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

Ramin Zamani-Zadeh,

Petitioner,

vs.

Fred Figueroa, Warden, et al.,

Respondents.

No. 2:25-cv-3578-PHX-SHD (CDB)

**Reply to Response to Order to Show
Cause**

ICE has known for almost 25 years that it cannot obtain travel documents that will facilitate Mr. Zamani-Zadeh's return to Iran. That is why he was released from immigration detention on an order of supervision in 2001, 2005, 2008, 2009, 2011, and 2017. ICE is no closer to obtaining travel documents now than it was in 2000, when it began trying to obtain these documents. Nothing in the declaration of deportation officer David Sandoval says anything different.

On September 29, 2025, Mr. Zamani-Zadeh filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. (Dkt. #1) He raised two claims in the petition relating to the lawfulness of his detention in immigration custody. This Court appointed counsel to assist Mr. Zamani-Zadeh and ordered the government to show cause why the petition should not be granted with respect to his first claim, involving a claim of indefinite detention under *Zadvydas v. Davis*, 533 U.S. 678 (2001). (Dkt. #6 at 3-4) Because the government's response does not satisfactorily

1 explain why Mr. Zamani-Zadeh is being lawfully detained, the Court should grant the petition as
2 to Ground One.

3 History of Unsuccessful Attempts to Secure Travel Documents

4 On May 21, 1999, the former Immigration and Naturalization Service placed Mr. Zamani-
5 Zadeh in removal proceedings.¹ It accused him of being deportable under 8 U.S.C.
6 § 1227(a)(2)(A)(iii) by virtue of a conviction for an aggravated felony theft offense as defined by 8
7 U.S.C. § 1101(a)(43)(G). (DISC-1 to DISC-3) While the removal proceedings were pending, Mr.
8 Zamani-Zadeh was convicted of bank fraud, in violation of 18 U.S.C. § 1344, in the United States
9 District Court for the District of Oregon, and sentenced to 14 months in prison followed by five
10 years of supervised release. *United States v. Zamani-Zadeh*, No. 3:98-cr-517-KI (D. Or.). In
11 removal proceedings, Mr. Zamani-Zadeh filed for asylum, withholding of removal, and
12 protection under the Convention Against Torture. On August 30, 2000, an immigration judge
13 denied Mr. Zamani-Zadeh's applications for withholding and CAT protection, found him
14 ineligible for asylum, and ordered him removed to Iran. (DISC-6)

15 A series of failed attempts to obtain travel documents for Mr. Zamani-Zadeh, so that he
16 might be removed to Iran, began soon after the removal order was entered. It continues to this
17 day.

18 On October 23, 2000, the INS sent a letter and supporting documentation to the Iranian
19 Embassy, asking for travel documents for Mr. Zamani-Zadeh. (DISC-7) This letter was actually
20 directed at the Iranian Interests Section of the Pakistani Embassy. The Iranian Interests Section
21 of the Pakistani Embassy in the United States is empowered to issue travel documents to Iranian
22 citizens. *See, e.g., Hekmati v. Islamic Republic of Iran*, 278 F. Supp. 3d 145, 150 (D.D.C. 2017);
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25 ¹ Along with this document, Mr. Zamani-Zadeh is filing for the record some of the discovery
26 provided by respondents pursuant to this Court's order of September 30, 2025, and other
27 documents provided by Mr. Zamani-Zadeh himself. These documents will be submitted
28 separately under seal. These documents, consisting of 102 pages of documents, will be submitted
as a single pdf file. An index will be available for the public docket. The documents will be
referenced here as "DISC-xxx," where xxx is the pdf page of the filing.

1 *Momennia v. Estrada*, 268 F. Supp. 2d 679, 685 (N.D. Tex. 2003). The Iranian Interests Section
2 responded on November 29, 2000, explaining that it could not issue travel documents without
3 Mr. Zamani-Zadeh's original Iranian birth certificate and passport, which he does not have and
4 which INS did not provide. (DISC-8)

5 On December 1, 2000, Mr. Zamani-Zadeh filed a *pro se* petition for a writ of habeas
6 corpus under 28 U.S.C. § 2241 in the United States District Court for the Western District of
7 Washington. *Zamani-Zadeh v. INS*, No. 2:00-cv-2040-BJR (JLW) (W.D. Wash. Dec. 1, 2000). In
8 his petition, he asserted that his detention in immigration custody was not lawful under 8 U.S.C.
9 § 1231(a)(6) because his removal could not be effectuated in the foreseeable future. *See Ma v.*
10 *Reno*, 208 F.3d 815 (9th Cir. 2000), *aff'd sub nom. Zadvydas v. Davis*, 533 U.S. 678 (2001), *as*
11 *stated in Ma v. Ashcroft*, 257 F.3d 1095 (9th Cir. 2001). On April 11, 2001, the INS released Mr.
12 Zamani-Zadeh from custody on an order of supervision. (DISC-9, DISC-10) Six days later, with
13 the assistance of appointed counsel, Mr. Zamani-Zadeh withdrew his habeas petition.

14 Mr. Zamani-Zadeh reported under the terms of his order of supervision every month
15 between his release in April 2001 and December 2002. (DISC-11) He continued to cooperate
16 with efforts to obtain travel documents. In October 2003, a federal probation officer petitioned to
17 revoke his supervised release. He was arrested on November 8, 2003, and detained pending
18 disposition of the alleged violation. On May 13, 2004, his supervised release was revoked and he
19 was sentenced to 16 months in prison followed by a term of supervised release (the revocation
20 order is not publicly available electronically through PACER).

21 In 2004 and 2005, a number of attempts were made to find a suitable country for removal.
22 On August 25, and September 13, 2004, Mr. Zamani-Zadeh sent a letter to the Iranian Consulate
23 (probably the Iranian Mission to the United Nations) in New York City asking for travel
24 documents. (DISC-37 to DISC-38) On November 9, 2004, Mr. Zamani-Zadeh's lawyer at the
25 Federal Public Defender's Office in Portland sent a letter to the Iranian Interests Section asking
26 for travel documents. (DISC-41) On December 8, 2004, the Iranian Interests Section informed
27 Mr. Zamani-Zadeh's lawyer at the Federal Public Defender's Office in Portland, Oregon, that it
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1 would not issue travel documents without an original copy of Mr. Zamani-Zadeh's Iranian birth
2 certificate and passport. (DISC-15) It sent him personally a letter to the same effect. (DISC-27)
3 On December 21, 2004, ICE sent a letter to the Iranian Interests Section asking for Mr. Zamani-
4 Zadeh's travel documents. (DISC-20) On March 10, 2005, Mr. Zamani-Zadeh himself presented
5 a package of letters to a deportation officer in support of an administrative custody review.
6 (DISC-24 to DISC-25) This package included requests for travel documents directed at the
7 Iranian Interests Section (DISC-28), and the governments of Mexico (DISC-30), Canada (DISC-
8 31), and Denmark (DISC-32). None of these efforts appear to have been successful. Mr. Zamani-
9 Zadeh was released from ICE custody on an order of supervision on May 24, 2005. (DISC-42)

10 The federal district court in Oregon managed Mr. Zamani-Zadeh's supervised release for
11 the remainder of 2005 and for part of 2006. On August 23, 2006, a federal probation officer in
12 Oregon again petitioned to revoke Mr. Zamani-Zadeh's supervised release. On November 6,
13 2006, the judge revoked his supervised release and sentenced him to 18 months in prison
14 followed by no further supervision. He was permitted to self-surrender at FCI-Sheridan on
15 February 20, 2007.

16 On January 24, 2008, Mr. Zamani-Zadeh was released from ICE custody on an order of
17 supervision. (DISC-47) He was issued another order of supervision on June 16, 2009. (DISC-53)
18 He was issued another order of supervision on March 7, 2011. (DISC-63 to DISC-64) He was
19 issued another order of supervision on March 20, 2017. (DISC-67) It appears that he reported
20 regularly as required throughout this entire period of time, up to and including May 1, 2025.
21 (DISC-72)

22 On June 9, 2025, the Iranian Interests Section sent a letter to Portland attorney Douglas
23 Schaeffer, Esq., regarding a request for travel documents for Mr. Zamani-Zadeh. It said it could
24 not provide travel documents without the original copies of his Iranian birth certificate and
25 passport. (DISC-74) On July 17, 2025, another lawyer filed on Mr. Zamani-Zadeh's behalf a
26 motion to reopen his removal proceedings with the Tacoma, Washington, Immigration Court.
27 (DISC-75) It is unclear whether the immigration courts have taken any action on this motion.
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1 All the evidence Mr. Zamani-Zadeh needed to show that there was no significant
2 likelihood of his being removed to Iran in the reasonably foreseeable future was set forth in his
3 petition for a writ of habeas corpus. Respondents have not denied the factual allegations in his
4 petition. Iran does not cooperate with ICE's efforts to obtain travel documents for its citizens.
5 And as recently as June 2025, the Iranian Interests Section of the Pakistani Embassy has
6 informed ICE that it will not issue travel documents for Mr. Zamani-Zadeh because he does not
7 have satisfactory evidence that he is an Iranian citizen. Officials with both ICE and the former
8 INS have been trying without success for 25 years to obtain travel documents for Mr. Zamani-
9 Zadeh. There is no reason to believe that any recent effort on ICE's part will fare any better.

10 The declaration of deportation officer David Sandoval supports the notion that ICE will
11 not succeed in yet another attempt to obtain travel documents for Mr. Zamani-Zadeh—if they
12 have even made another request following the rejection of the June 2025 request they made.
13 Communications between “ERO Eloy travel unit” and “desk officer” (Dkt. #12 at 3 ¶¶ 13, 14,
14 15, 17) reflect, at best, preparatory steps for making a formal request to the proper diplomatic
15 officials who can issue a travel document to Mr. Zamani-Zadeh. ICE has known for 25 years that
16 the Iranian Interests Section will not issue travel documents without Mr. Zamani-Zadeh's
17 original Iranian birth certificate and passport. They did not have these documents in 2000, and
18 they do not have these documents now. Mr. Sandoval does not say otherwise. Mr. Sandoval also
19 does not say that ICE has sent the Iranian Interests Section *anything at all* since it re-arrested Mr.
20 Zamani-Zadeh on July 30, 2025.

21 The government simply does not have any evidence to support its belief that Mr. Zamani-
22 Zadeh's removal is foreseeable. This Court should not allow the government's false hope to
23 substitute for such evidence.

24 The government suggests that Mr. Zamani-Zadeh's claim for relief under *Zadvydas v.*
25 *Davis*, 533 U.S. 678 (2001), is premature because he has only been detained (this time) since July
26 30, 2025. (Dkt. #9 at 4) This suggestion is misplaced. Mr. Zamani-Zadeh has a removal order
27 that became final on September 29, 2000, when the time for filing an appeal to the Board of
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1 Immigration Appeals expired. *See* 8 U.S.C. § 1231(a)(1)(B)(i); 8 C.F.R. § 1003.38(b). Mr.
2 Zamani-Zadeh was subject to mandatory detention for 90 days after the removal order became
3 final, and he was in fact detained during that time. 8 U.S.C. § 1231(a)(1)(A), (a)(2). Now that
4 that period has also expired, Mr. Zamani-Zadeh is subject to discretionary detention under
5 § 1231(a)(6) or release on supervision under § 1231(a)(3).

6 In any event, the Supreme Court has interpreted § 1231(a)(6) to authorize detention only
7 to “a period reasonably necessary to bring about [an] alien’s removal from the United States.”
8 *Zadvydas*, 533 U.S. at 689. Whether or not Mr. Zamani-Zadeh has or has not been in detention
9 for a certain period of time following his rearrest on July 30, 2025, § 1231(a)(6) “does not permit
10 detention beyond the initial 90-day removal period when removal is not reasonably foreseeable.”
11 *Trinh v. Homan*, 466 F. Supp. 3d 1077, 1092 (C.D. Cal. 2020). “At no point did the *Zadvydas*
12 Court preclude a noncitizen from challenging their detention before the end of the presumptively
13 reasonable six-month period.” *Id.* (citing *Cesar v. Achim*, 542 F. Supp. 2d 897, 903 (E.D. Wis.
14 2008); *Ali v. DHS*, 451 F. Supp. 3d 703, 708–09 (S.D. Tex. 2020)). The government’s argument
15 that Mr. Zamani-Zadeh’s claim is premature is inconsistent with the text and structure § 1231(a)
16 and the weight of the caselaw interpreting it, including *Zadvydas*.

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Conclusion

For the past 25 years, immigration officials have known that the Iranian Interests Section of the Pakistani Embassy will not issue travel documents without first reviewing two documents that Mr. Zamani-Zadeh does not have—his original Iranian birth certificate and passport. For this reason, there was no significant likelihood of his removal to Iran in 2001, and so another federal district court ordered him released from immigration detention. In the intervening time, the government has not made any progress in securing travel documents for Mr. Zamani-Zadeh despite his own, his lawyers', and ICE's requests. The Iranian Interests Section keeps singing the same tune. This Court can conclude only that there is no likelihood that Mr. Zamani-Zadeh will be removed from the United States at all, and certainly not in the reasonably foreseeable future. This Court should grant Mr. Zamani-Zadeh's petition and order him released from custody on an order of supervision.

Respectfully submitted:

October 31, 2025.

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