

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SEYED ALI MOUSAVI,

Petitioner,

v.

WARDEN, Bluebonnet Detention Center,
DIRECTOR, Dallas Field Office, U.S. Immigration
and Customs Enforcement; TODD M. LYONS,
Acting Director, U.S. Immigration and Customs
Enforcement, U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT, and PAMELA J.
BONDI, Attorney General of the United States,
in their official capacities only,

Respondents.

Case No. 3:25-cv-02257-X-BK

AMENDED PETITION FOR
HABEAS CORPUS

ALIEN #

A 

ORAL ARGUMENT REQUESTED

INTRODUCTION

1. Petitioner Seyed Ali Mousavi is an adult individual who is a citizen of the Islamic Republic of Iran. He fled Iran and made his way to the United States where he claimed asylum. Since his arrival, Petitioner has been detained by U.S. Customs and Immigration Enforcement ("ICE"). He was originally detained at the Bluebonnet Detention Center (in Anson, TX), but then transferred to the David L. Moss Criminal Justice Center in Tulsa, Oklahoma. He was recently transferred back to Texas, to the Bluebonnet Detention Center. *See* Exhibit A.

2. Petitioner is represented in his immigration court proceedings by attorney Kiyanoush Razaghi from Rockville, Maryland. Petitioner was scheduled for a Custody Redetermination Hearing at the Immigration Court in El Paso, Texas, on August 5, 2025. Respondent ICE did not transport Petitioner for this hearing in El Paso, Texas. *See* Notice of

Custody Redetermination Hearing in Immigration Proceedings and Order of the Immigration Judge, Exhibit B.

2. Petitioner's immigration court case was then transferred from El Paso, Texas to Aurora, Colorado. He was set for a Master Calendar Hearing before Immigration Judge Kane on August 19, 2025. Attorney Kiyanoush Razaghi appeared via Webex and represented Mr. Mousavi before Immigration Judge Kane, who set Mr. Mousavi for an Individual Merits Hearing on October 7, 2025 in the same Immigration Court in Aurora, Colorado. Undersigned counsel for the petitioners was also present at this hearing by Webex and personally observed Immigration Judge Kane take the waiving of the reading of the Notice to Appear and setting the case for an Individual Merits Hearing on October 7, 2025. *See* Order of the Immigration Judge (El Paso, TX), Exhibit B, Notice of Internet-Based Hearing, Exhibit C, Notice of In-Person Hearing, Exhibit D, and Sworn Declaration of Kiyanoush Razaghi, Exhibit E.

3. Petitioner was also given notice of a rescheduled Custody Redetermination Hearing before Immigration Judge Kane on August 19, 2025. *See* Exhibit F. Immigration Judge Kane held this Custody Redetermination Hearing and found that since the Petitioner was an "arriving alien," he was ineligible for bond. Immigration Judge Kane reserved the right to appeal and ordered Petitioner held until his Individual Merits Hearing on October 7, 2025. *See* Exhibit E.

4. Respondent ICE did not transport Petitioner Mousavi to the Immigration Court in Aurora, CO, nor was he able to participate by Webex. *Id.*

5. On August 20, 2025, based on information and belief, Petitioner was told that there had been no hearing held before Immigration Judge Kane the day before, and apparently, there was no recording of the two hearings made. Petitioner was told that he would be transferred to Texas for hearings in El Paso, Texas, and that he would soon be deported (removed) from the U.S.

6. On August 20, 2025, attorney Kiyanoush Razaghi received a notice from ICE that Petitioner's immigration court case had been moved back to El Paso, Texas. *Id.*, page 2.

7. Petitioner has been scheduled for a second Master Calendar Hearing with the Immigration Court in El Paso, Texas, on September 12, 2025. *Id.*

8. Petitioner Mousavi is currently being held at the Bluebonnet Detention Center at 400 E. 2nd Street, Anson, TX 79501 in Jones County, Texas.

9. The scheduling of Petitioner for a second Master Calendar Hearing and his transfer from Tula, Oklahoma to Anson, Texas is in violation of Immigration Court procedures and in violation of his statutory, constitutional, and regulatory rights.

10. Accordingly, to vindicate Petitioner's statutory, constitutional, and regulatory rights, this Court should grant the instant petition for a writ of habeas corpus.

11. Absent an order from this Court, Petitioner could see his Notice to Appear dismissed and then be processed through Expedited Removal and quickly deported from the United States back to Iran, where he faces almost certain persecution, illegal detention, and even torture.

12. Petitioner asks this Court to find that the current Immigration Court proceedings in El Paso, TX, are improper considering the Master Calendar and Bond hearings held in Aurora, CO on August 19, 2025, and order that his immigration court case be transferred to back to Immigration Judge Kane in Aurora, CO.

JURISDICTION

13. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

14. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

15. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

16. Venue is proper because the Petitioner is detained at the Bluebonnet Detention Facility in Anson, Texas, which is within the jurisdiction of this District.

17. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States and Respondent Warden and ICE Field Office Director all reside in this District, substantial part of the events or omissions giving rise to the Petitioner's claims occurred in this District, and the Petitioner is being detained in this District, and no real property is involved in this action. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

18. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

19. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and

imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

20. The Petitioner is an Iranian citizen who fled Iran and sought asylum in the U.S. Petitioner is currently detained at the Bluebonnet Detention Center in Anson, Texas. He is in the custody, and under the direct control, of Respondents and their agents.

21. Respondent WARDEN is the Warden of the Bluebonnet Detention Center in Anson, Texas, and he or she has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent WARDEN is a legal custodian of Petitioner.

22. Respondent DIRECTOR is sued in his or her official capacity as the Director of the Dallas Field Office of U.S. Immigration and Customs Enforcement. Respondent Director is a legal custodian of the Petitioner and has the authority to release him.

23. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of the U.S. Immigration and Customs Enforcement. In this capacity, Respondent Lyons is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees the U.S. Immigration and Customs Enforcement, the component agency responsible for the Petitioner’s detention. Respondent Lyons is a legal custodian of the Petitioner.

24. Respondent U.S. Immigration and Customs Enforcement is the agency responsible for the implementation and enforcement of the Immigration and Nationality Act, and responsible for the Petitioner’s detention.

25. Respondent PAMELA J. BONDI is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (“DOJ”). In

that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the BIA. Respondent PAMELA J. BONDI is a legal custodian of the Petitioner.

STATEMENT OF FACTS

26. As explained above, the Petitioner is a citizen of Iran who fled that country and sought asylum in the United States.

27. Respondents have failed to transport the Petitioner to attend his Immigration Court proceedings in El Paso, Texas and in Aurora, Colorado, and have transferred Petitioner’s immigration court case back to El Paso, Texas, for an illegal second Master Calendar Hearing. *See supra.*

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

28. The allegations in the above paragraphs are realleged and incorporated herein.

29. The Respondents’ failures to transport the Petitioner to his court hearings in El Paso, Texas and in Aurora, Colorado, were violations of his Fifth Amendment right to due process under the U.S. Constitution.

30. The Respondents’ failures to record or recognize the Master Calendar and Custody Redetermination hearings held before Immigration Judge Kane on August 19, 2025 are violations of the Petitioner’s Fifth Amendment right to due process under the U.S. Constitution.

31. The scheduling of a second Master Calendar Hearing for Petitioner Mousavi before the Immigration Court in El Paso, Texas, after the Petitioner had a Master Calendar Hearing before the Immigration Court in Aurora, Colorado, is a violation of the Petitioner’s Fifth Amendment right to due process under the U.S. Constitution.

32. For these reasons, the Respondents challenged actions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

COUNT TWO
Violation of 8 U.S.C. § 1101, *et seq.* and Implementing Regulations

33. The allegations in the above paragraphs are realleged and incorporated herein.

34. The failure to transport the Petitioner to his Immigration Court hearings in El Paso, Texas, and in Aurora, Colorado, were violations of his rights under the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, and the implementing regulations promulgated by the U.S. Department of Homeland Security, Respondent ICE, and the U.S. Department of Justice.

35. The failure to record or recognize the Master Calendar and Custody Redetermination hearings held before Immigration Judge Kane on August 19, 2025 are violations of the Petitioner's rights under the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, and the implementing regulations promulgated by the U.S. Department of Homeland Security, Respondent ICE, and the U.S. Department of Justice.

36. The scheduling of a second Master Calendar Hearing for the Petitioner before the Immigration Court in El Paso, Texas, after Petitioner had a Master Calendar Hearing before the Immigration Court in Aurora, Colorado, is a violation of his rights under the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, and the implementing regulations promulgated by the U.S. Department of Homeland Security, Respondent ICE, and the U.S. Department of Justice.

37. For these reasons, the Respondents challenged actions violate the Petitioner's rights under the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, and the implementing regulations promulgated by the U.S. Department of Homeland Security, Respondent ICE, and the U.S. Department of Justice.

PRAYER FOR RELIEF

Wherefore, the Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that the Respondents challenged actions violate the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1101, et seq., and/or its implementing regulations;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to transfer the Petitioner's immigration court case back to the Immigration Court in Aurora, Colorado; and
- (5) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Brian Scott Green

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Counsel for the Petitioner

Dated: August 26, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent the Petitioner, Seyed Ali Mousavi, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Amended Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 26th day of August, 2025.

s/Brian Scott Green
Brian Scott Green