

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Saeed Ghasemimehr,

Petitioner,

v.

Pamela Bondi, Attorney General

25-3423

Kristi Noem, Secretary, U.S. Department of
Homeland Security;

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS**

Department of Homeland Security;

Todd M. Lyons, Acting Director of
Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

Sam Olson, Director, Ft. Snelling Field
Office Immigration and Customs
Enforcement;

and,

Joel L. Brott, Sheriff of Sherburne County.

Respondents.

INTRODUCTION

1. Petitioner, Saeed Ghasemimehr, through Counsel, respectfully petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241 to remedy his unlawful detention.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1361 (federal employee mandamus action), § 1651 (All Writs Act), and § 2241 (habeas corpus); Art. I, § 9, cl. 2 of the U.S. Constitution (“Suspension Clause”); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), specifically, 8 U.S.C. § 1101-1537.
3. Because Ghasemimehr seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this court. Zadvydas, v. Davis, 533 U.S. 678 (2001).
4. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. Demore v. Kim, 538 U.S. 510,

516–17 (2003); Jennings v. Rodriguez, 138 S. Ct. 830, 839–41 (2018);

Nielsen v. Preap, 139 S. Ct. 954, 961–63 (2019).

5. Venue is proper in this Court pursuant to 28 USC §§ 1391(b), (e)(1)(B), and 2241(d) because Ghasemimehr is detained within this District. He is currently detained at the Sherburne County Law Enforcement Center in Elk River, Minnesota. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district.

PARTIES

6. Petitioner Ghasemimehr is a citizen of Iran and a resident of Ramsey County, Minnesota. Petitioner was first taken into ICE custody in April 2003 and released in October 2003. On June 26, 2025, Ghasemimehr was taken back into ICE custody and has remained in detention since.
7. Ghasemimehr's alien registration number is A 
8. Ghasemimehr is currently in custody at the Immigration and Customs Enforcement ("ICE") detention center in Elk River, Minnesota, pursuant to a final order of removal.
9. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice, which encompasses the Board of Immigration Appeals ("BIA") and the immigration judges through the Executive Office for Immigration

Review (“EOIR”). Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Ghasemimehr.

10. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Ghasemimehr’s detention. As such, Respondent Noem is a legal custodian of Ghasemimehr.
11. Respondent Department of Homeland Security (“DHS”) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens, including Ghasemimehr. As such, DHS is a legal custodian of Ghasemimehr.
12. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, which oversees the detention of aliens in the United States. Mr. Lyons is sued in his official capacity. Defendant Lyons is responsible for Petitioner’s detention. As such, Respondent Lyons is a legal custodian of Ghasemimehr.

13. Respondent Immigration and Customs Enforcement (“ICE”) is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act, including the detention of noncitizens. As such, ICE is a legal custodian of Ghasemimehr.
14. Respondent Sam Olson is being sued in his official capacity as the Acting Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Olson has supervisory authority over the ICE agents responsible for detaining Ghasemimehr. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111, and it is the field office with jurisdiction over Ghasemimehr’s detention in Minnesota. As such, Respondent Olson is a legal custodian of Ghasemimehr.
15. Respondent Sheriff Joel L. Brott is being sued in his official capacity as the Sheriff responsible for the Sherburne County Jail Services. Because Petitioner is detained in the Sherburne County Jail, Respondent has immediate day-to-day control over Petitioner. As such, Respondent Brott is a legal custodian of Ghasemimehr.

EXHAUSTION

16. A final order of removal has been entered against Petitioner.
17. Petitioner has a final administrative order of removal.

18. There are no legal proceedings pending in any other federal court, state court, or administrative tribunal.
19. Petitioner has exhausted his administrative remedies to the extent possible. His only remedy is by way of this judicial action.
20. Notably, no statutory exhaustion requirement applies to Petitioner's claim of unlawful detention. McCarthy v. Madigan, 503 U.S. 140, 144 (1992); 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies only where requesting review of a final removal order).

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

21. Ghasemimehr is a native and citizen of Iran.
22. On September 18, 1983, Ghasemimehr entered the United States as an F1 Student. Ghasemimehr overstayed his visa. *Ghasemimehr v. Gonzales*, 427 F.3d 1160, 1161 (8th Cir. 2005).
23. In or around 1983 or 1984, Ghasemimehr filed an I-589, Application for Asylum and Withholding of Removal with the Executive Office for Immigration Review ("EOIR") and the immigration court sitting in Fort Snelling, Minnesota.
24. On July 24, 1989, an immigration judge at the immigration court located in Bloomington, Minnesota granted Ghasemimehr voluntary departure and denied relief in the form of asylum and withholding of removal.

25. Ghasemimehr submitted an appeal the Board of Immigration Appeals (“BIA”) within thirty days of the immigration judge’s decision in July of 1989.
26. On April 13, 1993, the Board of Immigration Appeals dismissed the appeal. The BIA granted Ghasemimehr voluntary departure. Ghasemimehr did not depart the United States. Ghasemimehr’s voluntary departure then converted into a final order of removal pursuant to. 8 U.S.C. § 1229c(d); 8 C.F.R. § 1240.26(d) (alternate order of removal entered along with voluntary departure); 8 C.F.R. § 241.7 (any departure following a final order of removal is considered a self-removal, except where the voluntary departure period granted in connection with an alternate order of deportation or removal has not yet expired).
27. On May 12, 1993, Ghasemimehr petitioned the Eighth Circuit Court of Appeals to review the dismissal of his appeal before the BIA.
28. On October 29, 1993, the Eighth Circuit denied Ghasemimehr’s petition for review. *Ghasemimehr v. I.N.S.*, 7 F.3d 1389, 1391 (8th Cir. 1993)
29. On or about April 12, 2003, Ghasemimehr was detained by Immigration and Customs Enforcement (“ICE”) to enforce the removal order against Ghasemimehr. *Ghasemimehr v. Gonzales*, 427 F.3d 1160, 1161 (8th Cir. 2005)

30. The attempts to secure a travel document for Ghasemimehr were unsuccessful and Ghasemimehr remained in detention.
31. On August 22, 2003, Ghasemimehr filed a petition for a writ of habeas corpus before the District Court in Minnesota. *Ghasemimehr v. Canjemi et al*, Case No. 0:03-cv-04872 (D. Minn. 2003).
32. Later in 2003, a Motion to Reopen was filed before the Board of Immigration Appeals for Ghasemimehr. *Ghasemimehr v. Gonzales*, 427 F.3d 1160, 1162 (8th Cir. 2005).
33. On or about October 9, 2003, Ghasemimehr was released from detention. Ghasemimehr was held in detention for 180 days.
34. On October 13, 2003, Ghasemimehr's petition for the writ of habeas corpus was dismissed without prejudice following his release from custody.
35. On March 1, 2004, the Motion to Reopen before the BIA was denied.
36. On March 23, 2004, Ghasemimehr filed a petition for review of the BIA's denial of his motion to reopen before the Eighth Circuit Court of Appeals.
37. On September 22, 2005, Ghasemimehr's petition for review of the BIA's denial of his motion to reopen was denied. *Ghasemimehr v. Gonzales*, 427 F.3d 1160, 1163 (8th Cir. 2005)

38. Since his release from detention, Ghasemimehr has attended his supervised check-ins every six months, as 8 U.S.C. § 1231 and Respondent ICE required.
39. Between October 2003 and June 26, 2025, there were no updates nor progress given to Respondent regarding the status of his removal.
40. Between October 2003 and June 26, 2025, there were no travel documents secured.
41. Between October 2003 and June 26, 2025, Respondents did not inform Petitioner of any imminent removal to Iran or any other country.
42. On June 6, 2025, Ghasemimehr attended a check-in appointment where he was informed that he would need to return in six months for his next check-in, as had been standard for Ghasemimehr since his release in October of 2003.
43. On June 26, 2025, Ghasemimehr was taken into detention as he was leaving his apartment. He has remained in detention since this date.
44. On July 2, 2025, Ghasemimehr filed an I-246, Application for Stay of Removal. Petitioner is married to a citizen since 2018. USCIS recently denied the visa application his wife filed on his behalf when she did not appear for an interview because of illness.

45. Ghasemimehr's spouse filed a new I-130 petition, with a request for an expedited processing request. This petition remains pending. Petitioner provided this information to Respondents when seeking a stay order and release from custody.
46. On July 21, 2025, Ghasemimehr's attorney submitted proof of the pending I-130 in support of Ghasemimehr's I-246, which had not received a decision.
47. Ghasemimehr remains in detention at Sherburne County Jail in Elk River, Minnesota.
48. At no time after Petitioner's release has Ghasemimehr committed any crimes, missed any check-in appointments, or disobeyed any of Respondents' instructions. Petitioner has been compliant with the conditions of his release for more than a decade.
49. Petitioner has no information that Respondents have secured a travel document to Iran, which is the country of designation for his removal order.
50. Respondents have not notified Petitioner that Respondents exercised its discretion under 8 C.F.R. § 1240.12(d) to designate an alternate country of removal.
51. Respondents have not secured a travel document or proof of any third country is willing to receive Petitioner and grant him any legal status upon his arrival.

LEGAL FRAMEWORK

52. As the constitution states, “[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it.” U.S. Const. art. I, § 9 cl. 2.
53. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. *Id.* at 702. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that its ruling in *Zadvydas* applies equally to inadmissible aliens.
54. Department of Homeland Security administrative regulations also recognizes that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien’s removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(b)(2)(ii).
55. Habeas corpus is a bedrock Constitutional right that our Founding Fathers considered core to the preservation of liberty from the creation of our Republic. Presently, its contours are set forth in the habeas corpus statutes, which grant federal courts jurisdiction to review the legality of a detention, and, if warranted, to order release of a petitioner. 28 U.S.C. §§ 2241-2243.

56. The writ is the “fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action. Harris v. Nelson, 394 U.S. 286, 291 (1969).
57. “The scope and flexibility of the writ – its capacity to real all manner of illegal detention – its ability to cut through barriers of form and procedural mazes – have always been emphasized and jealously guarded by courts and lawmakers.” Id.
58. Hence, “the very nature of the writ demands that it be administered with the initiative and flexibility essential to ensure the miscarriages of justice within its reach are surfaced and corrected.” Id.
59. Because of the vital role the writ plays in our democracy, and since the petitioner is often in custody, “usually handicapped in developing the evidence needed to support in necessary detail the facts alleged in [a] petition,” the Supreme Court has repeatedly recognized that “a habeas corpus proceeding must not be allowed to flounder in a ‘procedural morass.’” Price v. Johnston, 334 U.S. 266, 269 (1948).
60. “There is no higher duty of a court, under our constitutional system, than the careful processing and adjudication of petitions for writs of habeas corpus, for it is in such proceedings that a person in custody charges that error,

neglect, or evil purpose has resulted in his unlawful confinement and that he is deprived of his freedom contrary to law.” Harris, 394 U.S. at 291-22.

61. “[W]hen an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days (in this section referred to as the “removal period”).” 8 U.S.C. § 1231(a)(1)(A).
62. The removal period begins on the latest of the following:
 - (i) The date the order of removal becomes administratively final.
 - (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court’s final order.8 U.S.C. § 1231(a)(1)(B).
63. The removal period may be extended beyond a period of 90 days if the alien “fails or refuses to make timely application in good faith for travel or other documents necessary to [his] departure,” or otherwise fails to cooperate in the removal process. 8 U.S.C. § 1231(a)(1)(C).
64. Respondents have not alleged a lack of cooperation by Petitioner in this case. Respondents therefore must release Petitioner on an order of supervision. 8 U.S.C. § 1231(a)(3).
65. The Due Process Clause of the Fifth Amendment requires that “[n]o person shall... be deprived of liberty... without due process of law.” U.S. Const. amend. 5.

66. It is well-established that the Fifth Amendment entitled aliens to due process of Law[.]” Demore v. Kim, 528 U.S. 510, 523 (2003) quoting Reno v. Flores, 507 U.S. 292, 306 (1993).
67. “Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that Clause protects.” Zadvydas v. Davis, 533 U.S. 678, 690 (2001).
68. Due process therefore requires “adequate procedural protections” to ensure that the government’s asserted justification for its conduct infringing on protected interests “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” Id. (internal quotation marks omitted).
69. As such, “Congress previously doubted the constitutionality of detention for more than six months.” Zadvydas, 533 U.S. at 701 (2001).
70. “After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” Id.
71. “[A]s the period of prior post removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” Zadvydas, 533 U.S. at 701.

72. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528.
73. Other than punishment for a crime, due process permits the government to take away liberty only “in certain special and narrow nonpunitive circumstances . . . where a special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (quotation marks omitted).
74. Such special justification exists only where a restraint on liberty bears a “reasonable relation” to permissible purposes. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); see also *Foucha v. Louisiana*, 504 U.S. 71, 79 (1992); *Zadvydas*, 533 U.S. at 690.

CAUSE OF ACTION

COUNT ONE: STATUTORY VIOLATION

75. Ghasemimehr re-alleges and incorporates by reference each allegation.
76. Petitioner’s continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231 as interpreted by the Supreme Court in *Zadvydas*.
77. The six-month presumptively reasonable period for removal efforts has expired. Petitioner still has not been removed, and Petitioner continues to languish in detention.

78. Petitioner has complied with the mandate of 8 U.S.C. § 1231(a)(3) since his release.
79. Petitioner's removal to Iran or any other country is not significantly likely to occur in the reasonably foreseeable future. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone like Petitioner under such circumstances is unlawful.

COUNT TWO: VIOLATION OF ADMINISTRATIVE PROCEDURES ACT

80. Ghasemimehr re-alleges and incorporates by reference each allegation.
81. Under the APA, "the reviewing court shall ... interpret constitutional ... provisions and determine the meaning or applicability of the terms of an agency action. The reviewing court shall ... hold unlawful and set aside agency action, findings, and conclusions found to be ... contrary to constitutional right." 5 U.S.C. § 706 (2)(B).
82. Respondents have not complied with 8 C.F.R. § 241.13.
83. Respondents have not complied with 8 C.F.R. § 241.13(f) in making its determination to return Petitioner to custody.
84. Respondents have not provided Petitioner with any indication or individualized notice that his removal is in any way imminent or what changed circumstances exist such that Petitioner's removal is significantly

likely in the reasonably foreseeable future. This is a violation of 8 C.F.R. § 241.13(i)(2).

85. Respondents have not complied with 8 C.F.R. § 241.13(i)(3). Respondents did not notify Petitioner of the reasons for revocation of his release.
86. Respondents have not complied with 8 C.F.R. § 241.13(i)(3) in another manner. Respondents have not conducted an initial informal interview promptly after Petitioner's return to custody to afford Petitioner an opportunity to respond to the reasons for revocation stated in the notification.
87. Respondents have not provided Petitioner with instructions on how to submit any evidence or information showing that there is no significant likelihood of removal in the foreseeable future.
88. The burden to establish circumstances that make removal significantly likely in the reasonably foreseeable future belongs to Respondents. Respondents have not compiled with its regulations. *See Sarail A. v. Bondi*, No. 25-cv-2144 (ECT/JFD), ECF No. 9 at 5 (D. Minn. June 17, 2025) (recommending habeas relief when ICE similarly provided a notice that only parroted the regulatory text); *Mahamed Roble v. Bondi*, No. 25-CV-3196 (LMP/LIB), 2025 WL 2443453, at *3 (D. Minn. Aug. 25, 2025) (granting habeas relief

when ICE failed to provide notice of the changed circumstances that related particularly to Respondent).

89. Petitioner maintains under information and belief that Iran is not issuing travel documents to effectuate the removal of Iranians to Iran.
90. Respondents did not notify Petitioner that it designated an alternative country of removal consistent with 8 C.F.R. § 1240.12(d) and secured the necessary travel authorization for removal to a third country.
91. Respondents' failure also violates the mandate of *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).
92. Respondents cannot prove that Petitioner's removal is imminent. Ghasemimehr's ongoing detention is therefore unreasonable and a violation of the Administrative Procedures Act.

COUNT THREE: SUBSTANTIVE DUE PROCESS VIOLATION

93. Ghasemimehr re-alleges and incorporates by reference each allegation.
94. Ghasemimehr's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.
95. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest.

96. While Respondents would have an interest in detaining Ghasemimehr in order to effectuate removal, that interest does not justify the indefinite and arbitrary detention of Petitioner when Respondents are not significantly likely to remove Petitioner in the reasonably foreseeable future.
97. *Zadvydas* recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. The presumptively reasonable period during which ICE may detain an alien is only six months.
98. Ghasemimehr has already been detained in excess of six months and Ghasemimehr's removal is not significantly likely to occur in the reasonably foreseeable future.

COUNT THREE: PROCEDURAL DUE PROCESS VIOLATION

99. Ghasemimehr re-alleges and incorporates by reference each allegation.
100. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained.
101. Ghasemimehr in this case has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner.

102. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Ghasemimehr violates Ghasemimehr's right to procedural due process.
103. Further, Respondents have failed to acknowledge or act upon the Petitioner's administrative request for release in a timely manner. There is no administrative mechanism in place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates *Zadvydas*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner, Saeed Ghasemimehr, asks this Court for the following relief:

1. Assume jurisdiction over this matter.
2. Order Respondents to show cause for their continued detention of Ghasemimehr.
3. Grant the writ of habeas corpus.
4. Order Petitioner's release from custody under an order of supervision or other condition as set by the Court.
5. Declare that Respondents' action is arbitrary and capricious.

6. Declare that Petitioner's detention beyond the 6-month period violates the Due Process Clause of the Fifth Amendment where travel arrangements have not been made.
7. Grant Ghasemimehr reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).
8. Grant all further relief this Court deems just and proper.

DATED: August 29, 2025

Respectfully submitted,

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Attorneys for Petitioner

**Verification by
Petitioner Pursuant to 28 U.S.C. § 2242**

I am submitting this verification because I am the Petitioner. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding my detention status, are true and correct to the best of my knowledge.

/s/ Saeed Ghasemimehr

Saeed Ghasemimehr

Date: August 29, 2025