



1 U.S. Immigration and Customs Enforcement (“ICE”) lawfully detains Hambarsonpour  
2 pursuant to Section 241(a)(6) of the Immigration and Nationality Act (“INA”) pending his  
3 removal. *See* 8 U.S.C. § 1231(a)(6). Hambarsonpour’s immigration detention is not  
4 unconstitutionally indefinite. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). ICE is actively  
5 working to effectuate his removal to France and believes that there is a substantial likelihood that  
6 a travel document will issue and Hambarsonpour will be removed to France in the reasonably  
7 foreseeable future.

8 Accordingly, Federal Respondents respectfully request that the Court deny the Petition.  
9 Federal Respondents do not believe that an evidentiary hearing is necessary.

## 10 II. FACTUAL AND PROCEDURAL BACKGROUND

### 11 A. Detention Authorities and Removal Procedures

12 The INA governs the detention and release of noncitizens during and following their  
13 removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). The general  
14 detention periods are generally referred to as “pre-order” (meaning before the entry of a final order  
15 of removal) and, relevant here, “post-order” (meaning after the entry of a final order of removal).  
16 *Compare* 8 U.S.C. § 1226 (authorizing pre-order detention) *with* § 1231(a) (authorizing post-order  
17 detention).

18 When a final order of removal has been entered, a noncitizen enters a 90-day “removal  
19 period.” 8 U.S.C. § 1231(a)(1). Congress has directed that the Secretary of Homeland Security  
20 “shall remove the alien from the United States.” *Id.* To ensure a noncitizen’s presence for removal  
21 and to protect the community from dangerous noncitizens while removal is being effectuated,  
22 Congress mandated detention:

1 During the removal period, the [Secretary of Homeland Security]<sup>1</sup> shall detain the  
2 alien. Under no circumstance during the removal period shall the [Secretary]  
3 release an alien who has been found inadmissible under section 1182(a)(2) or  
4 1182(a)(3)(B) of this title or deportable under section 1227(a)(2) or 1227(a)(4)(B)  
5 of this title.

6 8 U.S.C. § 1231(a)(2).

7 Section 1231(a)(6) authorizes DHS to continue detention of noncitizens after the expiration  
8 of the removal period. Unlike Section 1231(a)(2), Section 1231(a)(6) does not mandate detention  
9 and does not place any temporal limit on the length of detention under that provision:

10 An alien ordered removed who is inadmissible under section 1182, removable  
11 under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title or who has been  
12 determined by the [the Secretary of Homeland Security] to be a risk to the  
13 community or unlikely to comply with the order of removal, *may* be detained  
14 *beyond the removal period* and, if released, shall be subject to the terms of  
15 supervision in paragraph (3).

16 8 U.S.C. § 1231(a)(6) (emphasis added).

17 During the removal period, ICE<sup>2</sup> is charged with attempting to effect removal of a  
18 noncitizen from the United States. 8 U.S.C. § 1231(a)(1). Although there is no statutory time  
19 limit on detention pursuant to Section 1231(a)(6), the Supreme Court has held that a noncitizen  
20 may be detained only “for a period reasonably necessary to bring about that alien’s removal from  
21 the United States.” *Zadvydas*, 533 U.S. at 689. The Supreme Court has further identified six  
22 months as a presumptively reasonable time to bring about a noncitizen’s removal. *Id.*, at 701.

23 In this case, Hambarsonpour is the subject of an administrative order of removal that  
24 became final on May 1, 2014. In 2014, ICE released him from detention on the 91<sup>st</sup> day after the  
removal order’s issuance. Thus, the removal period expired prior to his redetention on March 13,

<sup>1</sup> Although 8 U.S.C. § 1231(a)(2) refers to the “Attorney General” as having responsibility for detaining noncitizens, the Homeland Security Act of 2002, Pub. L. No. 107-296 § 441(2), 116 Stat. 2135, 2192 (2002), transferred this authority to the Secretary of the Department of Homeland Security (“DHS”). *See also* 6 U.S.C. § 251.

<sup>2</sup> Under 8 C.F.R. § 241.2(b), ICE deportation officers are delegated the Secretary of Homeland Security’s authority to execute removal orders.

1 2025. The “presumptively reasonable” 6-month period expired in June of this year. *Zadvydus*,  
2 533 U.S. at 701.

3 **B. Petitioner Artin Hambarsonpour**

4 Hambarsonpour was born in France to Iranian parents in 1992. *Pet.*, at 5. In 2000,  
5 Hambarsonpour came to the United States with his parents on a tourist visa. *Id.*; Booth Decl., ¶ 3.  
6 He concedes that he overstayed the visa and did not leave the United States when required to do  
7 so. *Id.* In 2013, Hambarsonpour pled *nolo contendere* to charges of burglary and theft and was  
8 sentenced to 16 months in jail. Lambert Decl., Ex. A, LA County Electronic Docket. ICE took  
9 custody of Hambarsonpour when he was released from jail in April of 2014. *Id.*, Ex. B, Form  
10 I-213.

11 DHS issued a Notice to Appear on April 15, 2014, alleging that Hambarsonpour was  
12 removable under 8 U.S.C. § 1227(a)(1)(B). *Id.*, Ex. C, Notice to Appear; Booth Decl., ¶ 4. An  
13 immigration judge ordered Hambarsonpour be removed to France on May 1, 2014. Booth Decl.,  
14 ¶ 5; Lambert Decl., Ex. D, Order of the Immigration Judge. However, ICE could not remove  
15 Hambarsonpour at that time and released him on an order of supervision in July of 2014. Booth  
16 Decl., ¶ 6; Lambert Decl., Ex. E, Release Notification; Ex. F, Order of Supervised Release.

17 After his release, Hambarsonpour committed additional crimes in California. Booth Decl.,  
18 ¶ 7; Lambert Decl., Ex. G, Form I-213, at R376. Most recently, Hambarsonpour was convicted of  
19 Use of Identification with Intent to Defraud and Second-Degree Robbery in 2024, resulting in a  
20 three-year sentence. Lambert Decl., Ex. H, Excerpts of Criminal Records, at R352, R317.

21 On March 13, 2025, ICE revoked Hambarsonpour’s order of supervised release and took  
22 him into custody upon his release from Pleasant Valley State Prison in Avenal, California. Booth  
23 Decl., ¶ 9; Lambert Decl., Ex. I, Alien Informal Interview; Ex. J, Notice of Revocation of Release.  
24 ICE then began the process of seeking a French travel document to execute Hambarsonpour’s

1 removal order. Booth Decl., ¶¶ 12-14. Hambarsonpour’s interview with the Consulate General  
2 of France is scheduled for October 15, 2025. *Id.*, ¶ 15. Based on assurances from the French  
3 Consulate, and information that was not part of the initial 2014 travel document request, ICE  
4 believes that a travel document will be issued. *Id.*, ¶ 16. ICE believes that there is a substantial  
5 likelihood that a travel document will be obtained and Hambarsonpour will be removed in the  
6 reasonably foreseeable future. *Id.*, ¶ 18.

7 As ICE anticipates removing Hambarsonpour to France, ICE is not planning a third country  
8 removal at this time. *Id.*, ¶ 17.

### 9 III. ARGUMENT

10 Hambarsonpour’s detention has not become “indefinite” or unconstitutional. In *Zadvydas*,  
11 the Supreme Court analyzed whether the potentially open-ended duration of detention pursuant to  
12 8 U.S.C. § 1231(a)(6) is constitutional. The Court read an implicit limitation of post-removal  
13 detention “to a period reasonably necessary to bring about that alien’s removal from the United  
14 States.” *Zadvydas*, 533 U.S. at 689. It was further specified that Section 1231(a)(6) does not  
15 permit indefinite detention. *Id.* Thus, “once removal is no longer reasonably foreseeable,  
16 continued detention is no longer authorized by statute.” *Id.*, at 699.

17 The *Zadvydas* Court recognized that as the length of post-order detention grows, a sliding  
18 scale of burdens is applied to assess the continuing lawfulness of a noncitizen’s post-order  
19 detention. *Id.*, at 701 (stating that “for detention to remain reasonable, as the period of post-  
20 removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would  
21 have to shrink”). However, the Supreme Court determined that it is “presumptively reasonable”  
22 for the Government to detain a noncitizen for six months following entry of a final removal order,  
23 while it worked to remove the noncitizen from the United States. *Id.*, at 701. Thus, the Supreme  
24 Court implicitly recognized that six months is the *earliest* point at which a noncitizens’ detention

1 could raise constitutional issues. *Id.* Moreover, as the Supreme Court has noted, the six-month  
2 presumption “does not mean that every alien not removed must be released after six months. To  
3 the contrary, an alien may be held in confinement until it has been determined that there is no  
4 significant likelihood of removal in the reasonably foreseeable future.” *Id.*

5 Here, ICE has detained Hambarsonpour for approximately ten months in total since his  
6 order of removal became administratively final. His current detention has lasted approximately  
7 seven months. Hambarsonpour incorrectly asserts that he “cannot presently be returned to France,  
8 because he is not a citizen of France.” Pet., at 5. But Hambarsonpour designated France as his  
9 country of removal as evidenced by his removal order. There is no statutory requirement that an  
10 alien be a citizen of the designated country. *See* 8 U.S.C. § 1231(b)(2)(A). So, the relevant  
11 question here is whether France will issue a travel document – not whether Hambarsonpour is a  
12 French citizen. The facts here demonstrate that a travel document is significantly likely to issue  
13 in the reasonably foreseeable future.

14 The French Consulate has scheduled an interview with Hambarsonpour for next week.  
15 Booth Decl., ¶ 15. ICE anticipates that a travel document will issue and has received such  
16 assurances from the French Consulate. *Id.*, ¶ 16. This belief is supported by the fact that ICE  
17 included a French Passport number for Hambarsonpour in the present request, whereas France  
18 declined to issue a travel document in 2014 because ICE had not provided proof of a French ID or  
19 passport in that travel document request. *Id.*, ¶ 6. The fact that Hambarsonpour does not yet have  
20 a specific date of anticipated removal does not make his detention indefinite. *Diouf v. Mukasey*  
21 (*“Diouf I”*), 542 F. 3d 1222, 1233 (9th Cir. 2008).

22 Accordingly, Hambarsonpour’s detention has not become “indefinite,” and this Court  
23 should not order that he be released. Furthermore, because ICE is not planning a third country  
24

1 removal, this Court should not assert its jurisdiction over Hambarsonpour's premature request for  
2 injunctive relief preventing third country removal.

3 **IV. CONCLUSION**

4 For the foregoing reasons, Federal Respondents respectfully request that this Court deny  
5 the Petition.

6 DATED this 10th day of October, 2025.

7 Respectfully submitted,

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21 I certify that this memorandum contains 1,739  
22 words, in compliance with the Local Civil Rules.