

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Mehran Makari Saheli,

Case No.: _____

Petitioner


v.

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS**

Pamela Bondi, Attorney General; Kristi Noem, Secretary of Homeland Security; Todd M. Lyons, Acting Director of U.S. Immigration & Customs Enforcement; Marcos Charles, Acting Executive Associate Director for Enforcement and Removal Operations; Peter Berg, Field Office Director for Enforcement and Removal Operations; U.S. Immigration & Customs Enforcement; U.S. Department of Homeland Security; Joel Brott, Sherburne County Sheriff.

Respondents.

INTRODUCTION

1. Respondents are detaining Petitioner, Mehran Makari Saheli () in violation of the laws and Constitution of the United States.
2. Saheli is a citizen of Iran whose order of removal to Islamic Republic of Iran ("Iran") or the Republic of Turkey ("Turkey") became administratively final on July 28, 2022. He was then detained by Respondents beginning on January 26, 2023, upon his release from the United States Bureau of Prisons. On November 10, 2023, Saheli filed a Petition for Writ of Habeas Corpus, alleging that he was being

unconstitutionally detained as there was no substantial likelihood that he would be removed to either Iran or Turkey in the reasonably foreseeable future. *See Saheli v. Garland*, No. 23-CV-3474 (JRT/TNL) (D. Minn.).

3. On November 21, 2023, the Respondents filed a Response to Petition for Habeas Corpus, agreeing to release Mr. Saheli from the custody of Immigration and Customs Enforcement (“ICE”).
4. On November 22, 2023, the Honorable John R. Tunheim entered an Order dismissing the Petition for Writ of Habeas Corpus without prejudice and remanding the matter to ICE for the immediate release of Saheli on an Order of Supervision.
5. On or about November 23, 2023, Saheli was released from custody by ICE on an Order of Supervision.
6. November 23, 2023, until June 22, 2025, Saheli complied with all terms of his Order of Supervision, obtained work authorization from United States Citizenship and Immigration Services (“USCIS”), and resided in the District of Minnesota.
7. On or about June 22, 2025, Saheli was detained by ICE agents outside his home at the address he had provided to ICE as his residence. He remains detained by ICE at the Sherburne County Jail as of the date of filing of this Petition.
8. At the time of his detention on June 22, 2025, Saheli was served with a Notice of Revocation of Release, alleging that “ICE is in the process of obtaining a travel document from Iran and/or Turkey and there is a significant likelihood of your removal in the reasonably foreseeable future.”

9. On June 22, 2025, the United States bombed alleged nuclear facilities in Iran. Saheli's detention on June 22, 2025, occurred as part of a coordinated action by ICE and federal authorities to detain Iranian nationals present in the United States with outstanding orders of removal. On June 24, 2025, the Department of Homeland Security issued a press release highlighting these detentions, including of Saheli, as an effort involving "arresting known or suspected terrorists and violent extremists that illegally entered this country." The press release notes that Saheli's detention was part of the policy of DHS to "proactively deliver on President Trump's mandate to secure the homeland." The press release stated Saheli was ordered "removed on June 28, 2022, under the Biden administration, but he illegally remained in the U.S."
10. On information and belief, ICE currently has no realistic plan to execute Saheli's removal order to Turkey or Iran and did not have such a plan on June 22, 2025. Saheli is not a citizen of Turkey. ICE has classified Iran as a "recalcitrant" or "uncooperative" country due to its refusal to accept repatriation of its nationals. Saheli contends that there is no factual basis to believe that circumstances had changed from his release on November 23, 2023, to June 22, 2025, such that ICE would be able to remove Saheli to Iran while the United States was in the process of militarily attacking Iran.
11. The government is not in possession of any credible or persuasive documents or evidence that Saheli's removal to Turkey, Iran, or any third country, is likely to occur in the reasonably foreseeable future. Federal statutes and regulations require ICE to follow certain procedures before they redetained Saheli on June 22, 2025.

ICE failed to comply with these laws prior to redetaining Saheli and instead issued a Notice of Revocation of Release containing demonstrably false statements and unsupported by any evidence.

12. To remedy this unlawful detention, Saheli seeks declaratory and injunctive relief in the form of immediate release from detention.
13. Pending the adjudication of his Petition, Saheli further seeks an order restraining the Respondents from transferring him to a location where he cannot reasonably consult with counsel, such a location to be construed as any location outside of the District of Minnesota.
14. Pending the adjudication of this Petition, Saheli also requests that Respondents be ordered to provide seventy-two (72) hour notice of any movement of Saheli outside the District of Minnesota.
15. Saheli further seeks an emergency preliminary order requiring Respondents to give Saheli notice prior to removing him to an allegedly safe third country and an opportunity to contest removal to any third country on the basis that such removal would pose a threat to his life and freedom.


JURISDICTION AND VENUE

16. Saheli invokes this Court's jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), § 1361 (federal employee *mandamus* action), § 1651 (All Writs Act), and § 2241 (*habeas corpus*); Art. I, § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). Because Saheli seeks to challenge his custody as a

violation of the Constitution, laws, or treaties of the United States, jurisdiction is proper in this Court. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear *habeas corpus* petitions by noncitizens challenging the lawfulness of their detention. See *Zadvydas*, 533 U.S. at 687 (“[T]he primary federal *habeas corpus* statute, 28 U.S.C. § 2241, confers jurisdiction upon the federal courts to hear these cases.”); *Moaliin v. Cangemi*, 427 F. Supp. 2d 908, 920–21 (D. Minn. 2006).

17. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1), and § 2241(d) because Respondents are detaining Saheli within this District, some of the Respondents reside and/or are headquartered within this District, and a substantial part of the events and omissions giving rise to the claim occurred within this District.

PARTIES

18. Petitioner Saheli is a citizen of Iran. His Alien Registration Number (“A number”) is . Saheli is a resident of Minnesota and a non-citizen of the United States with an administratively final removal order. He is currently detained at the Sherburne County Jail in Elk River, Minnesota.
19. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice, which encompasses the BIA and the immigration judges through the Executive Office for Immigration Review. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Saheli.

20. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to § 103(a) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Saheli’s detention and removal. As such, Respondent Noem is a legal custodian of Saheli.
21. Respondent Department of Homeland Security (“DHS”) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.
22. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner’s detention.
23. Respondent Immigration and Customs Enforcement (“ICE”) is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act with respect to the detention and removal of noncitizens.
24. Respondent Marcos Charles is the Acting Executive Associate Director for ICE Enforcement and Removal Operations (“ERO”) and is sued in his official capacity.
25. Respondent Peter Berg is being sued in his official capacity as the Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Berg has supervisory authority over the ICE agents responsible for

detaining Saheli. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

26. Respondent Joel Brott is being sued in his official capacity as the Sheriff responsible for the Sherburne County Jail. Because Petitioner is detained in the Sherburne County Jail, Respondent Brott has immediate day-to-day control over Petitioner.

EXHAUSTION

27. Saheli has exhausted his administrative remedies as required by law, leaving judicial action his only remedy. Saheli is being detained despite his removal being significantly unlikely in the foreseeable future, despite ICE having agreed as part of a settlement of a judicial proceeding in November of 2023 to his release, and despite the absence of any factual basis for ICE's claim in its Notice of Revocation of Release that his removal to Turkey or Iran was reasonably likely in the foreseeable future. Saheli has completed at least one custody review with ICE, which disregarded the agency's inability to remove him and arbitrarily decided to continue civil detention under 8 U.S.C. § 1231 notwithstanding a prior Court Order compelling Mr. Saheli's release. There is no administrative appeal of ICE's determination to continue Mr. Saheli's detention.
28. No statutory exhaustion requirement applies to Mr. Saheli's claim of unlawful detention.
29. No administrative remedies currently exist for Mr. Saheli to challenge his indefinite post-order detention despite the absence of any reasonable likelihood

that removal will occur in the reasonably foreseeable future.

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

30. Saheli re-alleges and incorporates by reference each allegation in the paragraphs above.
31. At the time of his prior release from ICE custody on November 23, 2023, Saheli had already been detained by ICE for a period of ten months.
32. On June 22, 2025, Saheli was picked up and redetained by ICE while at his residence. Saheli has now been detained for an additional period of 93 days as of September 23, 2025, since his re-detention by ICE on June 22, 2025.
33. From January 26, 2023, through June 22, 2025, Saheli complied with all conditions of his release on an Order of Supervision.
34. Saheli has at all times cooperated with efforts to obtain travel documents and remove him from the United States and has not willfully or intentionally delayed or impeded such efforts.
35. Saheli does not pose a national security risk to the United States if released from ICE custody on an appropriate Order of Supervision.
36. On June 22, 2025, Saheli was served with a Notice of Revocation of Release (“Notice”). The Notice claims in a conclusory manner that “ICE is in the process of obtaining a travel document from Iran and/or Turkey and there is a significant likelihood of your removal in the reasonably foreseeable future.” Such a claim is false and was known by Respondents to be false at the time the notice was created and served upon Saheli.

37. The Notice does not provide a reasoned basis for believing that there is now a significant likelihood of removal of Saheli from the United States in the reasonably foreseeable future.
38. The Notice does not provide Saheli with sufficient information to be in a position to rebut the factual allegations underlying the Notice at an informal interview. Respondents have not otherwise provided any information to Saheli about plans for his removal to either Iran or Turkey.
39. The Notice does not provide enough information or detail to allow this Court to meaningfully review the relevant claims made in the Notice.
40. Saheli does not understand the reason ICE now claims that there is a significant likelihood he will be removed to Iran or Turkey in the reasonably foreseeable future. On information and belief, Saheli believes he was detained by ICE as a political operation involving the detention of multiple Iranian nationals, accompanied by a press conference to publicize his detention, without any actual good faith belief that his removal from the United States was reasonably likely in the foreseeable future.
41. The Notice does not allege that Saheli has failed to comply with any of the terms of his conditions of release.
42. The Notice does not allege that Respondents have obtained a travel document allowing for Saheli's immediate removal from the United States.
43. The Notice does not allege any new facts that might form an independent basis for taking Saheli into custody.

44. In August of 2025, Saheli spoke with an ICE officer at the Sherburne County Jail. During this conversation, Saheli was told that ICE had no plans to remove him to a third country other than Iran or Turkey. Thus, at the time of Saheli's arrest, up through the present, ICE has no information that could reasonably lead ICE to believe changed circumstances exist that justify redetention under 8 C.F.R. § 241.13(i)(2)-(3).
45. On information and belief, as of September 21, 2025, ICE has not yet begun the steps of having Saheli apply for a travel document allowing for his removal to Turkey, Iran, or an allegedly safe third country.

LEGAL FRAMEWORK

46. Petitioner's present detention is governed by 8 U.S.C. § 1231 and its implementing regulations at 8 C.F.R. § 241 et. seq.
47. Section 1231 mandates detention "[d]uring the removal period." *Accord* 8 U.S.C. § 1231(a)(1)(A), (a)(2). However, the same sections also require the government to actually remove the alien during this removal period. 8 U.S.C. § 1231(a)(1)(A).
48. The "removal period" is "90 days." 8 U.S.C. § 1231(a)(1)(A). Petitioner's "removal period" ended on April 26, 2023.
49. Detention past the removal period can be lawful in circumstances not presented here. *See* 8 U.S.C. § 1231(a)(1)(C), (a)(6).
50. After a noncitizen has been detained past the removal period, they may seek and obtain their release by demonstrating "there is no significant likelihood of removal to the country to which he or she was ordered removed, or to a third country, in the

reasonably foreseeable future.” 8 C.F.R. § 241.13(a). Saheli was released from ICE detention on that basis and pursuant to an Order of this Court on November 23, 2023.

51. Once a noncitizen is released on an order of supervision, they are subject to certain conditions of release. *See* 8 C.F.R. § 241.13(h)(1).
52. Redetention is permitted where it is alleged a noncitizen violated the conditions of release. *See* 8 C.F.R. § 241.13(h)(2), (i).
53. Regulations also permit the government to withdraw or otherwise revoke release under specific circumstances. One permissible reason to revoke release occurs when, “on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2). Once such a determination is made, the noncitizen must “be notified of the reasons for revocation of [their] release” and must be provided with “an initial informal interview... to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” 8 C.F.R. § 241.13(i)(3). “The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.” *Id.* If a noncitizen is not released following the informal interview, “the provisions of [8 C.F.R. § 241.4] shall govern the alien’s continued detention pending removal.” 8 C.F.R. § 241.13(i)(2). Once the provisions of § 241.4 take effect, it appears that the purported consequence is a total reset of the 90-day removal period under 8 U.S.C. § 1231(a),

though such an interpretation is plainly *ultra vires* to statute. *See* 8 C.F.R. § 241.4(b)(4).

54. Under the Supreme Court's decision in *Zadvydas v. Davis*, a person subject to a final order of removal cannot, consistent with the Due Process Clause, be detained indefinitely pending removal. 533 U.S. 678, 699-700 (2001). *Zadvydas* established a temporal marker: post-final order of removal detention of six months or less is presumptively constitutional.
55. *Zadvydas* also stated:

After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, **the Government must respond with evidence sufficient to rebut that showing. And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the "reasonably foreseeable future" conversely would have to shrink.**

533 U.S. at 701 (emphasis added).

56. *Zadvydas* further held that civil detention violates due process unless special, nonpunitive circumstances outweigh an individual's interest in avoiding restraint. 533 U.S. at 690 (**immigration detention must remain "nonpunitive in purpose and effect"**) (emphasis added).

REMEDY

57. Respondents' detention of Saheli violates the Due Process Clause of the United States Constitution. Saheli's ongoing detention violates the Fifth Amendment's guarantee that "[n]o person shall be . . . deprived of life, liberty, or property without due process of law." U.S. Const., amend. V.

58. Due Process requires that detention “bear [] a reasonable relation to the purpose for which the individual [was] committed.” *Zadvydas, v. Davis*, 533 U.S. 678, 690 (2001) (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).
59. Saheli seeks immediate release to the extent that Respondents justify his detention with the claim that Petitioner has failed to demonstrate that there is no significant likelihood of his removal in the reasonably foreseeable future. Respondents have agreed as part of a settlement of a contested legal proceeding that there was no substantial likelihood of Saheli’s removal to Turkey or Iran in the reasonably foreseeable future and should bear the burden of demonstrating changed circumstances to justify Saheli’s re-detention on June 22, 2025, in violation of this Court’s Order of November, 22, 2023.
60. Saheli seeks immediate release to the extent that Respondents have redetained him for the purpose of punishing him for remaining in the United States despite his final order of removal.
61. Saheli seeks immediate release to the extent that Respondents have redetained him for the purpose of sending a message to similarly situated individuals for the purpose of encouraging those similarly situated persons to leave the United States before they share Saheli’s fate.
62. Saheli seeks immediate release to the extent that Respondents have redetained him in connection with military action against Iran in order to send a political message by Respondents that they are protecting the United States from allegedly dangerous

criminal aliens previously ordered removed from the United States and released from custody by prior Presidential administrations.

63. Although neither the Constitution nor the federal habeas statutes delineate the necessary content of habeas relief, *I.N.S. v. St. Cyr*, 533 U.S. 289, 337 (2001) (Scalia, J., dissenting) (“A straightforward reading of [the Suspension Clause] discloses that it does not guarantee any content to . . . the writ of habeas corpus”), implicit in habeas jurisdiction is the power to order release. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (“[T]he habeas court must have the power to order the conditional release of an individual unlawfully detained.”).
64. The Supreme Court has noted that the typical remedy for unlawful detention is release from detention. *See, e.g., Munaf v. Geren*, 553 U.S. 674 (2008) (“The typical remedy for [unlawful executive detention] is, of course, release.”); *see also Wajda v. United States*, 64 F.3d 385, 389 (8th Cir. 1995) (stating the function of habeas relief under 28 U.S.C. § 2241 “is to obtain release from the duration or fact of present custody.”).
65. That courts with habeas jurisdiction have the power to order outright release is justified by the fact that, “habeas corpus is, at its core, an equitable remedy,” *Schlup v. Delo*, 513 U.S. 298, 319 (1995), and that as an equitable remedy, federal courts “[have] broad discretion in conditioning a judgment granting habeas relief [and are] authorized . . . to dispose of habeas corpus matters ‘as law and justice require.’” *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987) (quoting 28 U.S.C. § 2243). An order of release falls under court’s broad discretion to fashion relief. *See, e.g., Jimenez v.*

Cronen, 317 F. Supp. 3d 626, 636 (D. Mass. 2018) (“Habeas corpus is an equitable remedy. The court has the discretion to fashion relief that is fair in the circumstances, including to order an alien’s release.”).

66. Immediate release is an appropriate remedy in this case.

CAUSES OF ACTION

COUNT ONE: VIOLATION OF 8 USC 1231 – PROLONGED DETENTION

67. Saheli re-alleges and incorporates by reference each allegation in the paragraphs above.
68. Saheli’s detention has exceeded the six-month presumptively reasonable threshold under *Zadvydas*. Saheli has been detained for more than 180 days under 8 U.S.C. § 1231.
69. Although Saheli has complied with all instructions by ICE and has not acted to prevent his removal, and ICE has possessed a valid passport for Saheli, Respondents were not able to remove him to Turkey or Iran during his 90-day removal period, nor during a 180-day period following the date Saheli’s removal order became administratively final. Respondents are not substantially likely to be able to remove Saheli at any point in the coming months or further into the future.
70. There are no changed circumstances since November 22, 2023, to support Saheli’s redetention by ICE without violating this Court’s prior order of November 22, 2023.
71. Therefore, 8 U.S.C. § 1231 no longer authorizes ICE’s further civil incarceration Saheli because his removal is not substantially likely to occur in the reasonably

foreseeable future. Saheli's continued detention by ICE is also contrary to this Court's prior order in the previously resolved related case.

**COUNT TWO: VIOLATION OF THE IMMIGRATION & NATIONALITY
ACT – 8 C.F.R. § 241.13(i)(2)-(3)**

72. Saheli re-alleges and incorporates by reference each allegation in the paragraphs above.
73. Section 1231(a)(1)-(3) of Title 8 of the U.S. Code and 8 C.F.R. § 241.13(i)(2)-(3) governs the detention, release, and redetention of aliens with final orders of removal.
74. Respondents have failed to comply with these provisions prior to redetaining Petitioner after Petitioner's release on order of supervision.
75. No independent alternative basis supports Respondents' decision to redetain Petitioner.
76. Petitioner is therefore detained in violation of the INA.

**COUNT THREE: VIOLATION OF FIFTH AMENDMENT SUBSTANTIVE
DUE PROCESS**

77. Saheli re-alleges and incorporates by reference each allegation in the paragraphs above.
78. The Fifth Amendment Due Process Clause protects against arbitrary detention and requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its legitimate goals. It further requires that detention cease when a noncitizen has established to the government's satisfaction that there is no significant likelihood of removal in the reasonably

foreseeable future after the noncitizen has been ordered removed and has served six months in post-removal-order custody.

79. Saheli is no longer subject to mandatory custody under the Immigration & Nationality Act. He has served more than six months in post-removal-order detention. He was previously released from ICE custody based on the government's representation to a judicial officer that there was no significant likelihood of removal in the reasonably foreseeable future. On information and belief, the government does not presently have a travel document for Saheli. There are no new circumstances that otherwise justify Saheli's redetention. Thus, Respondents have violated Saheli's Fifth Amendment guarantee of due process.
80. Respondents have also independently violated Saheli's Fifth Amendment due process right by incarcerating him to punish him and to otherwise send a message to similarly situated individuals that they must leave the United States to avoid a similar fate.

**COUNT FOUR: VIOLATION OF THE ADMINISTRATIVE PROCEDURES
ACT – CONTRARY TO LAW AND ARBITRARY AND CAPRICIOUS
AGENCY POLICY**

81. Saheli re-alleges and incorporates by reference each allegation in the paragraphs above.
82. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

83. Respondents have failed to articulate any reasoned explanation for redetaining Petitioner.
84. Respondents have failed to articulate any reasoned explanation for deviating from or otherwise ignoring or failing to comply with the plain language of 8 C.F.R. § 241.13(i)(2)-(3).
85. Respondents' decisions, which represent changes in the agencies' policies and positions, have considered factors that Congress did not intend to be considered, have entirely failed to consider important aspects of Saheli's prior release from custody pursuant to a judicial order and the agreement of Respondents, and have offered explanations for their decisions that run counter to the evidence before the agencies.
86. Respondents' decision to redetain Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

**COUNT FIVE: NOTICE AND OPPORTUNITY TO OBJECT TO THIRD
COUNTRY REMOVAL IN WHICH PETITIONER'S LIFE AND
FREEDOM WOULD BE THREATENED**

87. Saheli re-alleges and incorporates by reference each allegation in the paragraphs above.
88. Saheli fears that Respondents, despite their verbal reassurances otherwise, may be seeking to remove Saheli to an unknown Third Country, or will seek to do so in retaliation for Saheli filing this Petition.
89. The Respondent's press release of June 24, 2025, identified Saheli as a "known or suspected terrorist." The press release also publicly disclosed information from

Saheli's confidential immigration court proceedings and claimed he was a former member of [REDACTED] with connections to [REDACTED], both of which are designated Foreign Terrorist Organizations under United States law.

90. The removal of Saheli to a Third Country where his life or freedom is threatened would cause Saheli irreparable harm.
91. During his prior removal proceedings, Respondents did not designate any other countries of removal other than Turkey or Iran. As a result, Saheli did not have an opportunity to object to such designation or raise a claim that his removal to such a country would threaten his life or freedom.
92. Saheli is entitled to receive protection under the Convention Against Torture, in the form of deferral of removal, upon demonstrating a likelihood of torture if removed to an as yet undesignated Third Country. See FARRA (codified as Note to 8 U.S.C. §1231); 8 C.F.R. §§ 208.16(c), 208.17(a), 1208.16(c), 1208.17(a); 28 C.F.R. § 200.1. Like withholding of removal under 8 U.S.C. § 1231(b)(3), CAT protection is mandatory. *Id.*
93. Pursuant to 8 USC §1231(b)(3)(A), courts repeatedly have held that individuals cannot be removed to a country that was not properly designated by an Immigration Judge if they have a fear of persecution or torture in that country. *See Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999); *Kossov v. INS*, 132 F.3d 405, 408-09 (7th Cir. 1998); *El Himri v. Ashcroft*, 378 F.3d 932, 938 (9th Cir. 2004); *cf. Protsenko v. U.S. Att'y Gen.*, 149 F. App'x 947, 953 (11th Cir. 2005) (per curiam) (permitting

designation of third country where individuals received “ample notice and an opportunity to be heard”).

94. Providing such notice and opportunity to present a fear-based claim prior to deportation also implements the United States’ obligations under international law. *See* United Nations Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150; United Nations Protocol Relating to the Status of Refugees, Jan. 31, 1967, 19 U.S.T. 6223, 606 U.N.T.S. 267; Refugee Act of 1980, Pub. L. 96-212, § 203(e), 94 Stat. 102, 107 (codified as amended at 8 U.S.C. § 1231(b)(3)); *INS v. Stevic*, 467 U.S. 407, 421 (1984) (noting that the Refugee Act of 1980 “amended the language of [the predecessor statute to § 1231(b)(3)], basically conforming it to the language of Article 33 of the United Nations Protocol”); *see also* United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *opened for signature* Dec. 10, 1984, art. III, S. Treaty Doc. No. 100-20 (1988), 1465 U.N.T.S. 85, 114; FARRA at 2681–822 (codified at Note to 8 U.S.C. § 1231) (“It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.”); United Nations Committee Against Torture, General Comment No. 4 ¶ 12, 2017, Implementation of Article 3 of the Convention in the Context of Article 22, CAT/C/GC/4 (“Furthermore, the person at risk [of torture] should never be deported to another State where he/she may subsequently face deportation to a third

State in which there are substantial grounds for believing that he/she would be in danger of being subjected to torture.”).

95. Meaningful notice and opportunity to present a fear-based claim prior to deportation to a country where a person fears persecution or torture are also fundamental due process protections under the Fifth Amendment. *See Andriasian*, 180 F.3d at 1041; *Protsenko*, 149 F. App’x at 953; *Kossov*, 132 F.3d at 408; *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1004 (W.D. Wash. 2019). Similarly, a “last minute” IJ designation of a country during removal proceedings that affords no meaningful opportunity to apply for protection “violate[s] a basic tenet of constitutional due process.” *Andriasian*, 180 F.3d at 1041.

PRAYER FOR RELIEF

WHEREFORE, Petitioner, Mehran Makari Saheli, asks this Court for the following relief:

1. Assume jurisdiction over this matter.
2. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under 28 U.S.C. Ch. 153.
 - a. Issue an Order to Show Cause ordering Respondents to state the true cause of Petitioner’s detention within four days of the Court’s issuance of the OSC, and provide Petitioner with two days to file a reply.
 - b. Pursuant to 28 U.S.C. § 1657, and to avoid unnecessary and substantial processing delays, the district judge must decide the motions and petition in

the first instance without referral to a magistrate judge for the issuance of a Report and Recommendation.

3. Issue an emergency preliminary order restraining Respondents from attempting to move Saheli from the District of Minnesota during the pendency of this Petition.
4. Issue an emergency preliminary order requiring Respondents to provide 72-hour notice of any intended movement of Saheli.
5. Issue an emergency preliminary order requiring Respondents to provide Saheli due process prior to removing him to an allegedly safe third country in the form of a notice of any such effort and a meaningful process to establish that his life or freedom would be threatened in any such third country.
6. Order Saheli's immediate release.
7. Declare that Respondents' action in redetaining Saheli is arbitrary and capricious.
8. Declare that Respondents failed to adhere to binding regulations and precedent in its re-detention of Saheli
9. Declare that Petitioner's re-detention violates the Due Process Clause of the Fifth Amendment.
10. Permanently enjoin Respondents from redetaining Saheli under 8 C.F.R. § 241.13(i)(2)-(3) unless and until Respondents have obtained a travel document allowing for Respondent's removal from the United States.

11. Permanently enjoin Respondents from redetaining Saheli under 8 C.F.R. § 241.13(i)(2)-(3) for more than seven days after receiving a travel document.
12. Grant Saheli reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).
13. Grant all further relief this Court deems just and proper.

DATED: September 21, 2025

Respectfully submitted,

/s/ BRUCE D. NESTOR

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ATTORNEYS FOR PETITIONER

Verification by Petitioner Pursuant to 28 U.S.C. § 2242

I am submitting this verification because I am the Petitioner. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding my detention status, are true and correct to the best of my knowledge. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that all of the factual allegations and statements in the Petition are true and correct to the best of my knowledge and belief.

/s/ Mehran Makari Saheli
Mehran Makari Saheli

Dated: September 21, 2025