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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Farhad Navaie,

Petitioner,

vs.

David R. Rivas, Warden, et al.,

Respondents.

No.

**Motion for Appointment of Counsel
Under 18 U.S.C. § 3006A(a)(2)(B)**

Simultaneously with this document, Mr. Navaie has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. In his petition, he asserts that Iran has been uncooperative with the government's efforts to repatriate its citizens who have been ordered removed from the United States, his continued detention in immigration custody violates the Due Process Clause of the Fifth Amendment as interpreted in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Because he is almost certain to prevail on this claim, he respectfully asks the Court to appoint Assistant Federal Public Defender Keith Hilzendeger to assist him in litigating his petition. Mr. Hilzendeger has spoken with Mr. Navaie, and reports that Mr. Navaie has agreed to accept representation if the Court should appoint counsel.

Under 18 U.S.C. § 3006A(a)(2)(B), this Court may appoint counsel for any person seeking relief under 28 U.S.C. § 2241. Mr. Navaie is seeking relief under that provision. The Ninth Circuit has said that a court should appoint counsel under this provision if the petitioner is likely to succeed on his petition and to have difficulty "articulat[ing] his claims *pro se* in light of

1 the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)
2 (per curiam). Although he has lived in the United States since 1997, and speaks English well, he
3 is not a trained lawyer, and he does not have necessary documentation to assist him in proving his
4 claims to this Court without assistance of counsel. And for the reasons set forth in the motion for
5 a preliminary injunction, he is almost certain to succeed on his claim. Mr. Navaie thus
6 respectfully asks the Court to appoint Assistant Federal Public Defender Keith Hilzendeger to
7 assist him in this matter.

8 Respectfully submitted:

August 19, 2025.

9 JON M. SANDS
10 Federal Public Defender

11 s/Keith J. Hilzendeger
12 KEITH J. HILZENDEGER
13 Assistant Federal Public Defender
14 *Attorney for Petitioner Navaie*
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