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

9 Ramin Zamani-Zadeh,

10 Petitioner,

11 vs.

12 Fred Figueroa, Warden, Eloy Detention
13 Center;

14 John Cantu, Phoenix Field Office Director,
15 U.S. Immigration and Customs Enforcement;

16 Pamela Jo Bondi, Attorney General of the
United States; and


17 Kristi Noem, Secretary of Homeland
18 Security,

19 Defendant.

No.

**Petition for a Writ of Habeas Corpus
Under 28 U.S.C. § 2241**

20 **Technical Data**

- 21
- 22 1. Mr. Zamani-Zadeh is challenging the validity of his detention in immigration custody. His
23 A-number is 
 - 24 2. Mr. Zamani-Zadeh is challenging the decision made by U.S. Immigration and Customs
25 Enforcement to revoke a prior release order issued in approximately 2000 and to detain
26 him pending removal from the United States.
- 27
28

1 3. Mr. Zamani-Zadeh is presently detained at the Eloy Detention Center in Eloy, Arizona.
2 Upon information and belief, Mr. Zamani-Zadeh has not seen a judge and has not had an
3 opportunity to exhaust any available administrative remedies.

4 **Parties, Jurisdiction, and Venue**

5 4. Petitioner Ramin Zamani-Zadeh is a citizen of Iran. He was ordered removed from the
6 United States in 2000. He is presently detained based on that order at the Eloy Detention
7 Center.

8 5. Respondent Fred Figueroa is the Warden of the Eloy Detention Center, where Mr.
9 Zamani-Zadeh is being detained. He is Mr. Zamani-Zadeh's immediate legal custodian
10 and thus a proper respondent in this matter. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435
11 (2004).

12 6. Respondent John Cantu is the Phoenix Field Office Director for U.S. Immigration and
13 Customs Enforcement. He is responsible for Mr. Zamani-Zadeh's detention, and thus a
14 legal custodian of Mr. Zamani-Zadeh.

15 7. Respondents Pamela Jo Bondi and Kristi Noem are, respectively, the Attorney General of
16 the United States and the Secretary of Homeland Security. As such, they are responsible
17 for maintaining the immigration detention system. They are thus legal custodians of Mr.
18 Zamani-Zadeh.

19 8. This Court has jurisdiction under 28 U.S.C. §§ 2241 *et seq.*; the Declaratory Judgment
20 Act, 28 U.S.C. §§ 2201 *et seq.*; the All Writs Act, 28 U.S.C. § 1651; and the Fifth
21 Amendment to the United States Constitution.

22 9. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) and (e)(1)(B) because a
23 substantial part of the events or omissions giving rise to the claims set forth herein
24 occurred in this district.

25 **Background**

26 10. Mr. Zamani-Zadeh was born in 1965 in Tehran, Iran. 
27 
28

1 the 1979 revolution, Mr. Zamani-Zadeh left Iran to join his siblings in the United States.
2 [REDACTED] joined him and his siblings in the
3 United States.

4 11. Mr. Zamani-Zadeh came to the United States in 1979 on a nonimmigrant student visa. He
5 and his family settled in the Portland, Oregon, area. He graduated from high school there
6 in 1983. His nonimmigrant status ended when he graduated from high school.

7 12. Mr. Zamani-Zadeh has some criminal history. According to the notice to appear:

8 a. He was convicted on October 31, 1990, in Weld County, Colorado, District Court
9 of theft and fraud, in violation of Colo. Rev. Stat. §§ 18-4-401 and 18-5-205.

10 b. He was convicted on May 6, 1996, in Weld County District Court of forgery, in
11 violation of Colo. Rev. Stat. § 18-5-103(1)(a).

12 c. He was convicted on June 25, 1996, in the Wyoming First Judicial District Court
13 of forgery, in violation of Wyo. Rev. Stat. §§ 6-3-602(a)(iii) and 6-3-407(a)(I).

14 d. He was convicted on April 8, 1999, in the Washington County, Oregon, Circuit
15 Court of theft, in violation of Or. Rev. Stat. § 164.055.

16 13. On November 18, 1998, a federal grand jury in the District of Oregon indicted Mr.
17 Zamani-Zadeh on one count of bank fraud, in violation of 18 U.S.C. § 1344. On June 14,
18 1999, he was sentenced to 14 months in prison, to run concurrently with the sentence
19 imposed by the Washington County Circuit Court. He was also sentenced to five years of
20 supervised release.

21 14. On May 21, 1999, while he was at the Washington County, Oregon, Jail, the INS charged
22 Mr. Zamani-Zadeh as being removable by virtue of being convicted of an aggravated
23 felony theft crime punishable by more than one year in prison. *See* 8 U.S.C.
24 § 1101(a)(43)(G) (defining an aggravated felony theft offense); 8 U.S.C.
25 § 1227(a)(2)(A)(iii) (aliens convicted of aggravated felonies are removable). He was also
26 charged with being removable after failing to maintain the conditions of the nonimmigrant
27 visa under which he was admitted to the United States. *See* 8 U.S.C. § 1227(a)(1)(C)(i).

1 And he was charged with being removable because he had been convicted of two crimes
2 involving moral turpitude not arising out of a single scheme of criminal misconduct. *See* 8
3 U.S.C. § 1227(a)(2)(A)(ii).

- 4 15. After sentencing in federal district court, Mr. Zamani-Zadeh was transferred to FCI-
5 Sheridan. He was released from federal prison on May 3, 2000.
- 6 16. Three weeks after he was released from federal prison, the INS added as an additional
7 charge of removability the fact that he had been convicted of another aggravated felony
8 theft offense in federal court.
- 9 17. On August 30, 2000, an immigration judge in Seattle ordered Mr. Zamani-Zadeh
10 removed to Iran. The judge denied his applications for asylum, withholding of removal,
11 and protection under the Convention Against Torture. He reserved appeal of the IJ's
12 order, but did not file an appeal with the Board of Immigration Appeals.
- 13 18. On October 23, 2000, an INS deportation officer in Seattle formally asked the Iranian
14 Interests Section of the Pakistani Embassy¹ in Washington, DC to issue travel documents
15 for Mr. Zamani-Zadeh. A month later, the Iranian Interests Section responded that it
16 could not issue travel documents without his original Iranian birth certificate and
17 passport. INS treated this response as a refusal to issue travel documents.
- 18 19. On December 1, 2000, Mr. Zamani-Zadeh filed a *pro se* petition for a writ of habeas
19 corpus under 28 U.S.C. § 2241 in the United States District Court for the Western
20 District of Washington. At the time, he was detained by immigration officials at the
21 Federal Detention Center in SeaTac, Washington. He had been detained there since May
22 3, 2000. He alleged that his detention was illegally prolonged because his removal could
23 not be effected in the foreseeable future. *See Ma v. Aschroft*, 208 F.3d 815 (9th Cir. 2000),
24 *aff'd sub nom. Zadvydus v. Davis*, 533 U.S. 678 (2001). The court appointed the Federal

25
26 ¹ The Iranian Interests Section of the Pakistani Embassy in the United States is empowered to
27 issue travel documents to Iranian citizens. *See, e.g., Hekmati v. Islamic Republic of Iran*, 278 F.
28 Supp. 3d 145, 150 (D.D.C. 2017); *Momennia v. Estrada*, 268 F. Supp. 2d 679, 685 (N.D. Tex.
2003).

1 Public Defender for the Western District of Washington to represent him in litigating his
2 habeas petition. Ultimately the parties stipulated to dismissing Mr. Zamani-Zadeh's
3 habeas petition after the INS ordered him released on an order of supervision.

4 20. On October 3, 2003, a federal probation officer in the District of Oregon filed a petition to
5 revoke Mr. Zamani-Zadeh's term of supervised release. He was arrested on the violation
6 warrant a month later. He was ultimately ordered detained while the revocation
7 proceedings played out.

8 21. On May 13, 2004, Mr. Zamani-Zadeh admitted a violation of supervised release. The
9 court revoked his term of supervised release and sentenced him to 16 months in prison
10 followed by a further term of supervised release. He was released from federal prison on
11 January 3, 2005, and taken into ICE custody. ICE in turn released him on May 24, 2005.

12 22. After he was released from ICE custody, the federal probation office modified his
13 supervised-release conditions to require him to live in a halfway house. When he refused,
14 the probation office petitioned to revoke his supervised release. The court ultimately
15 found a technical violation and continued him on supervision.

16 23. On August 23, 2006, the federal probation office in Oregon petitioned to revoke his
17 supervised release. Two and a half months later, the court revoked Mr. Zamani-Zadeh's
18 term of supervised release and sentenced him to 18 months in prison with no further
19 supervision to follow.

20 24. Upon information and belief, Mr. Zamani-Zadeh had been complying with his order of
21 supervision since he was released from federal prison on January 3, 2008.

22 25. On March 20, 2017, ICE issued Mr. Zamani-Zadeh an amended order of supervision. He
23 successfully reported for ICE checkins in 2018, 2019, and 2024. As of May 1, 2025, ICE
24 acknowledged that Mr. Zamani-Zadeh had been reporting as required under the terms of
25 his order of supervision at the Portland, Oregon, ICE office. ICE expressly acknowledged
26 that Mr. Zamani-Zadeh was in "full compliance" with the terms of his order of
27 supervision.

- 1 b. Aliens like Mr. Zamani-Zadeh who have been ordered removed by virtue of a
2 criminal conviction for fraud may be kept in detention after the removal period
3 expires. *See* 8 U.S.C. § 1231(a)(6). If they are released, they “shall be subject to
4 the terms of supervision” in § 1231(a)(3). 8 U.S.C. § 1231(a)(6). Those terms
5 include periodic appearances before an immigration officer and other conditions
6 prescribed by regulation. 8 U.S.C. § 1231(a)(3)(A), (D).
- 7 c. The government has previously argued that the statutory text of § 1231 authorizes
8 indefinite detention. *See Zadvydas v. Davis*, 533 U.S. 678, 689 (2001).
- 9 d. But the Supreme Court has interpreted § 1231 *not* to authorize indefinite
10 detention in order to avoid a serious constitutional problem. *Zadvydas*, 533 U.S. at
11 689. The Due Process Clause of the Fifth Amendment limits an alien’s
12 “detention to a period reasonably necessary to bring about that alien’s removal
13 from the United States.” *Id.* Because of this constitutional limitation, § 1231
14 “does not permit indefinite detention.” *Id.* After six months of detention, there
15 arises a presumption that the alien can “provide[] good reason to believe that
16 there is no significant likelihood of removal in the reasonably foreseeable future,”
17 such that “the Government must respond with evidence sufficient to rebut that
18 showing.” *Id.* at 701.
- 19 e. ICE has already concluded that there is no significant likelihood of removing
20 anyone to Iran in the reasonably foreseeable future. The government cannot
21 therefore rebut the presumption that Mr. Zamani-Zadeh cannot be removed to
22 Iran in the reasonably foreseeable future. Furthermore, ICE is aware that the
23 Iranian Interests Section will not issue travel documents for Mr. Zamani-Zadeh
24 based on the information ICE has submitted.
- 25 30. Thus Mr. Zamani-Zadeh’s continued detention in ICE custody violates the Due Process
26 Clause of the Fifth Amendment as described in *Zadvydas*.

