UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Saeed Ghasemimehr,

Petitioner,

v.

Pamela Bondi, Attorney General

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

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.

0:25-cv-03423-KMM-SGE

PETITIONER'S REPLY TO RESPONDENT'S RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Respondents' objections should not and cannot sway the Court. Respondents' re-detention and speculation as to their hopes to secure a travel document cannot justify Petitioner's re-detention as they are contrary to binding

agency regulations and Supreme Court precedent in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Respondents' arguments are unavailing in this matter.

RELEVANT FACTS

Petitioner most recently entered the United States with a F-1 visa on September 18, 1983. *See* ECF Doc. 6 ¶ 4. He applied for asylum, but the immigration court granted him voluntary departure with an alternative deportation order if he failed to depart. Petitioner appealed to the BIA, which dismissed the appeal on April 13, 1993. Petitioner did not subsequently depart. The order then became an order of deportation pursuant to 8 U.S.C. § 1101(a)(47)(B)(i). Petitioner then petitioned for review before the Eighth Circuit. The circuit court denied the petition on October 29, 1993. *Ghasemimehr v. I.N.S.*, 7 F.3d 1389, 1390 (8th Cir. 1993). The Eighth Circuit dismissal began the 90-day "removal period" under 8 U.S.C. § 1231(a)(1)(B)(ii). That 90-day period elapsed on January 28, 1994.

Almost a decade later, on April 22, 2003, ICE arrested Petitioner. It detained Petitioner until October 17, 2003. ICE released Petitioner when it was clear that it was not going to secure travel authorization to remove him to Iran. *See* ECF Doc. 6 ¶ 14. He was held for 178 days.

Petitioner was rearrested on June 26, 2025, without notice or cause. Respondents provided Petitioner with a Notice of Revocation of Release that

states, in relevant part "[t]his decision has been made based on a review of your file and/or your personal interview on account of changed circumstances in your case. ICE has determined that there is a significant likelihood of removal in the reasonably foreseeable future in your case." ECF No. 6-3, Ex. B. **There was no interview**. An interview, in fact, did not occur until weeks later. This decision was based on allegations that "ICE is in the process of obtaining a travel document and there is a significant likelihood of your removal in the reasonably foreseeable future." *Id.* This too was not correct. There is nothing substantiating the statements in this notice.

More than a month later, "[o]n August 8, 2025, ICE mailed a travel document application for Ghasemimehr. This application is pending." ECF No. 6 ¶ 24. Another month went by and on September 16, 2025, *almost fifty days later*, an informal interview with an ICE officer was conducted. *See* ECF No. 6-3, Ex. C. Respondents still do not have a travel document for Petitioner. *See* ECF No. 6 ¶ 27. There have been no allegations that Petitioner violated any condition of his release. Petitioner has no criminal history save for a few petty misdemeanor violations for driving infractions.

APPLICABLE LAW

There are regulations limiting how Respondents re-detain noncitizens ordered removed. *See* 8 C.F.R. § 241.13. Agencies like ICE must follow their regulations. *See Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

ICE may re-detain a noncitizen released on an Order of Supervision "in order to effect removal in the reasonably foreseeable future or where the alien refuses to comply with the conditions of release." *See* 8 C.F.R. § 241.13(h)(4).The regulation permitting re-detention in order to effect removal in the reasonably foreseeable future states that ICE may "return the alien to custody if, on account of **changed circumstances**, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(i)(2) (emphasis added). "Petitioner may **only** be re-detained if he violates a condition of release, or 'changed circumstances' demonstrate a 'significantly likelihood that [he] may be removed in the reasonably foreseeable future.'" *Ashqar v. LaRose*, 2019 WL 1793000, at *11 (N.D. Ohio Mar. 26, 2019) (emphasis added).

"[T]he regulations at issue in this case place the burden on ICE to first establish changed circumstances that make removal significantly likely in the reasonably foreseeable future." *Roble v. Bondi*, No. 25-CV-3196 (LMP/LIB), 2025 WL 2443453, at *4 (D. Minn. Aug. 25, 2025); *Escalante v. Noem*, 2025 WL 2206113, at *3 (E.D. Tex. Aug. 2, 2025) ("it is the Service's burden to show a

significant likelihood that the alien may be removed"). These circumstances must have changed **before** the Service re-detain. *See* 8 C.F.R. § 241.13(i)(3).

If ICE elects to revoke a noncitizen's release under 8 C.F.R. § 241.13(i)(2), the noncitizen must "be notified of the reasons for revocation of his or her release," and ICE must "conduct an initial informal interview **promptly** after [the noncitizen's] return to [ICE] custody to afford the [noncitizen] an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.13(i)(3) (emphasis added). The determination as to whether a non-citizen like Petitioner can be re-detained must be based on "(1) an individualized determination (2) by ICE that, (3) based on changed circumstances, (4) removal has become significantly likely in the reasonably foreseeable future." *Kong v. United States*, 62 F.4th 608, 619–20 (1st Cir. 2023) (quoting 8 C.F.R. § 241.13(i)(2)). 50 plus days is not prompt.

Finally, when a non-citizen is detained "[a]fter this 6–month period" post removal order, then "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." *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

ARGUMENT

Petitioner's re-detention is in violation of Respondents' own regulations as they failed to illustrate the violation of his release conditions or changed circumstances prior to re-detaining Petitioner, and they failed to promptly conduct an interview.

I. Respondents did not Adequately Illustrate Changed Circumstances Justifying Petitioner's re-detention

Respondents have fallen woefully short of showing changed circumstances that could justify his re-detention in this case. Courts from around the country have found, "the regulations at issue in this case place the burden on ICE to first establish changed circumstances that make removal significantly likely in the reasonably foreseeable future." *Roble*, 2025 WL 2443453, at *4 (citing *Hernandez Escalante*, 2025 WL 2206113, at *3. They have failed to do so here.

Respondents seek to obscure the applicable burden by contending that Petitioner bears the burden to show that his detention is unlawful. *See* ECF No. 5. While this is true, Respondents held the burden to illustrate that "changed circumstances" justified his re-detaining Petitioner in the first instance. *See Roble*, 2025 WL 2443453, at *4. While the regulation "does not allow a court in the first instance to make the required individualized finding," a "court should review that claim in light of the regulations instructing ICE on how it should make such a determination." *Kong v. United States*, 62 F.4th 608, 620 (1st Cir. 2023).

Respondents' initial determination did not properly invoke changed circumstances, so Petitioner has carried his burden to illustrate the unlawfulness of his detention. Not complying with the clear regulatory authority is self-proving illegality.

Respondents do not allege that Petitioner violated any of the terms of his Order of Supervision ("OSUP"). *See generally* ECF No. 6. The basis of the revocation of Petitioner's OSUP then, is based solely on purportedly "changed circumstances" under 8 C.F.R. § 241.13(i)(2). *See* ECF No. 6, Exh. B. Specifically, Respondents pointed to procedural history, the most recent of which occurred in 2005, before adding that "ICE is in the process of obtaining a travel document and there is a significant likelihood of your removal in the reasonably foreseeable future." ECF No. 6-2, Ex. B.

This mere declaration does not provide Petitioner with notice "as to *what* changed circumstances exist such that [his] removal [was] now significantly likely in the reasonably foreseeable future" at the time they detained him. *See Roble*, 2025 WL 2443453, at *3. As Judges Tostrud and Docherty have pointed out, there is a difference "between the '*reasons* for revocation' mentioned in § 241.13(i)(3) and the *categories* of revocation listed in § 241.13(i)(1) and (2)." *Sarail A. v. Bondi*, 2025 WL 2533673, at *3 (D. Minn. Sept. 3, 2025).

The notice provided to Petitioner did not state if ICE received or was in the process of receiving a travel document for Petitioner. It did state that "ICE is in the

process of obtaining a travel document," but this is plainly refuted by Respondents sworn contentions elsewhere that "[o]n August 8, 2025, ICE mailed a travel document application for GHASEMIMEHR" and that "[t]his application is pending." ECF No. 6 ¶ 24. ICE "**plans** to request a seat for GHASEMIMEHR on [a October 25, 2025] flight, **pending** the issuance of a travel document." ECF No. 6 ¶ 27.

At the time Petitioner was re-detained, ICE had not so much as sought a travel document. They still do not have a travel document. All the government can point to is a "plan" to remove petitioner if it can obtain a travel document: something it has been unable to do for two decades now. Changed circumstances had to justify retention at the time Respondents re-detained Petitioner. Respondents have not proffered anything causing any change.

This is clearly unlawful and courts in the last several weeks consistently have concluded as much. *See Roble v. Bondi*, No. 2025 WL 2443453, at *4 (D. Minn. Aug. 25, 2025) ("The bare fact that ICE officials in St. Paul have requested third-country removal assistance from ICE headquarters tells the Court nothing about the 'history of [ICE's] efforts' to remove noncitizens similarly situated to Roble to third countries, the 'ongoing nature of [ICE's] efforts to remove [Roble] and [Roble's] assistance with those efforts,' and 'the reasonably foreseeable results' of ICE's removal efforts"); *Sarail A. v. Bondi*, 2025 WL 2533673, at *5 (D. Minn. Sept. 3,

2025) ("Stating that circumstances have changed, without mentioning what circumstances changed in which ways, does not explain or account for an action."); *Liu v. Carter*, 2025 WL 1696526, at *3 (D. Kan. June 17, 2025) ("the fact that officials did not even request documentation for petitioner from the Chinese authorities until May (and did not get that request corrected until June) undercuts any suggestion that petitioner's release was in fact revoked in January because the likelihood of obtaining that documentation had increased to any material degree"); *Nguyen v. Hyde*, 2025 WL 1725791, at *4 (D. Mass. June 20, 2025) ("Respondents argue that ICE is currently processing a travel document for Mr. Nguyen to return to Vietnam and that the United States has not received said travel document.... On this record, Respondents cannot make the showing that circumstances have changed such that there is a significant likelihood that Mr. Nguyen will be removed to Vietnam in the reasonably foreseeable future.") *Escalante v. Noem*, 2025 WL 2206113, at *4 (E.D. Tex. Aug. 2, 2025) (Release were "Respondents have only made conclusory statements that they are taking steps to remove Petitioner to Mexico or perhaps Canada."); *Hoac v. Becerra*, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025) ("Respondents' intent to eventually complete a travel document request for Petitioner does not constitute a changed circumstance").

The Court should take notice how other courts have addressed "a pending updated travel document request." Each concluded that this is insufficient to

constitute a change of circumstance, especially "Respondents have not provided any details about why a travel document could not be obtained in the past, nor have they attempted to show why obtaining a travel document is more likely this time around." *Hoac*, 2025 WL 1993771, at *4.

Where, as here, "respondents have not provided any details about why [travel] documentation could not be obtained in the past, nor have they attempted to show why obtaining that particular documentation is more likely this time around," then no showing of changed circumstances has been made. *Liu*, 2025 WL 1696526, at *3.

Indeed, "Respondents cannot make the showing that circumstances have changed such that there is a significant likelihood that [Petitioner] will be removed to [Iran] in the reasonably foreseeable future" based simply on the fact "that ICE is currently processing a travel document for [Petitioner] and that the United States has not received said travel document" where "Respondents have not identified what concrete steps ICE has taken to process [Petitioner]'s particular travel document." *Nguyen*, 2025 WL 1725791, at *4. *This is even clearer where, as here*, "officials did not even request documentation for petitioner from the [Iranian] authorities until [August] … undercuts any suggestion that petitioner's release was in fact revoked in [June] because the likelihood of obtaining that documentation had increased to any material degree." *Liu*, 2025 WL 1696526, at *3. The fact that Respondent's

requested a travel document months after Petitioner was detained underscores the impropriety of his detention.

Given that Respondents did not get around to applying for a travel document until August, after detaining Respondent in June, it is clear that the only justification for re-detention at the time Petitioner was taken into custody was the existence of his prior removal order. This reality existed for more than two decades. The regulation "still requires a showing of *different* circumstances than existed at the time of his release." *Ashqar*, 2019 WL 1793000, at *11 (emphasis in original). The mere existence of a removal order cannot justify a change in custody status now as it is not a "changed circumstance."

Notably, Respondents fail to address their compliance with the regulatory framework governing re-detention in any meaningful way whatsoever. Instead, they suggest that "[w]hen immigration officials follow the regulations governing continued-custody decisions, this Court holds that the constitutional due process requirements are satisfied." ECF No. 5, at 8. That may true, but, as alleged in the complaint, *see* ECF No. 1 ¶¶ 80-92, Respondents woefully failed to follow their own regulations here and "an agency's failure to follow its own binding regulations is a reversible abuse of discretion." *Carter v. Sullivan*, 909 F.2d 1201, 1202 (8th Cir. 1990). The Court should grant this Petition and order Petitioner's release without further delay.

II. Respondents Did Not Provide Any Evidence to Support Re-detention in Violation of *Zadvydas* and the Applicable Regulations.

Under the plain language of *Zadvydas*, "[a]fter this 6–month period" of post removal order detention, "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." *Zadvydas*, 533 U.S. at 701 (emphasis added).

Respondents contend that Petitioner "fails to satisfy the threshold requirement that he 'provide[] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.'" ECF No. 5, at 12 (citing *Zadvydas*, 533 U.S. at 701). Hogwash. In order to release Petitioner back in 2003, Respondents necessarily had to find that "[t]ravel documents … are not available or [that] … immediate removal, while proper, is otherwise not practicable or not in the public interest" or that proper, is otherwise not practicable or not in the public" or that "that there is no significant likelihood that an alien under a final order of removal can be removed in the reasonably foreseeable future." 8 C.F.R. §§ 241.4(b)(4); (e)(1). When Respondents released Petitioner in 2003 on an order of supervision, they conceded that "removal is no longer reasonably foreseeable." *Zadvydas*, 533 U.S. at 699.

After that release, the government bore the "burden to show a significant likelihood that the alien may be removed." *Escalante*, 2025 WL 2206113, at *3,

and given that Petitioner has already served 6 months in ICE detention back in 2003, they were required to do so "with evidence." *Zadvydas*, 533 U.S. at 701. As a result, Respondents contentions that this case involves nothing more than "[t]he mere passage of time" are completely unsupported. *See* ECF No. 5, at 12. If anything, there concession that "extraordinarily long" delays may "trigger an inference that travel documents will likely never issue at all" cuts against them given the two decades during which ICE has been unable to obtain a travel document here. ECF No. 5, at 12 (citing *Joseph K. v. Berg*, 2019 U.S. Dist. LEXIS 248455, at *6 (D. Minn. Mar. 15, 2019)).

Thus, by bypassing the applicable regulations, Respondents misstate the law in this case by asserting that "a habeas petitioner must meet the initial burden of demonstrating no significant likelihood of his removal in the reasonably foreseeable future." ECF No. 5, at 10. Instead, "[t]his case is not about ICE's authority to detain in the first place upon an issuance of a final order of removal as in *Zadvydas*. This case is about ICE's authority to re-detain [Petitioner] after he was issued a final order of removal, detained, and subsequently released on an OSUP. The DHS regulation, 8 C.F.R. § 241.13(i), applies to non-citizens in Petitioner's situation." *Nguyen*, 2025 WL 1725791, at *3. *Zadvydas* comes into play because Petitioner was previously detained for the presumptively reasonable six months and as such, its burden shifting and evidentiary requirements still apply, on top of the regulations that place the

initial burden to show changed circumstances on the agency.

If the Court were to allow the government to reset the removal period more than twenty years later and then force Petitioner to make another new showing that removal is not significantly likely to occur in the reasonably foreseeable future, the Court would necessarily render 8 C.F.R. § 241.13(i)(2)-(3) and 8 U.S.C. § 1231(a)(1) superfluous. Such a determination simultaneously negates the principal holding in *Zadvydas*, which is that "once removal is no longer reasonably foreseeable, continued detention is no longer authorized." 533 U.S. at 699. The Court must disallow the government's implicit attempts to improperly shift the evidentiary burden to Petitioner.

In applying the regulatory presumptions that removal was not reasonably foreseeable, ICE's evidentiary showing falls far short of what might show a "significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. All that ICE has presented is contentions that (1) it has "mailed a travel document application," (2) that "[t]his application is pending," and (3) ICE "plans to request a seat for [Petitioner] on [a October 25, 2025] flight, pending the issuance of a travel document." ECF No. 6 ¶¶ 24, 27. In short, ICE says that it applied for a travel document a month after detaining Petitioner and plans to send him to Iran if that travel document is granted and arrives in time. There is no travel document. There is no indication as to what the government has done to ensure this

travel document is issued, in contrast to the past 20 year where no document was issued. There is not even an assurance that the travel document application has been received by Iranian officials. How this could justify detention in June is beyond mystifying.

Zadvydas requires the government to have sufficient evidence to rebut the previously established showing that Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future. Because Petitioner was already confined beyond the statutorily defined removal period, the government had to have already had a valid travel document for Petitioner, or at least immediate access to one, prior to detaining him under 8 C.F.R. § 241.13(i)(2)-(3). At absolute minimum, the government would have needed to have already applied for said travel document *and* been given some sort of positive affirmation from the relevant government that a travel document for Petitioner would be received by a specific date in the very near future. It has none of these things, so Petitioner's detention is wholly unlawful. Therefore, the Court must grant this petition.

Respondents rely heavily on the affidavit of Deportation Office Seth T. Patrin to try and circumvent Petitioner's argument. However, Respondents have not provided any evidence to carry their burden to show that Petitioner's removal is reasonably foreseeable in a manner that justifies re-detention under the applicable regulations. Respondents also point to several conditions that suggest that removal

is not reasonably foreseeable such as, among other things, "there is no repatriation agreement between the detainee's native country and the United States" or "where a foreign country's delay in issuing travel documents is so extraordinarily long that the delay itself warrants an inference that the documents will likely never issue." ECF no. 5, at 13 (citing *Joseph K.*, 2019 U.S. Dist. LEXIS 248455, at *8-9).

According to the Department of State, "the United States and Iran severed diplomatic relations in April 1980. The United States and the Islamic Republic of Iran have had no formal diplomatic relationship since that date." *U.S. Relations with Iran*, U.S. STATE DEP'T (Apr. 1, 2022), https://2021-2025.state.gov/u-s-relations-with-iran/#:~:text=As%20a%20result%20of%20the,no%20embassy%20in%20Washington%2C%20D.C. Moreover, more than twenty years have passed since Petitioner was ordered removed and no travel document has been issued. Two decades is assuredly a delay "so extraordinarily long that the delay itself warrants an inference that the documents will likely never issue." *Joseph K. v. Berg*, 2019 WL 13254377, at *3 (D. Minn. Mar. 15, 2019).

III. Respondents' Revocation and Re-detention of Petitioner was Improper as ICE Failed to Follow its own Regulations Requiring a Prompt Interview.

The procedural protections clearly state that "[t]he Service will conduct an initial informal interview **promptly** after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.13(i)(3). While "promptly" is not defined, Webster's

defines that term as "without delay: very quickly or immediately." *Promptly*, Merriam-Webster Collegiate Dictionary (11th Ed. 2003).

Presumably the two and a half months between Petitioner's June 26, 2025, arrest and his September 16, 2025, interview was anything but prompt. *Compare* ECF No. 6-3, Ex. B, *with* ECF No. 6-3, Ex. C. Courts have found that the failure to comply with this interview requirement justifies release. *See Hoac v. Becerra*, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025) ("Because there is no indication that an informal interview was provided to Petitioner, the court finds Petitioner is likely to succeed on his claim that his re-detainment was unlawful."); *Liu v. Carter*, No. WL 1696526, at *2 (D. Kan. June 17, 2025) ("First, and most obviously, the Court finds that petitioner was not granted the required interview upon the revocation of his release").

This makes sense because this interview is the hearing where, consistent with the most basic principles of due process, the non-citizen is afforded "an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.13(i)(3). Without this prompt interview, a noncitizen like Petitioner is stripped of any "opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Mathews v. Eldridge*, 424 U.S. 319, 333, 96 S. Ct. 893, 902, 47 L. Ed. 2d 18 (1976) (citing *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)). As such the failure to comply with the interview requirements in a prompt manner requires release.

IV. Petitioner's *Zadvydas* Challenge Is Ripe.

Respondents state that Petitioner's *Zadvydas* challenge fails as it is premature. ECF No. 5, at 10. As articulated *supra* and in *Nguyen v. Hyde*, "Respondents' argument misses the mark. This case is not about ICE's authority to detain in the first place upon an issuance of a final order of removal as in *Zadvydas*. This case is about ICE's authority to re-detain [Petitioner] after he was issued a final order of removal, detained, and subsequently released on an OSUP. The DHS regulation, 8 C.F.R. § 241.13(i), applies to non-citizens in Petitioner's situation." *Zadvydas* comes into play because Petitioner was previously detained for the presumptively reasonable six months and as such, its burden shifting and evidentiary requirements still apply, on top of the regulations that place the initial burden to show changed circumstances on the agency.

Moreover, restarting the clock after every period of detention and "[i]mposing the burden of proof on the alien each time he is re-detained would lead to an unjust result and serious due process implications." *Escalante*, 2025 WL 2206113, at *3. It would create a system where sequential periods of detention longer than six months was forbidden, while permitting the government to periodically release, and re-detain, a noncitizen for aggregate periods with no limit. Surely, periodic six-month detentions last indefinitely was not what the Court had in mind when it forbid indefinite detention in *Zadvydas*. Respondents' "new six months every time"

argument resembles a furlough more than the release mechanism that the Court mandated in *Zadvydas*. Given the applicable regulatory framework, this challenge is not pre-mature.

V. Respondents' Re-detention without Proper Notice Violated Petitioner's Due Process Rights.

Under the Fifth Amendment, no citizen or noncitizen may be deprived of life, liberty, or property without due process of law. *See* U.S. Const. amend. V. These protections extend to deportation proceedings. *Reno v. Flores*, 507 U.S. 292, 306 (1993). "The essence of due process is the requirement that a person in jeopardy of serious loss (be given) notice of the case against him and opportunity to meet it." *Mathews v. Eldridge*, 424 U.S. 319, 348–49 (1976). In considering the adequacy of administrative action, courts consider "(1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and probable value, if any, of additional procedural safeguards; and (3) the Government's interest … that the additional or substitute procedures would entail." *Id.* at 321.

The *Mathews* test illustrates a due process violation where, as here, no notice, justification, or evidence supports Respondents' actions. Petitioner's private interest is substantial. "Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause." *Zadvydas*, 533 U.S. at 679. The risk of erroneous deprivation of that interest is especially high where, as here, the

government detains an individual who has previously been thought to be unremovable in the absence of any meaningful justification or newly acquired proof he could now be removed at the time he was taken into custody. Petitioner has already been incarcerated for more than three months, during this most recent detention in 2025, yet the government still has not provided proof they were able to secure a travel document or that Petitioner is guaranteed a spot on this alleged charter flight to Iran in October 2025. They certainly had no such proof when they detained him in June.

Petitioner's substantial liberty interests and the risk of erroneous deprivation of said interests far outweigh the government's interest in executing a decades-old removal order relating to an individual who was previously determined to not constitute a flight risk or ongoing danger to the community. *See* 8 C.F.R. § 241.4(e)(2)-(6). This is particularly true given his total absence of criminal history. If Respondents do obtain a travel document, they can re-detain Petitioner at that time. Until then, he must be released.

CONCLUSION

Petitioner asks that the Court issue the writ of habeas corpus accordingly.

Respectfully submitted,

/s/ David L. Wilson **September 24, 2025**
Date

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CERTIFICATE OF SERVICE

I, **Clara Fleitas-Langford**, hereby certify that on September 24, 2025, I electronically filed the foregoing with the Federal Court for the District of Minnesota by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Respectfully submitted,

/s/ Clara Fleitas-Langford

September 24, 2025

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