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

12 Djahandideh Farshid,
 13
 14 Petitioner,
 15
 16 v.
 N. Martinez, *et al.*
 17
 Respondents.

No. CV-25-03337-PHX-SPL (CDB)

**RESPONSE TO PETITION FOR
 WRIT OF HABEAS CORPUS**

18 **I. INTRODUCTION**

19 Respondents, by and through counsel, respond to the Petition for a Writ of Habeas
 20 Corpus (Doc. 1). Petitioner Djahandideh Farshid is a national of Iran and a habitual
 21 criminal offender. In 2007, an immigration judge (“IJ”) ordered that he be removed to Iran
 22 after he was convicted of threatening, intimidating, assault, and resisting arrest. He was
 23 most recently detained by U.S. Immigration and Customs Enforcement (“ICE”) on March
 24 13, 2025, after a conviction for criminal trespassing. In this habeas petition, Petitioner seeks
 25 release from custody. The Court deny the Petition. Petitioner’s continued detention is
 26 statutorily authorized and constitutional because he cannot establish that his removal is not
 27 likely to occur in the reasonably foreseeable future.

28 **II. FACTUAL BACKGROUND**

1 Petitioner entered the United States as a refugee from Iran on September 9, 1998.
2 Declaration of Miguel Martinez, Deportation Officer, Enforcement and Removal
3 Operations, attached as Exhibit A, at ¶ 4. Petitioner was subsequently convicted of
4 numerous state-law offenses, including aggravated assault and resisting arrest. *Id.* at ¶¶ 10–
5 13. ICE began removal proceedings against Petitioner on December 28, 2006, under
6 Immigration and Nationality Act (“INA”) sections 211(a) and 212(a)(2)(A)(i)(I). *Id.* at
7 ¶ 19. On January 16, 2007, an immigration judge ordered Petitioner removed to Iran, or in
8 the alternative to the Netherlands or Germany. *Id.* at ¶ 20. Petitioner was granted supervised
9 release on May 25, 2007. *Id.* at ¶ 24. After his release, Petitioner continued to have
10 extensive interactions with law enforcement, including several more convictions. *See, e.g.,*
11 *id.* at ¶¶ 38, 40, 42–45, 49, 51–53, 55, 57, 62, 64. Petitioner most recently came into ICE’s
12 custody on April 2, 2025, when local law enforcement sent him into ICE’s custody. *Id.* at
13 64. Petitioner was interviewed by a consular official from Iran on November 17, 2025, and
14 his application for travel documents to Iran remains pending. *Id.* at ¶¶ 68–69.

15 **III. THE HABEAS PETITION SHOULD BE DENIED**

16 **A. Petitioner’s detention is statutorily authorized and constitutional.**

17 Petitioner argues that his detention is unlawful under *Zadvydas v. Davis*, 533 U.S.
18 678 (2001) because his removal is not “reasonably foreseeable.” However, Petitioner
19 cannot establish, as *Zadvydas* requires to be entitled to release, that his removal is not likely
20 to occur in the reasonably foreseeable future.

21 An alien who is ordered removed must be detained for 90 days once their removal
22 order becomes administratively final. 8 U.S.C. § 1231(a)(1)(B)(i), (a)(2)(A). If the alien
23 has not left the United States voluntarily or been removed during this 90-day period, the
24 alien will generally be granted supervised release. 8 U.S.C. § 1231(a)(3). However, an alien
25 ordered removed under INA § 237(a)(2) may be detained for a longer period. 8 U.S.C. §
26 1231(a)(6). The INA does not authorize indefinite detention. *Zadvydas v. Davis*, 533 U.S.
27 678, 689 (2001). An alien may be detained for up to six months pursuant to a final order
28 of removal, after which, the alien may be released if they can “provide[] good reason to

1 believe that there is no significant likelihood of removal in the reasonably foreseeable
2 future” and the Government fails to show otherwise. *Id.* at 701. At this time, an alien is not
3 presumed to be entitled to release; the alien must show that their detention is “indefinite—
4 i.e., that there is good reason to believe that there is no significant likelihood of removal in
5 the reasonably foreseeable future.” *Diouf v. Mukasey*, 542 F.3d 1222, 1233 (9th Cir. 2008)
6 (quoting *Zadvydas*, 533 U.S. at 701) (internal quotation marks removed). This six-month
7 period includes the initial 90-day mandatory detention period and three months thereafter.
8 *Ma v. Ashcroft*, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001).

9 This Court should deny the Petition because Petitioner may only be granted release
10 from detention if he can show “good reason to believe that there is no significant likelihood
11 of removal in the reasonably foreseeable future,” *Zadvydas*, 533 U.S. at 701, and he cannot
12 do so. Courts have held that Petitioners have met this bar when no country would agree to
13 accept the alien or when the alien’s home country had no repatriation treaty with the United
14 States, *id.* at 686, when the government “concede[d] that it [was] no longer even involved
15 in repatriation negotiations” with the alien’s home country, *Clark v. Suarez Martinez*, 543
16 U.S. 371, 386 (2005), and when the alien had been detained for five years and had “won
17 relief at every administrative level.” *Nadarajah v. Gonzales*, 443 F.3d 1069, 1081 (9th Cir.
18 2006). The Supreme Court clarified that its holding in *Zadvydas* was concerned with
19 detention that is “indefinite and potentially permanent,” and for aliens whose removal is
20 “no longer practically attainable.” *See Demore v. Kim*, 538 U.S. 510, 527–28 (2003)
21 (internal quotations omitted). The mere fact that an alien’s detention “lacks a certain end
22 date” does not render their detention unlawfully indefinite. *Prieto-Romero v. Clark*, 534
23 F.3d 1053, 1063 (9th Cir. 2008).

24 Petitioner’s removal is practically attainable, and his detention is not “potentially
25 permanent.” *Demore*, 538 U.S. at 528. The government of Iran has conducted an interview
26 with Petitioner pursuant to ICE’s request for travel documents. Exhibit A at ¶ 68. Petitioner
27 argues that “ICE is unlikely to be able to remove [him] because [he is] under protection”
28 Doc. 1 at ¶ 18, but Petitioner does not state what this means or provide any specific details

1 regarding impediments to his removal. Petitioner is required to “provide[] good reason to
2 believe that there is no significant likelihood of removal in the reasonably foreseeable
3 future” to shift the burden onto the government to rebut him. *Zadvydas*, 533 U.S. at 701.
4 Petitioner has given absolutely no reason to believe that his removal is unlikely to occur in
5 the reasonably foreseeable future. Thus, Petitioner has failed to show that his detention is
6 unconstitutionally indefinite under *Zadvydas*, so his habeas petition should be denied. *Id.*
7 at 700–01. Even if Petitioner had shown good reason to doubt that his removal was
8 practicable, Respondents have rebutted that showing, because Respondents have requested
9 travel documents for Petitioner, and Petitioner has been interviewed in connection with this
10 request. Exhibit A at ¶¶ 68–69. Thus, Petitioner’s detention is not “indefinite and
11 potentially permanent,” and it is “practically attainable,” rendering it constitutional. *See*
12 *Demore*, 538 U.S. at 527–28.

13 For the foregoing reasons, Respondents respectfully request that this Court deny the
14 Motion for a Writ of Habeas Corpus (Doc. 1).

15
16 RESPECTFULLY SUBMITTED November 20, 2025.

17 TIMOTHY COURCHAIINE
18 United States Attorney
19 District of Arizona

20 *s/ Brooks Chupp*
21 BROOKS CHUPP
22 Assistant United States Attorney
23 *Attorneys for the United States*
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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2025, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing, and mailed copies to the following:

Djahandideh Farshid
FLORENCE-AZ-FLORENCE-CAFCC
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s/M. Beickert
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