


Sabrina Damast (CA SBN #305710 and NY SBN #5005251)  
Amy Lenhert (CA Bar #227717)  
Rocio La Rosa (CA Bar #314831)  
Law Office of Sabrina Damast, Inc.  
510 West 6th Street, Suite 330  
Los Angeles, CA 90014  
Telephone: (323) 475-8716  
Emails: [sabrina@sabrinadamast.com](mailto:sabrina@sabrinadamast.com)  
[amy@sabrinadamast.com](mailto:amy@sabrinadamast.com)  
[rocio@sabrinadamast.com](mailto:rocio@sabrinadamast.com)

Counsel for Petitioner  
Nadar Nadari

UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

Nadar Nadari, Alien # 

Petitioner,  
v.

PAMELA BONDI, in her official capacity as  
Attorney General,

KRISTI NOEM, in her official capacity as  
Secretary of the Department of Homeland  
Security,

U.S. DEPARTMENT OF HOMELAND  
SECURITY,

ERNESTO SANTACRUZ, JR., in his official  
capacity as Acting ICE Field Office Director,  
Respondents.

Case No. 2:25-cv-07893

**VERIFIED PETITION FOR  
HABEAS CORPUS AND  
COMPLAINT FOR  
INJUNCTIVE AND  
DECLARATORY RELIEF**

IMMIGRATION HABEAS  
CASE

- 1 1. Nadar Nadari (Petitioner), by and through his undersigned counsel, hereby  
2 files this petition for a writ of habeas corpus challenging the unlawful  
3 revocation of his release on an order of supervision (OSUP) and his  
4 continued detention without belief that his removal from the United States is  
5 reasonably foreseeable.  
6
- 7 2. Petitioner entered the United States on or about June 30, 1994.  
8
- 9 3. On or about March 3, 1998, he was convicted of a misdemeanor violation of  
10 Penal Code section 243(e)(1) (domestic battery). On or about May 13, 1999,  
11 he was conviction of a violation of Health and Safety Code section 11350(a)  
12 (possession of a controlled substance), for which he received a deferred entry  
13 of judgment. On or about June 29, 2000, he was convicted of violating  
14 Vehicle Code sections 23152(a) (driving under the influence) and 20002(a)  
15 (hit and run). On or about September 28, 2000, he was convicted of two  
16 felony counts of violating of Penal Code section 273.5 (a), for which he was  
17 sentenced to 36 months of probation and 210 days of county jail. On or  
18 about October 13, 2004, he was convicted of violating Health & Safety Code  
19 section 11550(a) (under the influence of a controlled substance).  
20
- 21 4. On or about November 8, 1999, Mr. Nadari was ordered deported from the  
22 United States.  
23
- 24 5. On information and belief, in approximately 2002, Mr. Nadari was detained  
25 by ICE. On information and belief, he remained in ICE custody for  
26  
27  
28

1 approximately 18 months, and he was only released after filing a habeas  
2 corpus petition.

3  
4 6. On June 6, 2003, Mr. Nadari was released from ICE custody on an Order of  
5 Supervision (OSUP). He has reported on an approximate annual basis since  
6 that time.

7  
8 7. Petitioner was again detained by Immigration and Customs Enforcement  
9 (ICE) on or about August 19, 2025, in Santa Ana, California. On  
10 information and belief, he continues to be detained by ICE in Los Angeles,  
11 California.

12  
13 8. At the time of Mr. Nadari's detention, ICE Officer Hernandez informed his  
14 attorney, Rocio La Rosa, that pursuant to ICE policy, people subject to final  
15 removal orders would be deported to third countries when removal could not  
16 be effectuated to their home county. When Attorney La Rosa inquired to  
17 what country ICE would be deporting Mr. Nadari, Officer Hernandez  
18 indicated that the officer assigned to his case at a detention facility would  
19 make that determination. See Exhibit B. Attorney La Rosa also inquired  
20 where Mr. Nadari would be detained, and Officer Hernandez said it could be  
21 in Adelanto, San Diego, or another state, and that it could take 10 days to  
22 place him at a detention center.  
23  
24  
25  
26  
27  
28



- 1 9. On information and belief, prior to his detention, Petitioner was given no  
2 notice of ICE's intention to re-detain him, and he was not provided with any  
3 information about why his OSUP was presumably revoked.  
4
- 5 10. On August 21, 2025, when Petitioner's wife visited him, ICE officers  
6 provided her with a copy of a certificate of service for a Notice of  
7 Revocation of Release and a Warning to Alien Ordered Removed or  
8 Deported. *See Exhibit C.*  
9
- 10 11. The United States does not have any diplomatic relations with Iran. *See U.S.*  
11 *Virtual Embassy Iran, "History of U.S.-Iran Policy," available at*  
12 <https://ir.usembassy.gov/policy-history/#Diplomatic> (accessed on Aug. 21,  
13 2025).  
14
- 15 12. On information and belief, ICE had no particularized evidence that  
16 Petitioner can be repatriated to Iran or deported to any third country at the  
17 time they detained him, and continue to have no particularized evidence that  
18 Petitioner can be removed at this time.  
19
- 20 13. On information and belief, Petitioner has not received an individualized  
21 hearing before a neutral decisionmaker to assess whether his recent re-  
22 detention is warranted due to danger or flight risk.  
23
- 24 14. Petitioner is married to a U.S. citizen, Sheri Nadari, and he has one U.S.-  
25 citizen adult child and one U.S.-citizen adult stepchild.  
26  
27  
28

**PARTIES**

15. Petitioner Nadar Nadari is a citizen of Iran, who is currently in the custody of ICE in Los Angeles, California. *See* Exhibit D (ICE detainee locator).
16. Respondent Pamela Bondi, the Attorney General, is the highest-ranking official within the Department of Justice (DOJ). Respondent Bondi has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103. As the Immigration and Nationality Act (INA) has not been amended to reflect the designation of the Secretary of the Department of Homeland Security (DHS) as the administrator and enforcer of immigration laws, Respondent Bondi is sued in her official capacity to the extent that 8 U.S.C. § 1102 gives her authority over immigration law.
17. Respondent Kristi Noem, the Secretary of the DHS, is the highest-ranking official within the DHS. Respondent Noem, by and through her agency for the DHS, is responsible for the implementation of the INA, and for ensuring compliance with applicable federal law. She is also responsible for the detention of non-citizens by ICE. Respondent Noem is sued in her official capacity as an agent of the government of the United States.
18. The DHS is the agency responsible for detaining non-citizens, including Petitioner.

1 19. Respondent Ernesto Santacruz, Jr. is the Acting Field Office Director of the  
2 Los Angeles office of Immigration and Customs Enforcement. He oversees  
3 the custody of all Immigration and Customs Enforcement detainees in both  
4 Los Angeles and Santa Ana. Respondent Quinones is sued in his official  
5 capacity as an agent of the government of the United States.  
6  
7

8 **JURISDICTION AND VENUE**

9 20. This Court has jurisdiction over the present action pursuant to 28 U.S.C.  
10 § 1331, general federal question jurisdiction; 5 U.S.C. §§ 701 et seq., the  
11 Administrative Procedure Act (APA); habeas jurisdiction pursuant to 28  
12 U.S.C. § 2241 et seq.; Art I., § 9, Cl. 2 of the United States Constitution (the  
13 Suspension Clause); and the common law. This action arises under the Due  
14 Process Clause of the Fifth Amendment of the U.S. Constitution and the  
15 INA. This Court may grant relief under the habeas corpus statutes, 28  
16 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2001 et  
17 seq., and the All-Writs Act, 28 U.S.C. § 1651.  
18  
19

20 21. Federal district courts have jurisdiction to hear habeas claims by  
21 noncitizens challenging the lawfulness or constitutionality of DHS conduct.  
22 Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See*  
23 *e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).  
24  
25

26 22. Venue is proper pursuant to 28 U.S.C. § 1391(e) because Respondents are  
27  
28



1 agencies of the United States or officers or employees thereof acting in their  
2 official capacity or under color of legal authority; Petitioner is in the  
3 custody of the Los Angeles Field Office of Immigration and Customs  
4 Enforcement, both of which are in the jurisdiction of the Central District of  
5 California; and there is no real property involved in this action.  
6  
7

8 **LEGAL BACKGROUND**

9 23. 8 U.S.C. § 1231(a) governs the detention of individuals who have been  
10 ordered removed. The statute directs ICE to detain such individuals for 90  
11 days while carrying out a removal order. *See* 8 U.S.C. § 1231(a)(2). This  
12 90-day removal period begins when the removal order becomes final.  
13 Absent an applicable exception, if ICE cannot remove a person within the  
14 90-day removal period, they are released from custody subject to  
15 supervision. 8 U.S.C. § 1231(a)(3).  
16  
17

18 24. 8 U.S.C. § 1231(a)(6) permits detention beyond the normal 90-day removal  
19 period, but even these exceptions do not authorize indefinite detention. *See*  
20 *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001) (limiting ICE's detention  
21 authority to a period "reasonably necessary" to carry out removal and  
22 deeming detention impermissible when removal is not "reasonably  
23 foreseeable").  
24  
25

26 25. The regulations permit release of a non-citizen subject to a removal order  
27 after the 90-day removal period has elapsed if ICE determines that the non-  
28

1 citizen “would not pose a danger to the public or a risk of flight, without  
2 regard to the likelihood of the [non-citizen’s] removal in the reasonably  
3 foreseeable future.” 8 C.F.R. § 241.13(b)(1). These released individuals are  
4 typically subject to an OSUP, as Petitioner has been for the last 22 years.  
5  
6 *See* 8 C.F.R. § 241.4(j); 8 C.F.R. § 241.13(h).

7  
8 26. ICE may withdraw its approval for the release of a non-citizen if it can  
9 effectual the individual’s removal from the United States “in the reasonably  
10 foreseeable future” or if the individual fails to comply with the conditions of  
11 release. 8 C.F.R. § 241.13(h)(4). ICE may only revoke a non-citizen’s  
12 release if “there is a significant likelihood that the [non-citizen] may be  
13 removed in the reasonably foreseeable future.” *Id.* at § 241.13(i)(2). “Upon  
14 revocation, the [non-citizen] will be notified of the reasons for revocation of  
15 his [] release.” *Id.* at § 241.13(i)(3).

16  
17  
18 27. Respondents may remove a non-citizen to a third country (i.e., a country in  
19 which the non-citizen does not hold citizenship) if removal to their country  
20 of citizenship is impractical, inadvisable or impossible. *See* 8 U.S.C.  
21 § 1231(b)(2)(E)(ii). However, DHS is barred from removing a non-citizen to  
22 a country where the non-citizen’s life or freedom would be threatened  
23 because of five protected grounds. *Id.* at § 1231(b)(3)(A). In addition, DHS  
24 is barred from deporting a non-citizen to a country where they face a threat  
25 of torture. *See* 8 C.F.R. §§ 208.16-208.18.



**FIRST CAUSE OF ACTION**

**UNLAWFUL REVOCATION OF RELEASE**

28. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-27.

29. Petitioner was previously detained by ICE and released because his removal could not be effectuated. If he has complied with the conditions of this OSUP, Respondents have the authority to revoke his release only if there is a significant likelihood that they can remove him in the reasonably foreseeable future. See 8 C.F.R. § 241.13(i)(2).

30. Respondents revoked Petitioner's release without evidence that he can be repatriated to Iran or deported to any other country. Indeed, at the time of his detention, ICE had not even decided which country it would attempt to deport Petitioner to, let alone whether such deportation could be effectuated in the reasonably foreseeable future.

31. Respondents' actions are arbitrary, capricious, an abuse of discretion, and contrary to law. 5 U.S.C. § 706(a)(2)(A). Petitioner is entitled to immediate release on an OSUP.

**SECOND CAUSE OF ACTION**

**VIOLATION OF PROCEDURES FOR REVOCATION OF RELEASE**

32. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-27.

33. The governing regulations require Respondents to notify Petitioner of the reason for his re-detention. 8 C.F.R. § 241.13(i)(3). Respondents have not complied with this obligation, nor have they yet provided him with an initial interview at which he can respond to the purported reasons from revocation. *Cf. id.* As such, Petitioner is entitled to immediate release on OSUP until ICE can provide the minimal process required by the regulation.

**THIRD CAUSE OF ACTION**

**UNLAWFUL DETENTION WHERE REMOVAL IS NOT  
REASONABLY FORESEEABLE**

34. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-27.

35. Post-removal order detention violated 8 U.S.C. § 1231(a)(6) where removal is not significantly likely to occur in the reasonably foreseeable future. *See also Zadvydas v. Davis*, 533 U.S. 678 (2001).

36. Detention where removal is not reasonably foreseeable also violates due process.

1 37. Petitioner was already detained during the 90-day removal period, until ICE  
2 determined it could not effectuate removal and released him on an OSUP.  
3  
4 Given that the United States and Iran still do not have any diplomatic  
5 relations 22 years later, Petitioner has made an initial showing under  
6 *Zadvydas* that his removal is not significantly likely. *Id.* at 701.  
7  
8 Respondents cannot rebut this showing, as they do not have any  
9 individualized evidence to believe that Petitioner's removal is reasonably  
10 foreseeable, as demonstrated by the statements of the arresting officer  
11 confirming that ICE had not yet even determined to which country it will try  
12 to deport Petitioner.  
13

14 38. Petitioner's re-detention under these circumstances violates Section 1231  
15 and the Due Process Clause under the U.S. Constitution.  
16

17 39. Petitioner is entitled to immediate release on an OSUP.  
18

19 **FOURTH CAUSE OF ACTION**

20  
21 **UNLAWFUL DETENTION WITHOUT INDIVIDUALIZED**  
22 **DETERMINATIONS OF DANGER OR FLIGHT RISK**  
23

24 40. Petitioner re-alleges and incorporates each allegation contained in  
25 paragraphs 1-27.  
26

27 41. Detention violates Section 1231 and the Due Process Clause of the U.S.  
28 Constitution unless it is reasonably related to the government's purpose of



1 preventing flight and protecting the community. *Zadvydas*, 533 U.S. at 690-  
2 91.

3  
4 42. Before being re-detained, Petitioner lived in the community for 22 years, in  
5 compliance with the terms of his OSUP. During that time, he married, raised  
6 a child into adulthood, incurred only one misdemeanor criminal violation in  
7 2004. Petitioner has received no process to determine if his re-detention is  
8 warranted.  
9

10 43. Petitioner is entitled to an individualized determination by impartial  
11 adjudicators as to whether detention is justified based on danger or flight  
12 risk.  
13

## 14 **FIFTH CAUSE OF ACTION**

### 15 **UNLAWFUL REMOVAL TO A THIRD COUNTRY**

16  
17  
18 44. Petitioner re-alleges and incorporates each allegation contained in  
19 paragraphs 1-27.  
20

21 45. Notwithstanding the statutory and regulatory prohibitions on removing non-  
22 citizens to countries where they face potential persecution or torture, on  
23 March 30, 2025, Respondent Noemi issued a memo entitled, "Guidance  
24 Regarding Third Country Removals." This memo states that if the United  
25 States has received "diplomatic assurances" from a third country that non-  
26 citizens removed to that country will not be persecuted or tortured, DHS may  
27  
28

1 remove that non-citizen “without the need for further procedures.” Exhibit  
2 E.

3  
4 46. The procedure laid out in this memo violates the statutory and regulatory  
5 provisions requiring Respondents to provide a non-citizen with a forum to  
6 demonstrate an individualized risk of torture or persecution in a specific  
7 country. The memo purports to rely on blanket assurances from third  
8 countries that non-citizens generally will not be tortured or persecuted to  
9 circumvent the obligation to determine if an individual non-citizen faces a  
10 risk of torture or persecution.  
11

12  
13 47. To the extent that Respondents are detaining Petitioner with the intent to  
14 remove him to a third country without notice or the opportunity to  
15 demonstrate that he is at a particularized risk of torture or persecution in that  
16 third country, the detention is unlawful.  
17

18  
19 **PRAYER FOR RELIEF**

20 WHEREFORE, Petitioner respectfully requests that this Court grant the  
21 following relief:  
22

- 23 1. Assume jurisdiction over this matter;  
24 2. Declare that Respondents have violated Petitioner’s rights;  
25 3. Order Respondents to notify Petitioner of the reasons for the revocation of  
26 his release and provide Petitioner with a prompt interview as required by  
27 regulation;  
28

- 1 4. Order Respondents to Release Petitioner from detention because they lack  
2 any individualized evidence that removal of Petitioner will occur in the  
3 reasonably foreseeable future;
- 5 5. Order Respondents to release Petitioner from detention absent an  
6 individualized determination by an impartial adjudicator that his detention is  
7 justified based on danger or flight risk, which cannot be sufficiently  
8 addressed by alternative conditions of release and/or supervision;
- 10 6. Enjoin Respondents from revoking Petitioner's release unless they have  
11 individualized evidence that his removal is reasonably foreseeable;
- 13 7. Enjoin Respondents from revoking Petitioner's release without providing  
14 him a determination by an impartial adjudicator that his detention is justified  
15 based on danger or flight risk, which cannot be sufficiently addressed by  
16 alternative conditions of release and/or supervision, at which hearing  
17 Respondents will bear the burden of proof of demonstrating that Petitioner is  
18 a flight risk or a danger to the community;
- 20 8. Enjoin Respondents from removing Petitioner to a third country without  
21 sufficient notice and opportunity to demonstrate that he faces a specific risk  
22 of torture or persecution in that third country;
- 24 9. Award Petitioner his costs and reasonable attorneys' fees in this action as  
25 provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and on  
26 any further basis justified under law;
- 28



10. Grant such further relief as the Court deems just and proper.

**RESPECTFULLY SUBMITTED this 21st day of August, 2025**

**/s/ Sabrina Damast**

Sabrina Damast, CA Bar # 305710, NY Bar # 5005251

Amy Lenhert, CA SBN #227717

Rocio La Rosa, CA SBN#314831

Law Office of Sabrina Damast, Inc.

510 West 6th Street, Suite 330

Los Angeles, CA 90014

(O) (323) 475-8716

(E) [sabrina@sabrinadamast.com](mailto:sabrina@sabrinadamast.com)

[amy@sabrinadamast.com](mailto:amy@sabrinadamast.com)

[rocio@sabrinadamast.com](mailto:rocio@sabrinadamast.com)

**TABLE OF EXHIBITS**

**Exhibit A:** Order of Supervision Documents

**Exhibit B:** Declaration of Rocio La Rosa, Esq.

**Exhibit C:** Proof of Service, Notice of Revocation of Release and Warning to Alien Ordered Removed or Deported

**Exhibit D:** ICE Detainee Locator (Aug. 21, 2025)

**Exhibit E:** “ Guidance Regarding Third Country Removals,” (March 30, 2025)