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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF ARIZONA**

9 Case No.: 2:25-cv-03470-DWL-ESW

10 **Mehrdad Rowshandel,**
11 **Petitioner,**

12 **PETITIONER'S REPLY TO**
13 **RESPONDENT'S RESPONSE TO**
14 **ORDER TO SUPPLEMENT**

15 vs.

16 Agency No.: 

17 **Bondi et al.,**
18 **Respondents.**

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21 In Respondents' supplemental filing, Respondents concede that they possess
22 no additional information or documents delineating the process by which
23 Petitioner's Order of Supervision was revoked or showing compliance with 8 C.F.R.
24 § 241.13. The filing makes clear that the agency has not engaged in the substantive
25 review that § 241.13 requires. The regulation is not merely procedural; it is the
26 mechanism by which DHS gives effect to *Zadvydas*'s constitutional command that
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1 post-order detention be tied to a realistic prospect of removal. Its purpose is to ensure
2 that continued custody rests on concrete evidence that removal remains reasonably
3 foreseeable, not on speculation or administrative convenience.
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5 By stating that no documentation or declaration exists describing such a
6 review, the government effectively confirms that it has made no current finding that
7 removal to another country is attainable in the near future. Without such a finding,
8 detention cannot serve the limited statutory purpose of § 241.13. DHS has not
9 determined that removal is likely, and thus lacks lawful authority to continue
10 confinement.
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13 The Government's own documentation proves that this detention is arbitrary
14 and that the agency failed to perform even the minimal procedural steps required
15 before revoking a long-established release. ICE's submission, the "Decision to
16 Continue Detention" postdates the arrest by three months and provides no indication
17 that compliance with § 241.13 ever occurred. It contains no discussion of
18 foreseeability of removal, no individualized findings, and no mention of notice or an
19 opportunity to respond. The record therefore demonstrates that Petitioner remains
20 detained without the process, and without a concrete, ongoing removal effort,
21 detention cannot be justified as "reasonably necessary to effect removal." *Zadvyd*
22 *das* explicitly forbids this: once removal is not reasonably foreseeable, continued
23 detention serves no statutory purpose and violates the Due Process Clause.
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2 Under § 241.13(d)–(i), DHS must evaluate whether removal is “significantly
3 likely in the reasonably foreseeable future.” The regulation implements *Zadvydas*’s
4 constitutional holding that detention beyond six months is permissible only when
5 removal remains realistically attainable. By admitting that it has no documentation
6 of such review, DHS confirms that it never determined formally or otherwise that
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8 Petitioner’s removal to another country is likely in the foreseeable future.
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11 Because the record contains no evidence of compliance of § 241.13, Petitioner
12 respectfully requests that the Court:
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- 14 1. Find that Respondents have not demonstrated lawful authority for Petitioner’s
15 continued detention under § 241.13;
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17 2. Grant the writ of habeas corpus and order Petitioner’s immediate release under
18 appropriate supervision;
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20 Dated: October 28, 2025

Respectfully submitted,

21 /s/ Siovhana Ayala

22 Siovhana Ayala
23 Attorney for Petitioner-Plaintiff
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