks this Court to find that his continued detention beyond the statutory removal period, in the absence of a realistic prospect of removal, violates the Fifth Amendment and 8 U.S.C. § 1231(a), and to order his immediate release under appropriate conditions of supervision.

JURISDICTION

This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Jurisdiction is proper because Petitioner challenges the legality of his continued civil immigration detention under 8 U.S.C. § 1231(a) and the Constitution, and no statute strips this Court of jurisdiction to review such claims.

This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 16

VENUE

Venue is proper in the United States District Court for the Central District of California pursuant to 28 U.S.C. § 1391(e) and 28 U.S.C. § 2241 because Petitioner is currently detained at the Desert View Facility, located in Adelanto, California, which lies within the jurisdiction of this District.

In addition, venue is proper because a substantial part of the events and omissions giving rise to the claims occurred in this District, including Petitioner's current and ongoing detention.

See Doe v. Garland, [109 F.4th 1188, 1197-99](#) (9th Cir. 2024). Respondents are officers and agencies of the United States, and no real property is involved in this action.

REQUIREMENTS OF 28 U.S.C. § 2243

The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. [28 U.S.C. § 2243](#). If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, [372 U.S. 391, 400](#) (1963) (emphasis added). Given that Mr. Hassanzadeh is currently physically detained, an expedited timeline for briefing and adjudication is appropriate under the statute

PARTIES

Petitioner Abolhassan Hassanzadeh is a noncitizen from Iran who is currently detained at Desert View Facility in Adelanto, California. He is in the custody and under the direct control of Respondents and their agents.

Respondent Warden of Desert View Facility in Adelanto, CA, has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens. Respondent, Warden of Desert View Facility, is a legal custodian of Petitioner.

Respondent Thomas P. Giles is sued in his official capacity as the Director of the Los Angeles Field Office of U.S. Immigration and Customs Enforcement. Respondent Giles is a legal custodian of Petitioner and has the authority to release him.

Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, Respondent Bondi has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

Petitioner Abolhassan Hassanzadeh is a 35-year-old native and citizen of Iran. He entered the United States on or around May 28, 2018. On August 1, 2018, the Department of Homeland Security issued a Notice to Appear, initiating removal proceedings in the Adelanto Immigration Court. Mr. Hassanzadeh was initially detained by U.S. Immigration and Customs Enforcement (ICE), but was released from physical custody on December 19, 2018, and placed under an Order of Supervision (OSUP).

On November 13, 2018, the Immigration Judge denied Mr. Hassanzadeh's applications for asylum and withholding of removal, and ordered him removed to Iran. He timely appealed that decision. On July 7, 2020, the Board of Immigration Appeals (BIA) dismissed the appeal.

See Exhibit A: *Final Board of Immigration Appeals Removal Order dated July 7, 2020*. Mr. Hassanzadeh subsequently filed a petition for review with the Ninth Circuit Court of Appeals, which denied the petition on the merits on March 9, 2022. **See Exhibit B:** *Ninth Circuit Court of Appeals Mandate/Decision dated March 9, 2022*. The court issued its mandate shortly thereafter, rendering the removal order final.

Since that time, Mr. Hassanzadeh has remained under ICE's legal control, subject to an OSUP that imposed significant restraints on his liberty. For more than five years, he fully complied with all reporting requirements, check-ins, and conditions imposed by ICE. He has no criminal history and has consistently acted in good faith in pursuing immigration relief. The OSUP severely limited his ability to live a normal life. It restricted his employment opportunities because many employers were unwilling to hire someone with ongoing immigration supervision. Even in the jobs he could obtain, the frequent reporting requirements and uncertainty about his status caused him to lose work hours and income. He was unable to travel outside the region to visit friends, extended family, or attend important personal events, further isolating him socially and emotionally. His supervision was not terminated until July 23, 2025, when ICE took him back into physical custody and transferred him to the Desert View Facility in Adelanto, California. **See Exhibit C:** *Print Screen from the ICE Online Detainee Locator Website showing Petitioner's current detention at Desert View Facility*.

The government has now had more than seven years, since the original removal order in 2018, and over three years since the Ninth Circuit's mandate in 2022, to carry out Mr. Hassanzadeh's removal. Despite that extended period, ICE has been unable to obtain travel documents from Iran or identify a third country willing to accept him. Mr. Hassanzadeh has no

viable path for removal in the foreseeable future, and the government has offered no evidence that removal is likely to occur.

Mr. Hassanzadeh has also filed a timely Motion to Reopen with the BIA based on materially changed country conditions in Iran, including evidence that he now faces a significantly heightened risk of persecution and torture due to his political activities in the United States and the Iranian government's retaliation against his family members. That motion remains pending. **See Exhibit D:** *Receipt from the Board of Immigration Appeals confirming the filing of the Motion to Reopen based on changed country conditions in Iran, dated October 3, 2023.*

Despite these facts, the government continues to detain him, even though his custody has now extended well beyond the 90-day statutory removal period authorized by 8 U.S.C. § 1231(a). His current detention, in light of the government's failure to effectuate removal and the absence of any foreseeable prospect of removal, is unlawful under *Zadvydas v. Davis*, 533 U.S. 678 (2001), and violates the Due Process Clause of the Fifth Amendment.

LEGAL FRAMEWORK

Under the Immigration and Nationality Act (INA), a noncitizen subject to a final order of removal is generally detained during a 90-day "removal period." See 8 U.S.C. § 1231(a)(1)(A). Detention during this period is typically mandatory. See § 1231(a)(2). However, if removal is not effectuated during the removal period, continued detention is permissible only while removal remains reasonably foreseeable. See § 1231(a)(6).

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that § 1231(a)(6) does not authorize indefinite detention. Instead, the Court interpreted the statute in light of

constitutional due process and established a presumptive six-month limit on post-order detention. After that period, if the noncitizen shows “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,” the burden shifts to the government to rebut that showing. *Id.* at 701.

The Court later affirmed in *Clark v. Martinez*, 543 U.S. 371 (2005), that this limitation applies universally, regardless of the underlying reasons for the government's inability to remove the noncitizen. Where removal is not reasonably foreseeable—whether due to diplomatic barriers, lack of travel documents, or other practical impossibilities—continued detention violates both the statute and the Constitution.

In addition, the implementing regulations under 8 C.F.R. §§ 241.4 and 241.13 require DHS to conduct regular post-order custody reviews and to release individuals when removal cannot be effectuated in the reasonably foreseeable future.

Although Petitioner was not physically detained between 2018 and 2025, he remained under an active Order of Supervision (OSUP) following his release from ICE custody. That supervision included regular check-ins, movement restrictions, and ongoing compliance obligations that significantly restrained his liberty. As such, he was in “custody” for purposes of habeas jurisdiction and constitutional review. The Supreme Court has long recognized that habeas “custody” includes legal restraints short of incarceration. In *Jones v. Cunningham*, 371 U.S. 236, 240 (1963), the Court held that a person on parole was “in custody” for purposes of § 2241 because he remained subject to “restraints not shared by the public generally.” Similarly, in *Rumsfeld v. Padilla*, 542 U.S. 426, 437 (2004), the Court reiterated that “[o]ur understanding of custody has broadened to include restraints short of physical confinement.”

Multiple federal courts have found that individuals released under an ICE Order of Supervision (OSUP) remain “in custody” for habeas purposes where ICE retains the authority to re-detain them at any time and imposes ongoing restraints on their liberty. See *Ali v. DHS*, 571 F. Supp. 2d 1246, 1249 (N.D. Cal. 2008). The Ninth Circuit has likewise held that significant restrictions on liberty—such as monitoring, travel limitations, and mandatory check-ins—implicate constitutional protections. See *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011).

Accordingly, Petitioner’s time under OSUP from 2018 to 2025 must be understood as a period of continuous civil custody. The government’s sustained legal authority over his movement and freedom placed him firmly within the scope of “custody” as defined in habeas jurisprudence. His transition from constructive custody to physical detention on July 23, 2025, does not reset or sever that custody—it represents a continuation, and indeed an intensification, of ICE’s unbroken control. As such, Petitioner remains entitled to the constitutional protections articulated in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and its progeny.

In this case, the government has had over seven years, more than three of which followed the finality of Petitioner’s removal order, to effectuate his removal. Despite that time, it has failed to obtain travel documents, identify a receiving country, or present any evidence that removal is likely. This failure, especially in light of the government’s continued exercise of civil custody, constitutes not merely a practical obstacle but a violation of the constitutional limits set forth in *Zadvydas*. See *Bah v. Cangemi*, 489 F. Supp. 2d 905, 922 (D. Minn. 2007) (“The government cannot benefit from its own inaction and simultaneously detain the petitioner indefinitely.”).

Petitioner's prolonged detention with no end in sight, no disciplinary history, and no flight risk, represents an excessive use of civil confinement. Courts have recognized that civil immigration detention that lacks a removal-related purpose, and is not accompanied by robust procedural safeguards, constitutes a deprivation of liberty without due process. See *Rodriguez v. Robbins*, 715 F.3d 1127, 1136 (9th Cir. 2013). The continued exercise of detention authority in such circumstances ceases to be regulatory and becomes punitive and unconstitutional.

Thus, Petitioner has shown good reason to believe that removal is not significantly likely in the reasonably foreseeable future. The burden now shifts to the government to justify his continued detention under *Zadvydas*. It cannot meet that burden.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

The allegations in the above paragraphs are re-alleged and incorporated herein by reference.

1. Petitioner has been subject to a final order of removal since 2020 and has remained under ICE's legal custody and control for over 180 days. In particular, he has been in custody and control since 2018, first under an Order of Supervision (OSUP) and now in physical detention at the Desert View Facility. The government has had ample time to effectuate removal but has failed to do so.
2. ICE has failed to identify a third country willing to accept Petitioner, and there is no significant likelihood of removal in the reasonably foreseeable future.
3. Petitioner's continued detention, both constructive and physical, beyond the presumptively reasonable six-month period, and particularly beyond the 90-day removal period authorized by 8 U.S.C. § 1231(a), violates the Due Process Clause of the Fifth

Amendment. The government's failure to justify continued detention with concrete evidence of likely removal renders this ongoing deprivation of liberty unconstitutional under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

4. Accordingly, Petitioner's continued detention violates his substantive due process rights under the Fifth Amendment to the United States Constitution.

COUNT TWO

Violation of 8 U.S.C. § 1231(a) and Implementing Regulations

The allegations in the above paragraphs are re-alleged and incorporated herein by reference.

1. Under 8 U.S.C. § 1231(a), the government may detain a noncitizen with a final order of removal for up to 90 days—the “removal period.” Continued detention beyond that period is permissible only where removal remains reasonably foreseeable. The regulations implementing this provision, 8 C.F.R. §§ 241.4 and 241.13, require the Department of Homeland Security (DHS) to conduct regular post-order custody reviews and to release individuals when removal cannot be effectuated in the reasonably foreseeable future.
2. DHS has violated its obligations under the statute. It has failed to secure travel documents from Iran, failed to identify any third country willing to accept Petitioner, and has provided no evidence that removal is likely. Despite this, DHS has not released Petitioner nor demonstrated that his continued detention serves a legitimate removal-related purpose.
3. DHS has violated the implementing regulations by failing to conduct regular post custody reviews and to release the Petitioner since for years it has been unable to remove him.
4. Sections 241.4 and 241.13 were promulgated to operationalize the constitutional limits articulated in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and to ensure that ICE does not

detain individuals indefinitely when removal is not reasonably foreseeable. Petitioner's continued detention, without a removal plan, without diplomatic assurances, and without procedural justification, falls squarely within the kind of prolonged confinement these safeguards were designed to prevent.

5. Accordingly, Petitioner's detention violates 8 U.S.C. § 1231(a), 8 C.F.R. §§ 241.4 and 241.13, and the Due Process Clause to the extent that DHS has failed to comply with its regulatory obligations and constitutional duties.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
3. Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1231(a), and 8 C.F.R. §§ 241.4 and 241.13;
4. Issue a Writ of Habeas Corpus ordering Respondents **to** release Petitioner immediately under appropriate conditions of supervision;
5. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
6. Grant any further relief this Court deems just and proper.

Respectfully submitted,



Ashkan Yekrangl, Esq.
Counsel for Petitioner

Dated: **August 13, 2025**

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Abolhassan Hassanzadeh, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 13 day of August, 2025.

s/Ashkan Yekrangi
Ashkan Yekrangi

Counsel for Petitioner