

1 JON M. SANDS
Federal Public Defender
2 KEITH J. HILZENDEGER #023685
Assistant Federal Public Defender
3 250 North 7th Avenue, Suite 600
4 Phoenix, Arizona 85007
5 (602) 382-2700 voice
keith_hilzendeger@fd.org
6 *Attorneys for Petitioner Zamani-Zadeh*

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, et al.,

13 Respondents.
14

No.

**Motion for Limited Discovery in
Support of Petition for a Writ of Habeas
Corpus and Motion for a Preliminary
Injunction**

15 In his petition for a writ of habeas corpus, Mr. Zamani-Zadeh contends that his prolonged
16 detention by immigration officials pending an attempt to remove him to Iran amounts to
17 unconstitutional indefinite detention, in violation of the Due Process Clause of the Fifth
18 Amendment as interpreted in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Under *Zadvydas*, an alien
19 who has been ordered removed from the United States may be detained only “during a period
20 reasonably necessary to bring about that alien’s removal from the United States.” *Id.* at 689.
21 After six months of post-removal-period detention, there arises a presumption that the detention
22 is unlawful; however, even after that six-month period, “an alien may be held in confinement
23 until it has been determined that there is no significant likelihood of removal in the reasonably
24 foreseeable future.” *Id.* at 701. Mr. Zamani-Zadeh contends that the Iranian Interests Section of
25 the Pakistani Embassy will not issue travel documents for him, such that there is no likelihood of
26 his removal in the reasonably foreseeable future. Accordingly, his detention in respondents’
27 custody violates the Fifth Amendment as interpreted in *Zadvydas*.
28

1 The allegations in the petition come from counsel's interview with Mr. Zamani-Zadeh,
2 the file provided by the Federal Public Defender for the Western District of Washington in
3 connection with his previous habeas challenge to indefinite immigration detention, and a review
4 of so-called "recalcitrant countries" and countries that are "at risk of noncompliance" with what
5 the government believes are their obligations under international law to accept their citizens who
6 are removed from the United States. Owing to his current custody status, Mr. Zamani-Zadeh
7 does not have access to documents that may substantiate the allegations in the petition; as a
8 result, many crucial facts in the petition are alleged on information and belief. Respondents,
9 however, are certain to have these documents in their possession. Mr. Zamani-Zadeh respectfully
10 asks the Court to provide those documents to his counsel so that he may amend his petition as
11 necessary.

12 Where "specific allegations before the court show reason to believe that the petitioner
13 may, if the facts are fully developed, be able to demonstrate that he is entitled to relief, it is the
14 duty of the court to provide the necessary facilities for an adequate inquiry." *Bracy v. Gramley*,
15 520 U.S. 899, 909 (1997) (quoting *Harris v. Nelson*, 394 U.S. 286, 300 (1969)). The facts as they
16 stand now are not fully developed, because the government presumably possesses information
17 that bears on whether Mr. Zamani-Zadeh's due process claims are likely to succeed. This
18 information is likely contained in Mr. Zamani-Zadeh's A-file, or in other files or databases
19 maintained by the Departments of Justice and Homeland Security, to which neither he nor his
20 counsel have access. The relevant documents include, but are not limited to, the following:

- 21 1. Mr. Zamani-Zadeh's entire A-file;
- 22 2. A transcript (or, failing that, a recording) of any and all hearings in Mr. Zamani-
23 Zadeh's case before the immigration courts that led to his being ordered removed
24 from the United States;
- 25 3. Any and all requests from ICE to any diplomatic representative of the Islamic
26 Republic of Iran, including the Office for the Protection of the Interests of the
27 Islamic Republic of Iran housed by the Pakistani Embassy, pertaining to travel
28 documents that would "facilitate" Mr. Zamani-Zadeh's removal to Iran, and any
29 responsive or related correspondence to or from those diplomatic representatives
30 pertaining to these requests for travel documents;

- 1 4. Any and all documents relating to the periodic custody reviews described in 8
2 C.F.R. § 241.4 for all periods of time that Mr. Zamani-Zadeh has been in ICE
3 custody; and
- 4 5. Any and all documents relating to any determination under 8 C.F.R. § 241.13 and
5 8 C.F.R. § 241.14 regarding whether there is a significant likelihood of removing
6 Mr. Zamani-Zadeh in the reasonably foreseeable future.

7 Mr. Zamani-Zadeh respectfully asks the Court to order the government to furnish these
8 documents to his counsel by the close of business on Friday, October 10, 2025. Mr. Zamani-
9 Zadeh has good cause for the Court to allow discovery. *Cf. Bracy*, 520 U.S. at 909 (guarantee of
10 success on the merits of a habeas claim is not required for allowing discovery). The deportation
11 officers responsible for assisting Mr. Zamani-Zadeh in obtaining a passport or other travel
12 documents have likely been privy to information about efforts to obtain those documents have
13 been unsuccessful. Because Mr. Zamani-Zadeh cannot obtain travel documents, those efforts are
14 likely to prove not to be fruitful.

15 In sum, the discovery Mr. Zamani-Zadeh is requesting may help him establish that there
16 is no reasonable likelihood of his removal in the foreseeable future. This Court should grant the
17 motion and order the government to provide the requested documents to Mr. Zamani-Zadeh and
18 his counsel.

19 A proposed order is being lodged herewith.

20 Respectfully submitted:

September 29, 2025.

JON M. SANDS
Federal Public Defender

s/Keith J. Hilzendege
KEITH J. HILZENDEGER
Assistant Federal Public Defender
Attorney for Petitioner Zamani-Zadeh