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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 Farshid Djahandideh,

10 Petitioner,

11 vs.

12 Luis Rosa, Jr., Warden, Central Arizona
13 Florence Correctional Complex;

14 John Cantu, Former Phoenix Field Office
15 Director, U.S. Immigration and Customs
Enforcement;

16 Pamela Jo Bondi, Attorney General of the
17 United States; and

18 Kristi Noem, Secretary of Homeland
19 Security,


20 Respondents.

No. 2:25-cv-3337-PHX-SPL (CDB)

**Amended Petition for a Writ of Habeas
Corpus Under 28 U.S.C. § 2241**

21 Petitioner Farshid Djahandideh now files, with the assistance of appointed counsel, this
22 amended petition for a writ of habeas corpus under 28 U.S.C. § 2241. This amended petition
23 supersedes the *pro se* filing docketed on September 11, 2025 (Dkt. #1). *See Hal Roach Studios, Inc.*
24 *v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (explaining that “an amended
25 pleading supersedes the original”).
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Technical Data

1. Mr. Djahandideh is challenging the validity of his detention in immigration custody. His A-number is 
2. Mr. Djahandideh is challenging his continued detention in immigration custody after he was ordered removed to Iran and re-detained on April 2, 2025, after being released on an order of supervision.
3. Mr. Djahandideh is presently detained at the Central Arizona Florence Correctional Complex in Florence, Arizona. The decision to detain Mr. Djahandideh beyond the removal period, *see* 8 U.S.C. § 1231(a)(1), (a)(6), is discretionary. As such, there are no administrative remedies available to him to exhaust.

Parties, Jurisdiction, and Venue

4. Petitioner Farshid Djahandideh is a citizen of Iran. He was admitted to the United States as a refugee in 1998. His refugee status was terminated in 2007, and he was ordered removed to Iran, and in the alternative to either the Netherlands or Germany. He was arrested by ICE on or about April 2, 2025, and detained at the Central Arizona Florence Correctional Complex in Florence, Arizona.
5. Respondent Luis Rosa, Jr., is the Warden of the Central Arizona Florence Correctional Center. As such, he is the immediate physical custodian of Mr. Djahandideh, and thus a proper respondent in this matter. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004).
6. Respondent John Cantu is the Former Phoenix Field Office Director for U.S. Immigration and Customs Enforcement. He was removed from this position on October 28, 2025. No replacement has been publicly named. Mr. Cantu, or his successor in office as provided by Fed. R. Civ. P. 25(d), is responsible for Mr. Djahandideh’s detention, and thus a proper respondent in this matter.
7. Respondents Pamela Jo Bondi and Kristi Noem are, respectively, the Attorney General of the United States and the Secretary of Homeland Security. Together, they are

1 responsible for maintaining the immigration detention system. As such, they are legal
2 custodians of Mr. Djahandideh.

3 8. This Court has jurisdiction under 28 U.S.C. § 2241 *et seq.*; the Declaratory Judgment Act,
4 28 U.S.C. § 2201 *et seq.*; the All Writs Act, 28 U.S.C. § 1651; and the Fifth Amendment
5 to the United States Constitution.

6 9. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) and (e)(1)(B) because a
7 substantial part of the events or omissions giving rise to the claims herein occurred in this
8 district.

9 **Background**

10 10. Mr. Djahandideh was born in Iran in 1971. He came to the United States in 1998 and was
11 granted refugee status upon his arrival at the Los Angeles International Airport.

12 11. On May 15, 2001, Mr. Djahandideh applied for lawful permanent resident status. The
13 application was denied in December 2006 on account of ongoing removal proceedings.

14 12. On October 14, 2003, Mr. Djahandideh was convicted of shoplifting in the Phoenix
15 Municipal Court and sentenced to eight days in jail.

16 13. On October 30, 2003, Mr. Djahandideh was convicted in Maricopa County Superior
17 Court of aggravated assault and sentenced to three years of probation and 90 days in jail.

18 14. On June 10, 2004, Mr. Djahandideh was convicted in Maricopa County Superior Court of
19 resisting arrest, threatening or intimidating, and assault. His probation on the 2003
20 assault conviction was revoked. He was sentenced for all of this to a total of 3½ years in
21 prison.

22 15. Mr. Djahandideh was released from state prison on September 19, 2006. He was
23 transferred to ICE custody pursuant to a detainer lodged with the Arizona Department of
24 Corrections.

25 16. Mr. Djahandideh was placed in removal proceedings. On January 16, 2007, an
26 immigration judge in Florence, Arizona, ordered him removed to Iran or, failing that, to
27 either the Netherlands or Germany. Mr. Djahandideh did not appeal that decision.
28

- 1 a. ICE asked both the Netherlands and Germany to accept Mr. Djahandideh for
2 removal. The consulates of both countries in Los Angeles either did not respond
3 or affirmatively refused to accept him.
- 4 b. ICE then asked the Iranian Interests Section of the Pakistani Embassy in
5 Washington, DC for travel documents that would facilitate Mr. Djahandideh's
6 removal to Iran. Either the Iranian Interests Section did not respond to this
7 request, or the request was denied because Mr. Djahandideh does not have his
8 original Iranian birth certificate and passport, which the Iranian Interests Section
9 requires before it will issue travel documents.
- 10 c. On May 25, 2007, with no likelihood that Mr. Djahandideh would be removed in
11 the foreseeable future, ICE released him on an order of supervision.
- 12 17. On December 12, 2008, Mr. Djahandideh was convicted in Maricopa County Superior
13 Court of one count of possession of marijuana, and sentenced to a year in prison. ICE
14 lodged a detainer with the Arizona Department of Corrections. When Mr. Djahandideh
15 was released from state prison on February 3, 2009, ICE took him into custody.
- 16 a. ICE again asked the German Consulate in Los Angeles if that country would
17 accept Mr. Djahandideh for removal. Germany refused to accept him.
- 18 b. ICE again asked the Iranian Interests Section to issue travel documents for Mr.
19 Djahandideh. Either the Iranian Interests Section did not respond to this request,
20 or the request was denied because Mr. Djahandideh does not have his original
21 Iranian birth certificate and passport.
- 22 c. On May 22, 2009, with no likelihood that Mr. Djahandideh would be removed in
23 the foreseeable future, ICE released him on an order of supervision.
- 24 18. In May 2010, Mr. Djahandideh was arrested by Phoenix Police for shoplifting. He was
25 taken to the Maricopa County Jail. When he was released from he county jail, he was
26 transferred to ICE custody. On May 7, 2010, ICE released Mr. Djahandideh on an order
27 of supervision.
- 28

- 1 19. One week later, Phoenix Police again arrested Mr. Djahandideh for shoplifting. He was
2 held at the Maricopa County Jail pending resolution of the charge. The Phoenix
3 Municipal Court sentenced Mr. Djahandideh to three years' probation. Mr. Djahandideh
4 was released from the county jail on June 9, 2010. ICE again released him on an order of
5 supervision.
- 6 20. On March 24, 2011, Mr. Djahandideh was convicted in Maricopa County Superior Court
7 of possession of dangerous drugs, and sentenced to 3½ years in prison. ICE lodged a
8 detainer with the Arizona Department of Corrections. Mr. Djahandideh was released
9 from state prison on December 21, 2012. On that day ICE took Mr. Djahandideh into
10 custody and then released him on an order of supervision.
- 11 21. According to Miguel Martinez, a deportation officer at the Florence Detention Center in
12 Florence, Arizona, on August 20, 2013, ICE officers working at the Maricopa County Jail
13 determined that Mr. Djahandideh was "not amenable to removal." (Dkt. #11-1 at 10 ¶ 50)
- 14 22. On November 6, 2013, Mr. Djahandideh was convicted in Maricopa County Superior
15 Court of possession of dangerous drugs and sentenced to 2½ years in prison. ICE lodged a
16 detainer with the Arizona Department of Corrections. Mr. Djahandideh was released
17 from state prison on November 29, 2015. On that day ICE took him into custody and then
18 released him on an order of supervision.
- 19 23. On March 27, 2017, Mr. Djahandideh was convicted in Maricopa County Superior Court
20 of armed robbery and theft, and sentenced to 10 years in prison. ICE lodged a detainer
21 with the Arizona Department of Corrections. Once Mr. Djahandideh completed his
22 sentence, ICE released him on an order of supervision.
- 23 24. On March 13, 2025, Mesa Police arrested Mr. Djahandideh for criminal trespassing. He
24 was taken to the Mesa city jail.
- 25 25. On April 2, 2025, the Mesa Municipal Court sentenced Mr. Djahandideh to 11 days in jail
26 for the trespassing charge. ICE took him into custody that same day. He was transferred
27 to the Central Arizona Florence Correctional Center.
- 28

- 1 b. The date on which a federal court issues a final order on judicial review of the
2 removal order, but only if that court stays the removal order. 8 U.S.C.
3 § 1231(a)(1)(B)(ii).
- 4 c. The date on which the alien is released from some kind of detention *other than*
5 immigration detention, such as imprisonment for a crime. 8 U.S.C.
6 § 1231(a)(1)(B)(iii).
- 7 d. Here, Mr. Djahandideh’s removal period began on February 15, 2007, when the
8 removal order became administratively final.

9 28. Detention during the removal period is mandatory. 8 U.S.C. § 1231(a)(2). Detention
10 following the removal period is not, even for aliens who are inadmissible or who are
11 removable because they have committed certain crimes. *See* 8 U.S.C. § 1231(a)(3), (a)(6).

12 29. The Due Process Clause of the Fifth Amendment limits “an alien’s post-removal-period
13 detention to a period reasonably necessary to bring about that alien’s removal from the
14 United States.” *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). Because of this
15 constitutional limitation, § 1231 “does not permit indefinite detention.” *Id.*

16 30. In assessing the lawfulness of detention under § 1231, “the habeas court must ask
17 whether the detention in question exceeds a period reasonably necessary to secure
18 removal. It should measure reasonableness primarily in terms of the statute’s basic
19 purpose, namely, assuring the alien’s presence at the moment of removal. Thus, if
20 removal is not reasonably foreseeable, the court should hold continued detention
21 unreasonable and no longer authorized by statute.” *Id.* at 699–700.

22 31. In order to ease the habeas court’s task, the Supreme Court recognizes a presumption
23 that detention is unreasonably prolonged once it exceeds a total of six months, including
24 the removal period. *See id.* at 701; *Ma v. Ashcroft*, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001).
25 “After this 6-month period, once the alien provides good reason to believe that there is no
26 significant likelihood of removal in the reasonably foreseeable future, the Government
27 must respond with evidence sufficient to rebut that showing.” *Zadvydas*, 533 U.S. at 701.

1 32. For detention beyond six months to “remain reasonable, as the period of prior post-
2 removal confinement grows, what counts as the reasonably foreseeable future conversely
3 would have to shrink. This 6-month presumption, of course, does not mean that every
4 alien not removed must be released after six months. To the contrary, an alien may be
5 held in confinement until it has been determined that there is no significant likelihood of
6 removal in the reasonably foreseeable future.” *Id.*

7 33. For Mr. Djahandideh, there is no significant likelihood of removal in the reasonably
8 foreseeable future. He does not have the documents that will satisfy the Iranian Interests
9 Section’s requirements for issuing travel documents—his original Iranian birth certificate
10 and passport. The German government has refused to accept him. The Dutch
11 government has either refused to accept him or failed to respond to ICE’s request that the
12 Dutch government accept him. ICE has known for 12 years that Mr. Djahandideh cannot
13 be deported in accordance with ICE procedures and U.S. immigration law.

14 34. Mr. Djahandideh’s present detention is therefore unauthorized by statute, and violates
15 the Due Process Clause of the Fifth Amendment.

16 **Ground Two: Mr. Djahandideh’s detention in immigration custody pending removal to any**
17 **third country violates the Due Process Clause of the Fifth Amendment**
18 **because ICE has not given him sufficient notice of the proposed third country**
19 **and an opportunity to request relief from removal to that country, either from**
20 **an immigration officer, an immigration judge, or a federal court.**

21 35. “It is well established that the Fifth Amendment entitles aliens to due process of law in
22 the context of removal proceedings.” *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (per
23 curiam) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Mr. Djahandideh thus is
24 entitled to “notice and an opportunity to be heard appropriate to the nature of the case.”
25 *Id.* (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950)). As
26 relevant here, this means that Mr. Djahandideh is entitled to notice that he is to be
27 removed to a third country “within a reasonable time and in such a manner as will allow
28 [him] to actually seek habeas relief in the proper venue before such removal occurs.” *Id.*

1 36. Mr. Djahandideh has not been formally ordered removed to any country other than Iran,
2 the Netherlands, or Germany. As such, he has never had an opportunity to contest
3 removal to any third country on the ground that he may face persecution or torture if he is
4 removed to that country.

5 37. To the extent that Mr. Djahandideh's detention is meant to facilitate his removal to a
6 third country, *see generally Zadvydas*, 533 U.S. at 690 (suggesting that detention following
7 a removal order is intended to facilitate removal), if such a removal is accomplished in
8 violation of his due-process rights, then his detention is illegal. This due-process claim
9 "necessarily impl[ies] the invalidity of [his] confinement and removal" to a third country
10 not yet named in any removal order. *J.G.G.*, 145 S. Ct. at 1005. Thus his due-process
11 claim is properly brought in a habeas petition, and a court order that he be released from
12 detention is a proper remedy for such a violation.

13 **Prayer for Relief**

- 14 38. Mr. Djahandideh is being illegally detained, in violation of statute and the Due Process
15 Clause of the Fifth Amendment. He respectfully asks this Court to:
- 16 a. order the respondents to answer this amended petition;
 - 17 b. permit Mr. Djahandideh to file a reply;
 - 18 c. allow Mr. Djahandideh to conduct discovery, if necessary to fully air the claims in
19 his petition;
 - 20 d. convene an evidentiary hearing, if necessary to resolve disputed facts;
 - 21 e. order him released from respondents' custody on an order of supervision; and
 - 22 f. grant him any other relief that is just and practicable.

23 Respectfully submitted:

December 7, 2025.

24 JON M. SANDS
25 Federal Public Defender

26 *s/Keith J. Hilzendege*
27 KEITH J. HILZENDEGER
28 Assistant Federal Public Defender
Attorney for Petitioner Djahandideh