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

12 Farshid Djahandideh,

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

13 Petitioner,

**RESPONSE TO MOTION FOR  
 APPOINTMENT OF COUNSEL**

14 v.  
 15

16 N. Martinez, *et al.*

17 Respondents.

18 Respondents, by and through counsel, respond to Petitioner’s renewed Motion for  
 19 Appointment of Counsel (Doc. 12). Habeas petitioners are not entitled to appointed  
 20 counsel, so Petitioner must show why his situation particularly warrants the appointment  
 21 of counsel. Petitioner has not provided any grounds to appoint counsel that this Court did  
 22 not know when it denied Petitioner’s first request for appointed counsel (Doc. 2). Further,  
 23 all of Petitioner’s stated grounds for relief are very common in these types of proceedings,  
 24 and they are not so complex that he could not litigate them on his own. This Court should  
 25 therefore deny the Motion.

26 There is no constitutional right to counsel in immigration habeas actions. *Alic v.*  
 27 *Dep’t of Homeland Security*, 2025 U.S. Dist. LEXIS 190598 at \*2 (S.D. Cal. Sept. 26,  
 28 2025) (citing *Bonin v. Vasquez*, 999 F.2d 425, 430 (9th Cir. 1993)). However, a court may

1 appoint counsel if “the court determines the interests of justice so require[.]” 18 U.S.C. §  
2 3006A(a)(2)(B). To perform this analysis, a court must “evaluate a petitioner’s (a)  
3 ‘likelihood of success on the merits’ and (b) ‘ability . . . to articulate his claims *pro se* in  
4 light of the complexity of the legal issues involved.” *Nguyen v. Warden*, 2025 U.S. Dist.  
5 LEXIS 207379 at \*1 (quoting *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)).

6 First, as explained in Respondent’s response to the habeas petition (Doc. 11),  
7 Petitioner is unlikely to succeed on the merits because there is no practical impediment to  
8 his removal. Iran conducted a consular interview with Petitioner on November 17, 2025,  
9 *see* Response, Exhibit A, at ¶ 68, which shows that Iran is cooperating with ICE’s efforts  
10 to remove Petitioner there. The only potential impediment to his removal that Petitioner  
11 points to is his allegation that he does not personally have his Iranian birth certificate and  
12 passport, *see* Motion at 2, but he has no answer for the fact that Iran granted a consular  
13 interview nonetheless. Because “mere delay” in the issuance of travel documents does not  
14 justify release under *Zadvydas*, *see Nasr v. Larocca*, 2016 U.S. Dist. LEXIS 90343 at \*11–  
15 12 (C.D. Cal. June 1, 2016) (collecting cases), Petitioner cannot refute Respondents’  
16 showing that there is a significant likelihood that he will be removed in the reasonably  
17 foreseeable future, and he therefore should not have counsel appointed to represent him.

18 In fact, Petitioner’s Motion should be denied regardless of the merits of his Petition.  
19 If the Court believes that Petitioner will succeed on the merits, the Court can simply grant  
20 his Petition without the need for appointed counsel. If the Court does not believe that  
21 Petitioner is likely to win his claim, then Petitioner has not shown entitlement to the  
22 assistance of appointed counsel under *Wilborn*. Either way, Petitioner does not require the  
23 assistance of appointed counsel.

24 Further, Petitioner is perfectly able to articulate his claims *pro se* even absent  
25 representation. While it is true that some courts have considered the immigration code  
26 “second only to the Internal Revenue Code in complexity,” *United States v. Ahumada-*  
27 *Aguilar*, 295 F.3d 943, 951 (9th Cir. 2002) (internal quotation marks omitted), *this* case is  
28 not complex whatsoever. Petitioner’s claim for relief rests solely on *Zadvydas v. Davis*,

1 533 U.S. 678, 689 (2001), which held that an alien who has been detained pursuant to a  
2 final removal order for more than six months is entitled to release if they can “provide good  
3 reason to believe that there is no significant likelihood of removal in the reasonably  
4 foreseeable future and the Government fails to show otherwise.” Response to Habeas  
5 Petition (Doc. 11) at 2–3 (internal quotation marks omitted). Respondents agree that  
6 Petitioner has been detained for longer than six months pursuant to his final removal order.  
7 Thus, all that Petitioner must do is “provide good reason to believe” that his removal cannot  
8 be effectuated in the “reasonably foreseeable future,” and the burden shifts to Respondents  
9 to show otherwise. Respondents have already presented a declaration describing the factual  
10 circumstances underlying Petitioner’s detention, and Petitioner has not contested them in  
11 his Motion. Petitioner’s vague reference to documents that he does not have access to, *see*  
12 Motion at 2, is therefore unnecessary and unconvincing. If Petitioner agrees with the facts  
13 as Respondents have laid them out, then it is difficult to imagine that there are any  
14 documents that would add anything relevant to the Petition. The Court already has  
15 everything it needs to rule on Petitioner’s claim.

16 Petitioner has already once asked this Court to appoint counsel to represent him, and  
17 this Court correctly denied that motion. Petitioner’s renewed motion does not bring  
18 anything new to the table. He is unlikely to prevail on the merits, because there is a  
19 substantial likelihood that he will be removed in the reasonably foreseeable future. He can  
20 articulate his claims perfectly well, as shown by the fact that he already has. Finally, if this  
21 Court thinks that Petitioner has carried his burden to justify his release, it can always simply  
22 grant his Petition and deny the present Motion as moot.

23 For the foregoing reasons, Respondents respectfully request that this Court deny the  
24 renewed Motion for Appointment of Counsel (Doc. 12).

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RESPECTFULLY SUBMITTED December 1, 2025.

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*s/ Brooks Chupp*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 1, 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



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