

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

SAMAD , SEYFIKORAEIM

Petitioner

v.

Warden, San Luis Regional Detention and Support Center  
406 N Avenue D

Respondent

(name of warden or authorized person having custody of petitioner)

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<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
NOV 17 2025	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

Case No. 2:25-cv-03398-KML-JZB  
(Supplied by Clerk of Court)


PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

- (a) Your full name: SAMAD , SEYFIKORAEIM

(b) Other names you have used: \_\_\_\_\_
- Place of confinement:

(a) Name of institution: San Luis Regional Detention and Support Center

(b) Address: 406 N Avenue D, San Luis, AZ 85349
- (c) Your identification number: 

Are you currently being held on orders by:

Federal authorities     State authorities     Other - explain: \_\_\_\_\_
- Are you currently:

A pretrial detainee (waiting for trial on criminal charges)

Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: \_\_\_\_\_

(b) Docket number of criminal case: \_\_\_\_\_

(c) Date of sentencing: \_\_\_\_\_

Being held on an immigration charge

Other (explain): Post-final order detention pursuant to 8 U.S.C. § 1231(a)(6) after grant of Withholding of Removal

Withholding of Removal

Decision or Action You Are Challenging

- What are you challenging in this petition:

How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)


THIS DOCUMENT IS NOT THE PROPER FORM ACCORDING TO FEDERAL AND/OR LOCAL RULES AND PRACTICES AND IS SUBJECT TO REJECTION BY THE COURT.

REFERENCE Civil 54  
(Court/Case Number/Section)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): Continued immigration detention exceeding six months after final order of removal /withholding removal, in violation of Zadvydas v. Davis, 533 U.S. 678 (2001), because there is no significant likelihood of removal in the reasonably foreseeable future.

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: U.S. Department of Homeland Security -- Immigration and Customs Enforcement (ICE)  
San Luis Regional Detention and Support Center, San Luis, Arizona
- (b) Docket number, case number, or opinion number: A-Number: 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Continued post-final order immigration detention exceeding six months after grant of INA  
Withholding of Removal, in violation of Zadvydas v. Davis, 533 U.S. 678 (2001). ICE has failed to  
show that there is a significant likelihood of removal in the reasonably foreseeable future.
- (d) Date of the decision or action: March 5, 2025

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: There is no administrative or judicial appeal process
- (2) Date of filing: \_\_\_\_\_
- (3) Docket number, case number, or opinion number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not appeal: There is no administrative or judicial appeal process available to challenge continued post-final order immigration detention after a grant of withholding of removal .  
The only remedy is to seek release through a habeas corpus petition in federal court under Zadvydas v. Davis

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Docket number, case number, or opinion number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: **Because no first appeal was filed there was no opportunity to file a second appeal. In addition, there is no administrative or judicial appeal process available to challenge continued post-final order immigration detention after a grant of withholding of removal.**

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Docket number, case number, or opinion number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: **Because no first or second appeal was filed, there was no opportunity to file a third appeal. In addition, there is no administrative or judicial appeal process available to challenge continued post-final order immigration detention after a grant of withholding of removal.**

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes  No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes  No

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If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes  No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

Not applicable – this petition does not challenge a criminal conviction or sentence; it challenges continued immigration detention under 28 U.S.C. § 2241.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 10/20/2024
- (b) Date of the removal or reinstatement order: withholding
- (c) Did you file an appeal with the Board of Immigration Appeals?  
 Yes  No

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If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_
  - (2) Case number: \_\_\_\_\_
  - (3) Result: \_\_\_\_\_
  - (4) Date of result: \_\_\_\_\_
  - (5) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

Yes  No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
  - (2) Date of filing: \_\_\_\_\_
  - (3) Case number: \_\_\_\_\_
  - (4) Result: \_\_\_\_\_
  - (5) Date of result: \_\_\_\_\_
  - (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes  No

If "Yes," provide:

- (a) Kind of petition, motion, or application: \_\_\_\_\_
  - (b) Name of the authority, agency, or court: \_\_\_\_\_
- \_\_\_\_\_
- (c) Date of filing: \_\_\_\_\_
  - (d) Docket number, case number, or opinion number: \_\_\_\_\_
  - (e) Result: \_\_\_\_\_
  - (f) Date of result: \_\_\_\_\_
  - (g) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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**Grounds for Your Challenge in This Petition**

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE: Prolonged Post-Order Detention in Violation of Zadvydas v. Davis**

(a) Supporting facts (Be brief. Do not cite cases or law.):

My detention has exceeded six months after a final order of removal. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), continued detention beyond six months is presumptively unlawful unless the government can prove that removal is significantly likely in the reasonably foreseeable future. More than six months have passed since March 5, 2025, no travel document has been issued, and ICE has provided no evidence that my removal will occur. My continued detention therefore violates federal law and my Fifth Amendment right to due process.

(b) Did you present Ground One in all appeals that were available to you?

Yes  No

**GROUND TWO: Severe Mental and Physical Health Deterioration Due to Detention Conditions**

(a) Supporting facts (Be brief. Do not cite cases or law.):

Prolonged detention and the uncertainty of my situation have caused extreme stress, severe anxiety, and depression. As a direct result of this mental strain [REDACTED] this injury has not been properly treated and is worsening due to the stressful and unsanitary conditions of detention. The ongoing psychological and physical harm demonstrates that my continued detention is causing serious and irreparable damage to my health, in violation of my Fifth Amendment due process rights and the Eighth Amendment's prohibition against cruel and unusual punishment.

(b) Did you present Ground Two in all appeals that were available to you?

Yes  No

**GROUND THREE: Detention Has Shifted from Administrative to Punitive**

(a) Supporting facts (Be brief. Do not cite cases or law.):

Immigration detention is intended to be civil and administrative, not punitive. In this case, the length and conditions of detention, coupled with the lack of a removal plan, have turned confinement into a form of punishment. This violates the constitutional limits on civil detention and the principles established in *Zadvydas v. Davis* and *Clark v. Martinez*.

(b) Did you present Ground Three in all appeals that were available to you?

Yes  No

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**GROUND FOUR: Humanitarian Grounds for Release**

(a) Supporting facts (Be brief. Do not cite cases or law.):

The prolonged detention has caused unnecessary suffering, separating me from my family, friends, and support network. I have strong community ties, no criminal history, and I am willing to comply with all conditions of supervision, including regular check-ins and any travel restrictions. My continued confinement serves no public safety purpose and is causing severe emotional pain, loss of dignity, and harm to my overall well-being. Releasing me under supervision would protect my health and allow me to live with dignity while my case is resolved, in line with humanitarian principles and the constitutional guarantee of due process.

(b) Did you present Ground Four in all appeals that were available to you?

Yes  No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

I relied entirely on my attorney to raise and preserve all necessary grounds during prior proceedings. Due to my limited knowledge of U.S. immigration law, language barriers, and the complexity of the legal process, I was unable to independently identify or present all potential claims. Furthermore, my prolonged detention, now exceeding six months, has caused severe deterioration of my physical and mental health — including extreme anxiety, depression, and a stress-related medical injury — which has impaired my ability to effectively participate in my legal defense.

**Request for Relief**

15. State exactly what you want the court to do: I respectfully request my immediate release from detention, as my confinement has exceeded the legally reasonable period under U.S. immigration law. Prolonged detention has caused severe physical and mental health deterioration, and continued confinement serves no legitimate purpose. I ask to be released under supervision, parole, or on my own recognizance to receive proper medical care and continue my case from outside detention

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 11.05.25



\_\_\_\_\_  
*Signature of Petitioner*

\_\_\_\_\_  
*Signature of Attorney or other authorized person, if any*

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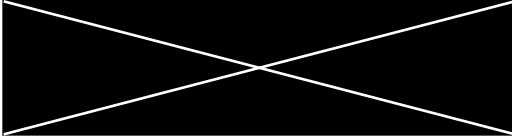
UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTAY MESA IMMIGRATION COURT

Respondent Name:

SEYFIKORAEIM, SAMAD

To:

FARAHMAND, ALI MORAD



A-Number:



Torrelo

Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

03/05/2025

**ORDER OF THE IMMIGRATION JUDGE**

- This is a summary of the oral decision entered on . The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The immigration court found Respondent  removable  inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I)

The immigration court found Respondent  not removable  not inadmissible under the following Section(s) of the Act:

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- Asylum was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Withholding of Removal under INA § 241(b)(3) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Withholding of Removal under the Convention Against Torture was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Deferral of Removal under the Convention Against Torture was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

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 Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

Special Rule Cancellation of Removal under INA § 240A(b)(2) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

C. Waiver

A waiver under INA § was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

D. Adjustment of Status

Adjustment of Status under INA § was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

E. Other

III. Voluntary Departure

Respondent's application for  pre-conclusion voluntary departure under INA § 240B(a)  post-conclusion voluntary departure under INA § 240B(b) was  denied.

Respondent's application for  pre-conclusion voluntary departure under INA § 240B(a)  post-conclusion voluntary departure under INA § 240B(b) was  granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.

The respondent is subject to the following conditions to ensure his or her timely departure from the United States:

Further information regarding voluntary departure has been added to the record.

Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. See INA § 240B(d)(1). The immigration court has set

the presumptive civil monetary penalty amount of \$3,000.00 USD

\$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of

10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### IV. Removal

- Respondent was ordered removed to
- In the alternative, Respondent was ordered removed to
- Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### V. Other

- Proceedings were  dismissed  terminated with prejudice  
 terminated without prejudice  administratively closed.
- Respondent's status was rescinded under INA § 246.
- Other:

The respondent is ordered removed to Iran. Such removal to be WITHHELD pursuant to the Court's grant of withholding of removal under INA Section 241(b)(3).



Immigration Judge: PARTIDA, ANA 03/05/2025

Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved

Appeal Due:

**Certificate of Service**

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable

To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [ E ] Noncitizen's atty/rep. | [ E ] DHS

Respondent Name : SEYFIKORAEIM, SAMAD | A-Number :



Riders:

Date: 03/05/2025 By: GONZALEZ, EMELY, Court Staff