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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
 PRELIMINARY INJUNCTION**

14 v.

15 Luis Rosa, Jr., *et al.*

16 Respondents.
 17

18 **I. INTRODUCTION**

19 Respondents, by and through counsel, respond to Petitioner’s Motion for a
 20 Preliminary Injunction (Doc. 17). Petitioner Farshid Djahandideh is a national of Iran and
 21 a habitual criminal offender. In 2007, an immigration judge (“IJ”) ordered that he be
 22 removed to Iran after he was convicted of threatening, intimidating, assault, and resisting
 23 arrest. He was most recently detained by U.S. Immigration and Customs Enforcement
 24 (“ICE”) on March 13, 2025, after a conviction for criminal trespassing. In his habeas
 25 petition, Petitioner seeks release from custody, and in this Motion, Petitioner seeks the
 26 same relief, but more quickly. The Court should deny the Motion. Petitioner’s continued
 27 detention is statutorily authorized and constitutional because he cannot establish that his
 28 removal is not likely to occur in the reasonably foreseeable future.

1 **II. FACTUAL BACKGROUND**

2 Petitioner entered the United States as a refugee from Iran on September 9, 1998.
3 Declaration of Miguel Martinez, Deportation Officer, Enforcement and Removal
4 Operations, attached as Exhibit A, at ¶ 4. Petitioner was subsequently convicted of
5 numerous state-law offenses, including aggravated assault and resisting arrest. *Id.* at ¶¶ 10–
6 13. ICE began removal proceedings against Petitioner on November 30, 1994, under
7 Immigration and Nationality Act (“INA”) sections 211(a) and 212(a)(2)(A)(i)(I). *Id.* at
8 ¶ 19. On January 16, 2007, an immigration judge ordered Petitioner removed to Iran, or in
9 the alternative to the Netherlands or Germany. *Id.* at ¶ 20. Shortly after Petitioner was
10 ordered removed, ICE submitted requests for travel documents to all three countries. *Id.* at
11 ¶¶ 21–23. Petitioner was granted supervised release on May 25, 2007. *Id.* at ¶ 24. After his
12 release, Petitioner continued to have extensive interactions with law enforcement,
13 including several more convictions. *See, e.g., id.* at ¶¶ 38, 40, 42–45, 49, 51–53, 55, 57, 62,
14 64. In 2009, after one of his convictions, ICE again requested travel documents from
15 Germany and Iran. *Id.* at ¶¶ 34–26 (p.6).¹ Germany denied the request for travel documents,
16 and ICE granted Petitioner supervised release on May 22, 2009. *Id.* at ¶¶ 26–27 (p.6).
17 Petitioner most recently came into ICE’s custody on April 2, 2025, when local law
18 enforcement sent him into ICE’s custody. *Id.* at ¶ 64. Petitioner was interviewed by a
19 consular official from Iran on November 17, 2025, and his application for travel documents
20 to Iran remains pending. *Id.* at ¶¶ 68–69.

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

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

23 Petitioner argues that his detention is unlawful under *Zadvydas v. Davis*, 533 U.S.
24 678 (2001) because his removal is not “reasonably foreseeable.” However, Petitioner
25

26 ¹ The Declaration contains a numbering error, such that Paragraph 34 is followed by a
27 paragraph numbered 25, and the subsequent paragraphs continue from 25. In this Response,
28 Respondents will refer to the numbers as they are written, and when referring to a paragraph
whose number occurs twice, Respondents will provide the page number on which the
paragraph sits.

1 cannot establish, as *Zadvydas* requires to be entitled to release, that his removal is not likely
2 to occur in the reasonably foreseeable future.

3 An alien who is ordered removed must be detained for 90 days once their removal
4 order becomes administratively final. 8 U.S.C. § 1231(a)(1)(B)(i), (a)(2)(A). If the alien
5 has not left the United States voluntarily or been removed during this 90-day period, the
6 alien will generally be granted supervised release. 8 U.S.C. § 1231(a)(3). However, an alien
7 ordered removed under INA § 237(a)(2) may be detained for a longer period. 8 U.S.C.
8 § 1231(a)(6). The INA does not authorize indefinite detention. *Zadvydas v. Davis*, 533
9 U.S. 678, 689 (2001). An alien may be detained for up to six months pursuant to a final
10 order of removal, after which, the alien may be released if they can “provide[] good reason
11 to believe that there is no significant likelihood of removal in the reasonably foreseeable
12 future” and the Government fails to show otherwise. *Id.* at 701. At this time, an alien is not
13 presumed to be entitled to release; the alien must show that their detention is “indefinite—
14 i.e., that there is good reason to believe that there is no significant likelihood of removal in
15 the reasonably foreseeable future.” *Diouf v. Mukasey*, 542 F.3d 1222, 1233 (9th Cir. 2008)
16 (quoting *Zadvydas*, 533 U.S. at 701) (internal quotation marks removed). This six-month
17 period includes the initial 90-day mandatory detention period and three months thereafter.
18 *Ma v. Ashcroft*, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001).

19 This Court should deny the Petition because Petitioner may only be granted release
20 from detention if he can show “good reason to believe that there is no significant likelihood
21 of removal in the reasonably foreseeable future,” *Zadvydas*, 533 U.S. at 701, and he cannot
22 do so. Courts have held that Petitioners have met this bar when no country would agree to
23 accept the alien or when the alien’s home country had no repatriation treaty with the United
24 States, *id.* at 686, when the government “concede[d] that it [was] no longer even involved
25 in repatriation negotiations” with the alien’s home country, *Clark v. Suarez Martinez*, 543
26 U.S. 371, 386 (2005), and when the alien had been detained for five years and had “won
27 relief at every administrative level.” *Nadarajah v. Gonzales*, 443 F.3d 1069, 1081 (9th Cir.
28 2006). The Supreme Court clarified that its holding in *Zadvydas* was concerned with

1 detention that is “indefinite and potentially permanent,” and for aliens whose removal is
2 “no longer practically attainable.” *See Demore v. Kim*, 538 U.S. 510, 527–28 (2003)
3 (internal quotations omitted). The mere fact that an alien’s detention “lacks a certain end
4 date” does not render their detention unlawfully indefinite. *Prieto-Romero v. Clark*, 534
5 F.3d 1053, 1063 (9th Cir. 2008). Further, “mere delay in the issuance of a travel document
6 is insufficient” to justify relief under *Zadvydas* “particularly where . . . efforts to obtain the
7 travel document are ongoing.” *Nasr v. Larocca*, 2016 U.S. Dist. LEXIS 90343 at *11–12
8 (C.D. Cal. June 1, 2016); *see also Roe v. Oddo*, 2025 U.S. Dist. LEXIS 214463 at *20–26.
9 (W.D. Pa. Oct. 30, 2025); *Chen v. Banike*, 2015 U.S. Dist. LEXIS 105145 (D. Minn. July
10 14, 2025) at *10–11, *R&R adopted at* 2015 U.S. Dist. LEXIS 104914 (Aug. 11, 2015)
11 (“For there to be no significant likelihood of removal in the reasonably foreseeable future,
12 there must be some indication that the government is either unwilling to remove an alien
13 or incapable of doing so due to seemingly insurmountable barriers[.]”); *Smith v. Simon*,
14 2019 U.S. Dist. LEXIS 148526 at *10–11 (N.D. Ohio July 17, 2019) (holding that
15 *Zadvydas* requires a petitioner to show “something more than the mere passage of time”
16 and “something more than speculation and conjecture”) (internal quotation marks omitted);
17 *Ahmed v. Brott*, 2015 U.S. Dist. LEXIS 45346 at *12–13 (D. Minn. Mar. 17, 2015)
18 (collecting cases).

19 Petitioner’s removal is practically attainable, and his detention is not “potentially
20 permanent.” *Demore*, 538 U.S. at 528. Respondents requested travel documents from Iran
21 for Petitioner on May 8, 2025. Exhibit A at ¶ 67. On November 17, 2025, Iran granted
22 Petitioner a consular interview. *Id.* at ¶ 68. This demonstrates that the Iranian government
23 is willing to cooperate with ICE’s repatriation efforts, which means that Petitioner’s
24 removal is practicable and thus that Petitioner has not given “good reason to believe” that
25 he cannot be removed in the reasonably foreseeable future. Petitioner claims, and
26 Respondents do not contest, that ICE tried and failed previously to obtain travel documents
27 from Iran to effectuate Petitioner’s removal. *See* Petition at ¶¶ 16(b), 17(b). But the
28 existence of these prior efforts strengthens Respondent’s claim. Petitioner claims that Iran

1 will not issue travel documents for him without “his original Iranian birth certificate and
2 passport,” which Petitioner claims he does not have. Petition at ¶ 33. But Petitioner cannot
3 explain why, if ICE’s prior attempt failed because they lacked these documents, Iran chose
4 to grant him a consular interview. If his lack of documents was an absolute bar to his
5 repatriation, as Petitioner claims, then Iran would have had no reason to interview him.
6 Moreover, Petitioner has provided no separate reason to believe that his lack of documents
7 constitutes an impediment to his removal, and a petitioner must provide more than
8 “speculation and conjecture” to prevail on a *Zadvydas* claim. *Simon*, 2019 U.S. Dist.
9 LEXIS 148526 at *10 (quoting *Idowu v. Ridge*, 2003 U.S. Dist. LEXIS 13503 at *11 (N.D.
10 Tex. 2003)). The Court should therefore deny the Petition.

11 For the foregoing reasons, Respondents respectfully request that this Court deny the
12 Motion for a Preliminary Injunction (Doc. 17).

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RESPECTFULLY SUBMITTED December 15, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2025, I electronically transmitted the attached documents by Electronic Mail to :

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