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

9 Farhad Navaie,

10 Petitioner,

11 vs.

12 David R. Rivas, Warden, et al.,

13 Respondents.
 14

No. 2:25-cv-3002-PHX-MTL (MTM)

**Motion for an Order to Show Cause
 Why the Petition for a Writ of Habeas
 Corpus Should Not Be Granted**

15 Mr. Navaie has been in immigration detention since March 13, 2025. In his first ground
 16 for relief in his petition for a writ of habeas corpus, Mr. Navaie contends that this detention is not
 17 authorized by 8 U.S.C. § 1231(a)(6), because there is no significant likelihood that he will be
 18 removed to Iran in the reasonably foreseeable future. (Dkt. #1 at 5–6) *See Zadvydas v. Davis*, 533
 19 U.S. 678 (2001). This Court ordered respondents to provide discovery to Mr. Navaie (Dkt. #8),
 20 which respondents did on September 16, 2025. This discovery confirmed that respondents have
 21 known since at least July 19, 2001, that they do not have the documentation that would satisfy the
 22 requirements of the Iranian Interests Section of the Pakistani Embassy for issuing travel
 23 documents to Mr. Navaie—his original Iranian birth certificate and passport. (*See* Dkt. #19 at 3)

24 Mr. Navaie’s motion for a preliminary injunction has been fully briefed since September
 25 19, 2025, and his petition has been fully briefed since September 29. Respondents are no closer to
 26 removing him to Iran than they were in 2001. Indeed, the Iranian Interests Section has recently
 27 informed Mr. Navaie that it will not issue travel documents because he does not have his original
 28

1 Iranian birth certificate and passport. *See Senor v. Barr*, 401 F. Supp. 3d 420, 430 (W.D.N.Y.
2 2019) (“And this Court has determined that the passage of time combined with the government
3 being no closer to repatriating a detainee than they were once they first took him into custody as
4 being sufficient to meet that initial burden” under *Zadvydas*.) (cleaned up). Each day that passes
5 is thus another day in which Mr. Navaie is illegally detained. Mr. Navaie respectfully asks the
6 Court to order respondents to show cause no later than 5:00 P.M. on Monday, November 17,
7 2025, why the petition should not be granted. *See Johnson v. Rogers*, 917 F.2d 1283, 1285 (10th
8 Cir. 1990).

9 A proposed order is being lodged herewith.

10 Respectfully submitted:

November 14, 2025.

11 JON M. SANDS
12 Federal Public Defender

13 *s/Keith J. Hilzendege*
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