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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Korosh Karimi,  
  
Petitioner,  
  
v.  
  
K. Livingston, et al.,  
  
Respondents.

No. CV-25-03539-PHX-KML (MTM)  
  
**RESPONSE TO PETITION FOR  
WRIT OF HABEAS CORPUS UNDER  
28 § U.S.C. 2241**

Respondents, through undersigned counsel, hereby respond to the Petition for Writ of Habeas Corpus filed on September 26, 2025. Doc. 1. Petitioner is a citizen of Iran subject to a final order of removal dated December 7, 2017, following a felony drug conviction. To date, he only just exceeded the presumptively reasonable six-month detention mark on December 11, 2025, four days ago, which began after Maricopa County Jail transferred him to ICE custody on June 14, 2025. The Court should deny the habeas petition because ICE submitted a travel document request packet to an ICE Headquarters Removal and International Operations Detention and Deportation Officer on August 19, 2025, for travel document issuance. As such, Petitioner has not been unconstitutionally detained due to the recent movement combined with the length of his detention, and he cannot establish that his removal to Iran is not significantly likely to occur in the reasonably foreseeable future.

1       **I.       FACTUAL BACKGROUND.**

2               Korosh Karimi (Petitioner) is a native and citizen of Iran. *See* Declaration of Kevin  
3 Bourne, Deportation Officer, attached as Exhibit A, at ¶ 3. On April 30, 2009, Petitioner  
4 applied for admission to the United States at the Newark Liberty International Airport  
5 (EWR), in Newark, NJ, as a Refugee (RE1). *Id.* at ¶ 4. On that same date, U.S. Customs  
6 and Border Protection (CBP) admitted KARIMI into the U.S. as a RE-1. *Id.* On March 4,  
7 2011, he filed an Application to Register Permanent Residence or Adjust Status, Form I-  
8 485, with U.S. Citizenship and Immigration Services (USCIS). *Id.* at ¶ 5. On July 7, 2011,  
9 USCIS approved his Form I-485 and adjusted his status to a Lawful Permanent Resident  
10 (LPR), as a Refugee (RE-6). *Id.* at ¶ 6. On December 4, 2013, the Phoenix Municipal Court,  
11 in Phoenix, AZ, found him guilty of driving with a suspended license. *Id.* at ¶ 8. He was  
12 additionally found guilty of shoplifting on May 11, 2014, before the Phoenix Municipal  
13 Court, in Phoenix, AZ, and a day later, the Mesa City Magistrate Court found him guilty  
14 of driving with a suspended license again. *Id.* at ¶¶ 8-11. From there, he was found guilty  
15 of shoplifting again on December 31, 2014. *Id.* at ¶ 13.

16               On September 22, 2016, he was found guilty of two counts of drug paraphernalia  
17 possession and sentenced to four years of probation. *Id.* at ¶ 16. On October 17, 2017, his  
18 information was forwarded to the ICE Phoenix Field Office Mobile Criminal Apprehension  
19 Team (MCAT), in Phoenix, AZ, for further investigation. *Id.* at ¶ 17. On October 26, 2017,  
20 ICE officers assigned to the Mobile Criminal Alien Team, in Phoenix, AZ, arrested him  
21 pursuant to a targeted law enforcement operation, and transported him to the Phoenix Field  
22 Office, in Phoenix, AZ, for processing. *Id.* at ¶ 18. On that same date, ICE issued him a  
23 Notice to Appear (NTA), Form I-862, charging him with violating Section 237(a)(2)(A)(ii)  
24 of the Immigration and Nationality Act (INA) (which applies to those who have been  
25 convicted of two crimes involving moral turpitude not arising out of a single scheme of  
26 criminal misconduct), and Section 237(a)(2)(B)(i) (applying to drug offenses). *Id.*  
27 Subsequently, ICE transferred him to the Florence Detention Center (FDC), in Florence,  
28 AZ. *Id.* at ¶ 19. He was subsequently transferred to Los Angeles Field Office, in Los

1 Angeles, CA, and then the Adelanto ICE Processing Center (AIPC), in Adelanto, CA. *Id.*

2 On December 7, 2017, an Immigration Judge (IJ), in Adelanto, CA, ordered him  
3 removed from the United States to Iran. *Id.* at ¶ 20. He waived his right to an appeal. *Id.*

4 On December 20, 2017, ICE submitted a travel document request (TDR) to the Embassy  
5 of Pakistan Interest Section of the Islamic Republic of Iran, in Washington, DC. *Id.* at ¶  
6 21. On February 21, 2018, ICE received a TDR denial from the Embassy of Pakistan  
7 Interest Section of the Islamic Republic of Iran, in Washington, DC. *Id.* at ¶ 22. On March  
8 12, 2018, he was released on an Order of Supervision, Form I-220B. *Id.* at ¶ 23. While  
9 released on supervision, he had several encounters with law enforcement, which included  
10 being arrested for failure to pay fines, arrested for driving under the influence, and various  
11 drug offenses. *Id.* at ¶¶ 24-27. On June 14, 2025, the Maricopa County Jail turned him  
12 over to ICE custody. *Id.* at ¶ 28.

13 As to removal efforts, ICE submitted a TDR to an ICE Headquarters Removal and  
14 International Operations (HQRIO) Detention and Deportation Officer (DDO) for review  
15 on July 22, 2025. *Id.* at ¶ 31. A second TDR was submitted to ICE HQRIO DDO for review  
16 on July 26, 2025. *Id.* at ¶ 32. ICE submitted a third TDR to an ICE HQRIO DDO for review  
17 on July 31, 2025. *Id.* at ¶ 33. On August 19, 2025, ICE submitted a TD packet for KARIMI  
18 to an ICE HQRIO DDO for TD issuance. *Id.* at ¶ 34. Per ICE, Iran is accepting removals  
19 at this time. *Id.* at ¶ 35.

## 20 **II. LEGAL STANDARD.**

21 An alien who is ordered removed must be detained for 90 days once their removal  
22 order becomes administratively final. 8 U.S.C. § 1231(a)(1)(B)(i), (a)(2)(A). If the alien  
23 has not left the United States voluntarily or been removed during this 90-day period, the  
24 alien will generally be granted supervised release. 8 U.S.C. § 1231(a)(3). However, an alien  
25 ordered removed under INA § 241(a)(2) may be detained for a longer period. 8 U.S.C. §  
26 1231(a)(6). The INA does not authorize indefinite detention. *Zadvadas*, 533 U.S. at 689.  
27 An alien may be detained for up to six months pursuant to a final order of removal, after  
28 which, the alien may be released if they can “provide[] good reason to believe that there is

1 no significant likelihood of removal in the reasonably foreseeable future” and the  
2 government fails to show otherwise. *Id.* at 701. At that time, an alien is not presumed to be  
3 entitled to release; the alien must show that their detention is “indefinite—i.e., that there is  
4 good reason to believe that there is no significant likelihood of removal in the reasonably  
5 foreseeable future.” *Diouf v. Mukasey*, 542 F.3d 1222, 1233 (9th Cir. 2008) (quoting  
6 *Zadvydas*, 533 U.S. at 701) (internal quotation marks removed). This six-month period  
7 includes the initial 90-day mandatory detention period and three months thereafter. *Ma v.*  
8 *Ashcroft*, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001).

9         Petitioner may only be granted release from detention if he can show “good reason  
10 to believe that there is no significant likelihood of removal in the reasonably foreseeable  
11 future.” *Zadvydas*, 533 U.S. at 701. Courts have held that Petitioners have met this bar  
12 when no country would agree to accept the alien or when the alien’s home country had no  
13 repatriation treaty with the United States, *id.* at 686, when the government “concede[d] that  
14 it [was] no longer even involved in repatriation negotiations” with the alien’s home  
15 country, *Clark v. Suarez Martinez*, 543 U.S. 371, 386 (2005), and when the alien had been  
16 detained for five years and had “won relief at every administrative level.” *Nadarajah v.*  
17 *Gonzales*, 443 F.3d 1069, 1081 (9th Cir. 2006). The Supreme Court clarified that its  
18 holding in *Zadvydas* was concerned with detention that is “indefinite and potentially  
19 permanent,” and for aliens whose removal is “no longer practically attainable.” *See*  
20 *Demore v. Kim*, 538 U.S. 510, 527–28 (2003) (internal quotations omitted). The mere fact  
21 that an alien’s detention “lacks a certain end date” does not render their detention  
22 unlawfully indefinite. *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th Cir. 2008). The  
23 “likelihood of successful future negotiations” to repatriate an alien may justify continued  
24 detention. *See Zadvydas*, 533 U.S. at 702. Further, “mere delay in the issuance of a travel  
25 document is insufficient” to justify relief under *Zadvydas* “particularly where . . . efforts to  
26 obtain the travel document are ongoing.” *Nasr v. Larocca*, 2016 U.S. Dist. LEXIS 90343  
27 at \*11–12 (C.D. Cal. June 1, 2016); *see also Roe v. Oddo*, 2025 U.S. Dist. LEXIS 214463  
28 at \*20–26. (W.D. Pa. Oct. 30, 2025); *Chen v. Banike*, 2015 U.S. Dist. LEXIS 105145 (D.

1 Minn. July 14, 2025), *R&R adopted at* 2015 U.S. Dist. LEXIS 104914 (Aug. 11, 2015)  
2 (“For there to be no significant likelihood of removal in the reasonably foreseeable future,  
3 there must be some indication that the government is either unwilling to remove an alien  
4 or incapable of doing so due to seemingly insurmountable barriers[.]”); *Smith v. Simon*,  
5 2019 U.S. Dist. LEXIS 148526 at \*10–11 (holding that *Zadvydas* requires a petitioner to  
6 show “something more than the mere passage of time” and “something more than  
7 speculation and conjecture”) (internal quotation marks omitted); *Ahmed v. Brott*, 2015 U.S.  
8 Dist. LEXIS 45346 at \*12–13 (D. Minn. Mar. 17, 2015) (collecting cases).

9 **III. The Habeas Petition Should Be Denied.**

10 **A. Petitioner’s detention does not violate his due process rights.**

11 As noted above, Petitioner’s ICE detention that began on June 14, 2025, only now  
12 slightly exceeds six months. Before that, he was in the custody of the Maricopa County  
13 Jail due to a drug-related arrest on June 13, 2025, which occurred while he was released on  
14 an Order of Supervision. Ex. A at ¶¶ 23, 27.

15 Aliens are not automatically entitled to release after the six-month presumptive  
16 period expires. *Zadvydas*, 533 U.S. at 701. Petitioner’s detention is authorized under 8  
17 U.S.C. § 1231(a)(6). *Id.* at 701 (“This 6-month presumption, of course, *does not mean that*  
18 *every alien not removed must be released after six months.* To the contrary, an alien may  
19 be held in confinement until it has been determined that there is no significant likelihood  
20 of removal in the reasonably foreseeable future.”)

21 **B. Petitioner Has Not Met His Burden to Establish There Is No Significant**  
22 **Likelihood of Removal in the Reasonably Foreseeable Future.**

23 Petitioner has the burden to show that his removal is not likely in the reasonably  
24 foreseeable future. *Zadvydas*, 533 U.S. at 701. Only then does the burden shift to the  
25 Government to show that removal is significantly likely in the reasonably foreseeable  
26 future. *Id.* Petitioner has not met his burden to show that his removal is unlikely in the  
27 reasonably foreseeable future and, even if he could, the Government can overcome that  
28 with evidence showing that removal is likely.

1 Here, Petitioner claims ICE cannot effectuate his removal because he is “under  
2 protection.” Doc. 1 at ¶ 18. It is unclear what Petitioner is referring to, and nothing in the  
3 record suggests any impediments to removal. This alone is not sufficient to meet his burden  
4 showing that removal is not likely in the reasonably foreseeable future. Petitioner confirms  
5 though that he has provided ICE with his fingerprints, answered questions, and forms,  
6 suggesting that he is cooperating with ICE’s efforts to obtain travel documents. *Id.* at ¶ 17.

7 Even if Petitioner had met his burden showing that his removal is not likely in the  
8 reasonably foreseeable future, Respondents can rebut that presumption because the  
9 government is actively engaging in obtaining travel documents needed to effectuate  
10 Petitioner’s removal to Iran. ICE submitted a TDR to an ICE HQRIO DDO for review on  
11 July 22, 2025. Ex. A at ¶ 31. A second TDR was submitted to ICE HQRIO DDO for review  
12 on July 26, 2025. *Id.* at ¶ 32. ICE submitted a third TDR to an ICE HQRIO DDO for review  
13 on July 31, 2025. *Id.* at ¶ 33. On August 19, 2025, ICE submitted a TD packet for KARIMI  
14 to an ICE HQRIO DDO for TD issuance. *Id.* at ¶ 34. Respondents acknowledge that the  
15 Embassy of Pakistan Interest Section of the Islamic Republic of Iran issued a TDR denial  
16 on December 20, 2017, almost eight years ago, which can sometimes occur for  
17 administrative reasons. *Id.* at ¶ 22. Regardless, that alone does not suffice as Petitioner  
18 must provide more than “speculation and conjecture” to prevail on a *Zadvydas* claim.  
19 *Simon*, 2019 U.S. Dist. LEXIS 148526 at \*10 (quoting *Idowu v. Ridge*, 2003 U.S. Dist.  
20 LEXIS 13503 at \*11 (N.D. Tex. 2003)). Efforts have been underway since August to secure  
21 TD issuance for Petitioner, and Iran is accepting removals. Ex. A at ¶ 35.

22 Furthermore, uncertainty as to Petitioner’s exact removal date does not warrant his  
23 release. *See Prieto-Romero v. Clark*, 534 F.3d 1053 (9th Cir. 2008) (alien detained for more  
24 than three years did not mean that removal was no longer “reasonably foreseeable”). Based  
25 on the foregoing, Petitioner’s continued detention is not indefinite and remains both  
26 authorized and constitutional to complete the steps necessary to effectuate his removal.  
27 Petitioner also had several encounters with law enforcement, which included being arrested  
28 for failure to pay fines, arrested for driving under the influence, and various drug offenses,

1 which occurred while he was released under an Order of Supervision issued in 2018. Ex.  
2 A at ¶¶ 24-27. Prior to that, he was convicted of two counts of drug paraphernalia  
3 possession on September 22, 2016, which subsequently led to his final order of removal  
4 dated December 7, 2027. *Id.* at ¶¶ 16-20.

5 A petitioner entitled to release under *Zadvydas* “may and should be conditioned on  
6 any of the various forms of supervised release that are appropriate in the circumstances.”  
7 *Zadvydas*, 533 U.S. at 700. If a petitioner is granted supervised release and violates a  
8 condition of release, the petitioner “may no doubt be returned to custody[.]” *Id.* Further,  
9 “if removal is reasonably foreseeable, the habeas court should consider the risk of the  
10 alien’s committing further crimes” as a factor that may justify continued detention. *Id.* This  
11 is applicable here Petitioner has a propensity for criminality and violating his release  
12 conditions.

13 **IV. CONCLUSION.**

14 For the foregoing reasons, Respondents respectfully request this Court deny  
15 Petitioner’s Writ of Habeas Corpus and dismiss this case.

16 Respectfully submitted on December 15, 2025.

17 TIMOTHY COURCHINE  
18 United States Attorney  
19 District of Arizona

20 /s/ Lindsey E. Gilman  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2025, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following who are not registered with the CM/ECF System:

Korosh Karimi



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s/Allison Tambs  
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