

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

REZA ABBASI-JOGI,

Petitioner,

v.

SYLVESTER M. ORTEGA, Field
Office Director for Detention and
Removal, Immigration and Customs
Enforcement, Department of
Homeland Security and
RAYMUNDO CASTRO, Warden,
South Texas Detention Complex,

Respondents.

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Civil Action No.:

5:25-cv-01018

PETITION FOR WRIT OF HABEAS CORPUS

This petition for a writ of habeas corpus is filed on behalf of Reza Abbasi-Jogi to seek relief from his unlawful detention. Respondents have detained Mr. Abbasi-Jogi more than a year following his order of removal despite his full cooperation in their removal efforts. Mr. Abbasi-Jogi's detention is contrary to the Constitution and the Immigration and Nationality Act (*INA*).

PARTIES, JURISDICTION, AND VENUE

4. Petitioner Reza Abbasi-Jogi is a citizen of Iran who was ordered removed on July 23, 2024. He is detained by Respondents pursuant to 8 U.S.C. § 1231, which permits the Department of Homeland Security (*DHS*) to detain aliens, such as Petitioner, pending the execution of the alien's removal order.

5. Respondent Sylvester M. Ortega is the Field Office Director for Detention and Removal, US Immigrations and Customs Enforcement (*USICE*), DHS. Respondent Ortega is a custodial official acting within the boundaries of the judicial district of the United States Court for the Western District of Texas, San Antonio Division. Pursuant to Respondent Ortega's orders, Petitioner remains detained.

6. At the time of the filing of this petition, Petitioner is detained at the South Texas Detention Complex (*STDC*), 566 Veterans Drive, Pearsall, Texas 78061. The STDC contracts with the DHS to detain aliens such as Petitioner. Respondent Raymundo Castro is the warden of the STDC in Pearsall, Texas. He is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Western District of Texas, San Antonio Division.

7. This action arises under the Constitution of the United States and the INA, 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (*IIRIRA*), Pub. L. No. 104-208, 110 Stat. 1570. This Court has subject matter jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (the *Suspension Clause*) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241 and the All Writs Act, 28 U.S.C. § 1651.

8. Venue lies in the United States District Court for the Western District

of Texas, the judicial district in which Respondents, Sylvester M. Ortega and Reynaldo Castro reside and where Petitioner is detained. *See* 28 U.S.C. § 1391(e).

STATEMENT OF FACTS

9. On or about December 5, 2023, Mr. Abbasi-Jogi was arrested and placed him in the custody of the South Texas ICE Processing Center, 566 Veteran's Dr., Pearsall, Texas 78061.

10. On July 23, 2024, a final removal order was entered against Mr. Abbasi-Jogi.

11. Since that time, Mr. Abbasi-Jogi has fully cooperated with Respondents' requests to complete the necessary paperwork to secure his travel documents. Respondents, however, have not secured the necessary paperwork to remove Mr. Abbasi-Jogi.

12. Mr. Abbasi-Jogi has now been in detention for more than a year awaiting his removal.

13. On or about July 25, 2025, Mr. Abbasi-Jogi received the Decision to Continue Detention appended hereto as **Exhibit A**. In the Decision to Continue Detention, Daniel Subia, Deputy Field Office Director, San Antonio Field Office, notified Mr. Abbasi-Jogi that "ICE has determined to maintain [his] custody because. . . [he] Pose[s] a significant risk of flight pending [his] removal from the United States." **Exhibit A** at 1. The Decision to Continue Detention identified his final order of removal as the sole basis for determining that Mr. Abbasi-Jogi is a flight risk. *Id.* at 1 ("ICE has made such determination based upon that you are

under a final order of removal”).

13. Mr. Abbasi-Jogi is neither a flight risk nor danger to the community. There are no criminal charges pending against him.

14. There is no significant likelihood of Mr. Abbasi-Jogi’s removal in the reasonably foreseeable future for these three reasons: (a) ICE has repeatedly assured Mr. Abbasi-Jogi that his removal was imminent without making any discernable progress towards removal; (b) in all, ICE has had more than double the presumptively reasonable six-month period to remove Mr. Abbasi-Jogi, but it has failed so; and (c) relations between the United States and Iran have only become more strained since the United States’ bombing of Iran’s nuclear facilities on June 21, 2025.

CLAIMS FOR RELIEF

COUNT ONE—CONSTITUTIONAL CLAIM

15. Petitioner realleges and incorporates by reference paragraphs 1 through 14 above.

16. “Freedom from imprisonment—from government custody, detention, or other forms physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Indefinite detention raises a “serious constitutional problem” and violates the Due Process Clause. *Id.* at 689-90.

17. The Due Process Clause, therefore, protects Mr. Abbasi-Jogi’s liberty, and any deprivation of his liberty must be narrowly tailored to serve a compelling

government interest. *See Reno v. Flores*, 507 U.S. 292, 301-02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”).

18. Title 8 U.S.C. § 1231 governs the detention and removal of noncitizens who have been ordered removed, like Mr. Abbasi-Jogi. Section 1231(a)(2) only authorizes a 90-day period of mandatory post-final-removal-order detention, during which ICE is to effectuate removal (the ***Removal Period***).

19. Section 1231(a)(6) allows noncitizens to be held beyond the Removal Period if there is a bar to removal under Section 1231, or on grounds stemming from criminal convictions, security concerns, or if they have been determined to be a danger to the community or a flight risk. *See* 8 U.S.C. § 1231(a)(6).

20. Six months of detention, including the 90-day removal period, is presumptively reasonable. *See Zadvydas*, 553 U.S. at 701. A noncitizen cannot be held in detention beyond six months unless there is a significant likelihood of removability in the reasonably foreseeable future. *Id.* at 699.

21. Aliens whose removal is not reasonably foreseeable must be released because their continued detention would violate both Section 1231(a)(6) and the Due Process Clause of the Fifth Amendment. *Id.* “After this 6-month period, once the [noncitizen] 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.*; *see also Clark v.*

Martinez, 543 U.S. 371, 386 (2005) (granting habeas relief to inadmissible Cuban petitioners whose detention lasted beyond six months post-order and whose removal to Cuba was not reasonably foreseeable); *see also Baez v. Bureau of Immigr. & Customs Enft*, 150 F. App'x 311, 312 (5th Cir. 2005).

22. The government must release a noncitizen whom it has detained beyond the presumptive six-month period if it is unable to present documented confirmation that removal is likely to occur in the reasonably foreseeable future. *Clark*, 543 U.S. at 386.

23. Release is the proper remedy for unconstitutionally prolonged post-removal-order detention. *See Zadvydas*, 533 U.S. at 699-700 (explaining that supervised release is the appropriate relief when “the detention in question exceeds a period reasonably necessary to secure removal” because at that point, detention is “no longer authorized by statute”).

24. Mr. Abbasi-Jogi's removal order became administratively final more than a year ago. He has not impeded his own removal. ICE has had more than double the presumptively reasonable six-month period to remove him, but it has not done so.

25. The government is unable to meet its burden of demonstrating that Mr. Abbasi-Jogi's removal is significantly likely in the reasonably foreseeable future, given the length of his detention and no indication that ICE has made any progress in arranging his removal.

26. In short, Petitioner's detention violates his right to substantive and

procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO—STATUTORY CLAIM

27. Petitioner realleges and incorporates by reference paragraphs 1 through 26 above.

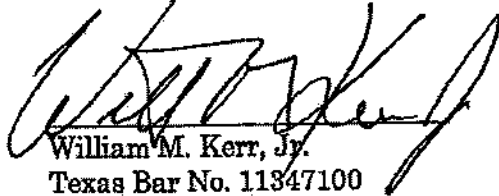
28. Petitioner's continued detention is unlawful and violates 8 U.S.C. § 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*. The six-month presumptively reasonable period of detention long ago expired and Petitioner has provided good reason to believe that his removal is not significantly likely to occur in the reasonably foreseeable future. Therefore, Respondents lack authority to continue detaining Petitioner.

PRAYER FOR RELIEF

Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Issue an order pursuant to 28 U.S.C. § 2243 directing Respondents to show cause why the writ should not be granted;
- (3) Issue a writ of habeas corpus ordering Respondents to immediately release Reza Abbasi-Jogi from custody; and,
- (4) Grant such other relief which this Court deems just and proper.

Respectfully submitted,



William M. Kerr, Jr.

Texas Bar No. 11347100

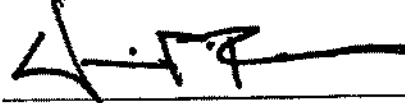
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VERIFICATION

In accordance with 28 U.S.C. § 2242 and 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 12, 2025



Reza Abbasi-Jogi

Exhibit A

Enforcement and Removal Operations
U.S. Department of Homeland Security
1777 NE Loop 410, Suite 1500
San Antonio, TX 78217



**U.S. Immigration
and Customs
Enforcement**



ABBASI-Jogi, Reza
Immigration and Customs Enforcement
C/O South Texas ICE Processing Center
566 Veterans Drive
Pearsall, TX 78061

Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed, and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file, and upon review of the factors for consideration set forth at 8 C.F.R. § 241.4(e), (f), and (g).

As explained below, after such review, ICE has determined to maintain your custody because:

- Pose a significant risk of flight pending your removal from the United States.

ICE has made such determination based upon that you are under a final order of removal. ICE expects to encounter no delay in effecting your removal. You will remain in ICE custody pending removal.

Based on the above, you are to remain in ICE custody pending your removal from the United States as ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a).

If you have not been released or removed from the United States at the expiration of the three-month period after this 90-day review, jurisdiction of the custody decision in your case will be transferred to the ICE Headquarters (ERO Removal Division), Potomac Center North, 500 12th Street SW, Washington, DC 20536. The ERO Removal Division will thereafter conduct a custody review and will make a determination regarding whether you will continue to be detained pending removal or may be released.


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will be deemed to have waived its completion prior to jurisdiction over your case transferring to the ERO Removal Division.

You will be notified of the decision in your case when the custody review has been concluded by the ERO Removal Division.


Daniel Subia

(A) Deputy Field Office Director, San Antonio Field Office

7/25/25
Date

PROOF OF SERVICE

(Officer to complete both (a) and (b) below.)

(a) I Steven Tiffany, Deportation Officer,
Name of ICE Officer Title
certify that I served ABBASI-Jogi, Reza with a copy of
Name of detainee
this document at Pearsall, TX on _____, at _____
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
Deportation Officer, at Pearsall, TX, on
Title Institution
_____ with a copy of this document.
Date

Detainee Signature:  Date: _____

(X) cc: Attorney of Record or Designated Representative

(X) cc: A-File

Decision to Continue Detention

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To assist in the ERO Removal Division custody review, you will be afforded a personal interview. You and your representative who has filed a Form G-28, Notice of Entry of Appearance, if any, will be notified of the date and time of the interview approximately 30 days prior to the scheduled interview date. This interview may be in person or through a video teleconference. If ERO needs to change the date of the interview, ERO will provide notice to you and your representative who has filed a Form G-28, Notice of Entry of Appearance, if any.

You may be accompanied during the interview by a person of your choice, subject to security requirements at the detention facility, as long as this person is able to attend the interview at the scheduled time.

You may submit any additional documentation in English you wish to be considered in support of your release at the time of the interview or via mail service up to five business days prior to the scheduled time of your interview to the following address:

**South Texas ICE Processing Center
566 Veterans Drive
Pearsall, TX 78061**

Such documentation should contain a cover letter indicating that the material is submitted in support of your Post Order Custody Review personal interview. An attorney or other person may submit materials on your behalf.

You are required to complete the below information.

I do ☒ do not ☐ want a personal interview.

If you do want an interview, please check the appropriate box(es) below:

- ☐ Check this box if you need an interpreter for your interview.
Language/Dialect: _____
- ☐ I will be assisted at this interview by a representative of my own choosing.

Name: _____

If your representative has not filed a G-28, Notice of Entry of Appearance, on your behalf, you are responsible for notifying any other person you have selected to assist you of the date, time, and location of the interview. The representative must be at least 18 years of age.

You will be sent a separate Notice to Alien of Interview for Review of Custody Status approximately 30 days before the interview is scheduled. If you wish to request additional time to prepare for the interview, you must notify your deportation officer within five business days of receipt of the Notice of Interview. If ERO agrees to postpone the interview at your request, you