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

12 Farhad Navaie,  
 13  
 14 **Petitioner,**  
 15 v.  
 16 David R. Rivas, et al.,  
 17 **Respondents.**



No. CV-25-03002-PHX-MTL (MTM)  
**RESPONSE TO ORDER TO SHOW  
 CAUSE**

18 Respondents David R. Rivas, Warden, San Luis Regional Detention Center;  
 19 Gregory J. Archambeault, San Diego Field Director, U.S. Immigration and Customs  
 20 Enforcement, Kristi Noem, Secretary of Department of Homeland Security (DHS), and  
 21 Pam Bondi, Attorney General of the United States, through undersigned counsel, respond  
 22 to this Court’s Order to Show Cause issued on November 19, 2025. Doc. 27. Since  
 23 Respondents’ last filing, Iranian officials interviewed Petitioner in-person, a necessary step  
 24 in obtaining travel documents to effectuate his removal to Iran.

25 **I. FACTUAL AND PROCEDURAL BACKGROUND.**

26 Respondent reproduces below the facts contained in its Response filed in its  
 27 Response to the Petition, Doc. 13, attaches the same foundational exhibit, attached as  
 28 Exhibit A. Respondents also attach an additional declaration, attached as Exhibit B.

1           **A. History.**

2           Petitioner is a citizen and national of the Islamic Republic of Iran. *See* Declaration  
3 of Ramon Meraz, Deportation Officer, attached as Exhibit A, at ¶ 4. He was born on   
4  in Iran. *Id.* Petitioner was admitted to the United States at the Los Angeles  
5 International Airport as a student (F-1 Visa) on June 22, 1997. *Id.* at ¶ 5. He was served  
6 with a Notice to Appear (NTA) before an Immigration Judge (IJ) in removal proceedings  
7 upon his custody transfer from state prison to the former Immigration and Nationality  
8 Service (INS). *Id.* at ¶ 6. He was ordered removed to Iran on June 12, 2001, after his  
9 application for withholding of removal was denied. *Id.* at ¶ 7. He did not appeal the IJ's  
10 decision. *Id.* Petitioner is therefore subject to a valid executable final administrative order  
11 of removal. *Id.* at ¶ 7. On October 20, 1998, Petitioner was convicted of Battery, a  
12 misdemeanor, and sentence to three years of probation. *Id.* at ¶ 8.

13           Petitioner has a significant criminal history. On October 20, 1998, he was convicted  
14 of Battery, a misdemeanor, and sentenced to three years of probation. *Id.* at ¶ 8. On March  
15 19, 1999, he was convicted of First-Degree Robbery, a felony, and sentenced to three years  
16 in prison (as Petitioner notes in his Petition, this particular conviction constituted an  
17 aggravated felony). *Id.* at ¶ 9. On November 24, 2009, he was convicted of Theft, a  
18 misdemeanor, and Temper with Vehicle, also a misdemeanor, and sentenced to three years  
19 of probation. *Id.* at ¶ 10. On January 9, 2020, he was convicted of Unreasonable Noise, a  
20 misdemeanor, and sentenced to three years of probation. *Id.* at ¶ 11. On March 15, 2022,  
21 he was convicted of Possessing Narcotics, a controlled substance, a misdemeanor, and  
22 paraphernalia, also a misdemeanor, and sentenced to one year of probation. *Id.* at ¶ 12. In  
23 August of 2002, he was released on an order of supervision. *Id.* at ¶ 13. An alien released  
24 on an order of supervision is required to "obey reasonable written restrictions on the alien's  
25 conduct or activities." INA § 241(a)(3)(D); *see also* 8 C.F.R. § 241.5(a). *Id.* at ¶ 14.

26           Recently, Petitioner did not fully comply with his order of supervision. Petitioner  
27 did not check into the Compliance Assistance Reporting Terminal (CART), which is a  
28 kiosk-based system that allows for aliens to check in with ICE via an automated kiosk, as

1 scheduled on March 12, 2025. *Id.* at ¶ 15. As a result, CART populated an alert that the  
2 respondent had absconded from checking in with ICE. *Id.* He was arrested on March 13,  
3 2025, when he reported to ICE, Enforcement and Removal Operations (ERO), Santa Ana  
4 sub-office. *Id.* at ¶ 16. Petitioner was booked into ICE custody first at the Otay Mesa  
5 Detention Center. *Id.* at ¶ 17. On July 17, 2025, Petitioner was then transferred to the San  
6 Luis Regional Detention Center. *Id.*

7 **B. Status Update.**

8 In its last filing, ERO had confirmed removals to Iran were in effect, and ERO  
9 Headquarters had sent an inquiry to Removal and International Operations (RIO) on  
10 September 10, 2025, regarding the status of Petitioner's travel document request. *Id.* at ¶¶  
11 21-25. Since then, ERO RIO notified ERO San Diego indicating the Iranian government  
12 provided a response to the travel document request in that an interview was necessary  
13 before they would issue a travel document. *See* Declaration of Jesus D. Perez, Deportation  
14 Officer, attached as Exhibit B, at ¶ 4. On October 15, 2025, ERO scheduled an interview  
15 of the Petitioner with the Iranian government via a video call on October 15, 2025. *Id.* at ¶  
16 5. ERO was informed by the Iranian government that they needed additional  
17 documentation from the Petitioner's parent or self. *Id.*

18 On November 17, 2025, the Petitioner was transported to the Otay Mesa Detention  
19 Center for an in-person interview with an Iranian government official in furtherance of  
20 obtaining a travel document. *Id.* at ¶ 6. The Petitioner was interviewed in person by the  
21 Iranian government official. *Id.* On November 19, 2025, Petitioner was transported back  
22 to the San Luis Regional Detention Center. *Id.* at ¶ 7. These interviews are a necessary step  
23 in obtaining a travel document from Iran. *Id.* at ¶ 8. ERO is pending further response from  
24 Iran on the travel document request. *Id.* at ¶ 9.

25 This Court issued an Order to Show Cause on November 19, 2025, directing the  
26 Respondents to show cause why the Petition should not be granted by November 24, 2025.  
27 Doc. 27.

28 **II. DETENTION STANDARD GOVERNING ALIENS ORDERED REMOVED.**

1 The detention, release, and removal of aliens subject to a final order of removal is  
2 governed by § 241 of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1231.  
3 Pursuant to INA § 241(a), the Attorney General has 90 days to remove an alien from the  
4 United States after an order of removal becomes final. During this “removal period,”  
5 detention of the alien is mandatory. *Id.* After the 90-day period, if the alien has not been  
6 removed and remains in the United States, his detention may be continued, or he may be  
7 released under the supervision of the Attorney General. INA § 241, 8 U.S.C. §§ 1231(a)(3)  
8 and (6). Under this section, ICE may detain an alien for a “reasonable time” necessary to  
9 effectuate the alien’s deportation. INA § 241(a), 8 U.S.C. § 1231(a). However, indefinite  
10 detention is not authorized. *Id.* The Immigration and Nationality Act (INA) further  
11 provides that aliens who are inadmissible under 8 U.S.C. § 1182 may be detained beyond  
12 the 90-day period pending removal. *See* 8 U.S.C. § 1231(a)(6); 8 C.F.R. § 241.4(a)(1), (4).

13 In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court defined six months  
14 as a presumptively reasonable period of detention. *Zadvydas* places the burden on the alien  
15 to show, after a detention period of six months, that there is “good reason to believe that  
16 there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* at  
17 701. If the alien makes that showing, the Government must then introduce evidence to  
18 refute that assertion to keep the alien in custody. *See id.*; *see also Xi v. I.N.S.*, 298 F.3d 832,  
19 839-40 (9th Cir. 2002). The Court must “ask whether the detention in question exceeds a  
20 period reasonably necessary to secure removal. It should measure reasonableness primarily  
21 in terms of the statute’s basic purpose, namely, assuring the alien’s presence at the moment  
22 of removal. Thus, if removal is not reasonably foreseeable, the court should hold continued  
23 detention unreasonable and no longer authorized by statute.” *Zadvydas*, 533 U.S. at 699.  
24 Petitioner has the burden to show that his removal is not likely in the reasonably foreseeable  
25 future. *Zadvydas*, 533 U.S. at 701.

26 Only then does the burden shift to the Government to show that removal is  
27 substantially likely in the reasonably foreseeable future. *Id.* In *Zadvydas*, the Supreme  
28 Court designated six months as a presumptively reasonable period of time to allow the

1 government to remove an alien detained under 8 U.S.C. § 1231(a)(6), but an alien is not  
2 entitled to release after six months detention. *Id.* at 701 (“This 6-month presumption, of  
3 course, *does not mean that every alien not removed must be released after six months.* To  
4 the contrary, an alien may be held in confinement until it has been determined that there is  
5 no significant likelihood of removal in the reasonably foreseeable future.”) (emphasis  
6 added). The passage of time alone is insufficient to establish that no substantial likelihood  
7 of removal exists in the reasonably foreseeable future. *Lema v. I.N.S.*, 214 F. Supp. 2d  
8 1116, 1118 (W.D. Wash. 2002). In *Lema*, where the petitioner had been detained for more  
9 than a year, the district court held that the passage of time was only the first step in the  
10 analysis, and that the petitioner must then provide good reason to believe that no significant  
11 likelihood of removal exists in the reasonably foreseeable future. *Id.*

### 12 **III. ADDITIONAL MOVEMENT TOWARDS REMOVAL EFFORTS.**

13 Petitioner has the burden to show that his removal is not likely in the reasonably  
14 foreseeable future. *Zadvydas*, 533 U.S. at 701. Only then does the burden shift to the  
15 Government to show that removal is substantially likely in the reasonably foreseeable  
16 future. *Id.* Petitioner has not met his burden to show that his removal is unlikely in the  
17 reasonably foreseeable future and, even if he could, the Government can overcome that  
18 with evidence showing that removal is likely.

19 This Court noted an inclination towards finding there is no significant likelihood of  
20 removal in the reasonably foreseeable future, if the government had not received a  
21 favorable response to its September 10, 2025, inquiry regarding the status of Petitioner’s  
22 travel documents. Doc. 27 at 3. A necessary step in obtaining travel documents has been  
23 completed. As noted above, Petitioner was recently transported to the Otay Mesa Detention  
24 Center for an in-person interview with an Iranian government official in furtherance of  
25 obtaining a travel document. Ex. B at ¶ 6. These interviews are a necessary step in obtaining  
26 a travel document from Iran. *Id.* at ¶ 8. ERO is pending further response from Iran on the  
27 travel document request. *Id.* at ¶ 9.

28 Petitioner may only be granted release from detention if he can show “good reason

1 to believe that there is no significant likelihood of removal in the reasonably foreseeable  
2 future.” *Zadvydas*, 533 U.S. at 701. Courts have held that Petitioners have met this bar  
3 when no country would agree to accept the alien or when the alien’s home country had no  
4 repatriation treaty with the United States, *id.* at 686, when the government “concede[d] that  
5 it [was] no longer even involved in repatriation negotiations” with the alien’s home  
6 country, *Clark v. Suarez Martinez*, 543 U.S. 371, 386 (2005), and when the alien had been  
7 detained for five years and had “won relief at every administrative level.” *Nadarajah v.*  
8 *Gonzales*, 443 F.3d 1069, 1081 (9th Cir. 2006). The Supreme Court clarified that its  
9 holding in *Zadvydas* was concerned with detention that is “indefinite and potentially  
10 permanent,” and for aliens whose removal is “no longer practically attainable.” *See*  
11 *Demore*, 538 at 527–28 (internal quotations omitted). The mere fact that an alien’s  
12 detention “lacks a certain end date” does not render their detention unlawfully indefinite.  
13 *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th Cir. 2008).

14 Based on the above continued removal efforts, Petitioner’s continued detention is  
15 not indefinite, and remains both authorized and constitutional to effectuate his removal to  
16 Iran.

17 **IV. CONCLUSION.**

18 In light of the above, Respondents respectfully request this Court deny Petitioner’s  
19 Writ of Habeas Corpus and dismiss this case.

20 Respectfully submitted on November 24, 2025.

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23 District of Arizona

24 /s/ Lindsey E. Gilman  
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26 Assistant United States Attorney  
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