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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, et al.,
13 Respondents.
14

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

**Motion for Limited Discovery in
Support of the Amended Petition for a
Writ of Habeas Corpus and Motion for a
Preliminary Injunction**

15 In his petition for a writ of habeas corpus, Mr. Djahandideh contends that his prolonged
16 detention by immigration officials pending an attempt to remove him to Iran amounts to
17 unconstitutional indefinite detention, in violation of the Due Process Clause of the Fifth
18 Amendment as interpreted in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Under *Zadvydas*, an alien
19 who has been ordered removed from the United States may be detained only “during a period
20 reasonably necessary to bring about that alien’s removal from the United States.” *Id.* at 689.
21 After six months of post-removal-period detention, there arises a presumption that the detention
22 is unlawful; however, even after that six-month period, “an alien may be held in confinement
23 until it has been determined that there is no significant likelihood of removal in the reasonably
24 foreseeable future.” *Id.* at 701. Mr. Djahandideh has been ordered removed to Iran, and in the
25 alternative to either the Netherlands or Germany. He contends that the Iranian Interests Section
26 of the Pakistani Embassy will not issue travel documents for him, such that there is no likelihood
27 of his removal in the reasonably foreseeable future. And he contends that Germany and the
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1 Netherlands have refused to accept him for removal. Accordingly, his detention in respondents'
2 custody violates the Fifth Amendment as interpreted in *Zadvydas*.

3 The allegations in the petition come from counsel's interview with Mr. Djahandideh, the
4 declaration of deportation officer Miguel Martinez that was submitted with the respondents'
5 answer to Mr. Djahandideh's *pro se* petition, and a review of so-called "recalcitrant countries"
6 and countries that are "at risk of noncompliance" with what the government believes are their
7 obligations under international law to accept their citizens who are removed from the United
8 States. Owing to his current custody status, Mr. Djahandideh does not have access to documents
9 that may substantiate the allegations in the petition; as a result, many crucial facts in the petition
10 are alleged on information and belief. Respondents, however, are certain to have these
11 documents in their possession. Mr. Djahandideh respectfully asks the Court to provide those
12 documents to his counsel so that he may further amend his petition as necessary.

13 Where "specific allegations before the court show reason to believe that the petitioner
14 may, if the facts are fully developed, be able to demonstrate that he is entitled to relief, it is the
15 duty of the court to provide the necessary facilities for an adequate inquiry." *Bracy v. Gramley*,
16 520 U.S. 899, 909 (1997) (quoting *Harris v. Nelson*, 394 U.S. 286, 300 (1969)). Although Mr.
17 Martinez explained that he reviewed files pertaining to Mr. Djahandideh in the course of
18 preparing his declaration, Mr. Djahandideh has reason to believe that Mr. Martinez's assertions
19 are incomplete or lack important context. Information that would allow for filling in the gaps in
20 Mr. Martinez's declaration is likely contained in Mr. Djahandideh's A-file, or in other files or
21 databases maintained by the Departments of Justice and Homeland Security, to which neither he
22 nor his counsel have access. The relevant documents include, but are not limited to, the
23 following:

- 24 1. Mr. Djahandideh's entire A-file;
- 25 2. Any and all requests from ICE to any diplomatic representative of the Islamic
26 Republic of Iran, including the Office for the Protection of the Interests of the
27 Islamic Republic of Iran housed by the Pakistani Embassy, pertaining to travel
28 documents that would "facilitate" Mr. Djahandideh's removal to Iran, and any
responsive or related correspondence to or from those diplomatic representatives
pertaining to these requests for travel documents;

- 1 3. Any and all requests from ICE to any diplomatic representative of the Kingdom of
2 the Netherlands pertaining to travel documents that would “facilitate” Mr.
3 Djahandideh’s removal to the Netherlands, and any responsive or related
4 correspondence to or from those diplomatic representaties pertaining to these
5 requests for travel documents;
- 6 4. Any and all requests from ICE to any diplomatic representative of the Federal
7 Republic of Germany pertaining to travel documents that would “facilitate” Mr.
8 Djahandideh’s removal to Germany, and any responsive or related
9 correspondence to or from those diplomatic representaties pertaining to these
10 requests for travel documents;
- 11 5. Any and all documents relating to the periodic custody reviews described in 8
12 C.F.R. § 241.4 for all periods of time that Mr. Djahandideh has been in ICE
13 custody; and
- 14 6. Any and all documents relating to any determination under 8 C.F.R. § 241.13 and
15 8 C.F.R. § 241.14 regarding whether there is a significant likelihood of removing
16 Mr. Djahandideh in the reasonably foreseeable future.

17 Mr. Djahandideh respectfully asks the Court to order the government to furnish these
18 documents to his counsel by the close of business on Friday, January 9, 2026. Mr. Djahandideh
19 has good cause for the Court to allow discovery. *Cf. Bracy*, 520 U.S. at 909 (guarantee of success
20 on the merits of a habeas claim is not required for allowing discovery). The deportation officers
21 responsible for assisting Mr. Djahandideh in obtaining a passport or other travel documents have
22 likely been privy to information about efforts to obtain those documents have been unsuccessful.
23 Because Mr. Djahandideh cannot obtain travel documents, those efforts are likely to prove not to
24 be fruitful.

25 In sum, the discovery Mr. Djahandideh is requesting may help him establish that there is
26 no reasonable likelihood of his removal in the foreseeable future. This Court should grant the
27 motion and order the government to provide the requested documents to Mr. Djahandideh and
28 his counsel.

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A proposed order is being lodged herewith.

Respectfully submitted:

December 8, 2025.

JON M. SANDS
Federal Public Defender

s/Keith J. Hilzendege
KEITH J. HILZENDEGER
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Attorney for Petitioner Djahandideh