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**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND IMMEDIATE RELEASE FROM CUSTODY**

SHAHAB KAZEMZADEH
ALIEN No. [REDACTED]
PETITIONER, PRO SE
CUSTODY STATUS: DETAINED

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<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL PARTIES OF RECORD	
<div style="border: 1px solid black; padding: 5px; display: inline-block;">NOV 25 2025</div>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <u>Ammi</u>	DEPUTY

1 Shahab Kazemzadeh
2 Alien No. [REDACTED]
3 Nevada Southern Detention Center
4 2190 East Mesquite Avenue
5 Pahrump, Nevada 89060
6

7 **IN THE UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 Shahab Kazemzadeh,

) No. 2:25-cv-01941-JAD-NJK

11 -Petitioner, *Pro Se*,

) INS No. A [REDACTED]

12 v.

)

13 THE UNITED STATES OF AMERICA,

) Custody Status: **DETAINED**

14 Kristi NOEM, in her Official Capacity,
15 Secretary of the Department of Homeland Security

)

)

16 Pamela J. BONDI, in her Official Capacity,
17 Attorney General, Department of Justice,

)

)

18 Kerri Ann QUIHUIS, in her Official Capacity,
19 ICE Field Office Director, Detention and Removal,
20 Las Vegas, Nevada (ICE Local)

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21 Michael BERNACKE, in his Official Capacity,
22 Field Office Director, Salt Lake City Field Office,
23 U.S. Immigration and Customs Enforcement,

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24 Patrick J. LECHLEITNER, in his Official Capacity,
25 Acting Director, Immigration & Customs Enforcement,

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27 John MATTOS, in his Official Capacity,
28 Warden of Immigration Detention Facility,
29 Nevada Southern Detention Center;

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30 -Respondents.

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1 **EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER (“TRO”) AND**
2 **IMMEDIATE RELEASE FROM CUSTODY**

3 Comes now Petitioner Mr. Shahab Kazemzadeh, appearing *pro se*, respectfully moves
4 this Honorable Court for an Emergency Temporary Restraining Order (TRO) directing his
5 immediate release from ICE custody.

6 This urgent relief is necessary because Petitioner is being detained indefinitely,
7 unlawfully, and without any foreseeable prospect of removal, in violation of binding Supreme
8 Court precedent, the INA, and the Fifth Amendment’s Due Process Clause.

9 Petitioner incorporates by reference all facts stated in the previously filed Petition for
10 Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner respectfully requests this Court
11 to grant this instant motion and issue an order for his immediate release from ICE custody.

12 This instant emergency motion for temporary restraining order and immediate release is
13 made in good-faith. For good cause showing, Mr. Shahab Kazemzadeh respectfully asserts:

14 **I. INTRODUCTION**

15 1. Petitioner, Mr. Shahab Kazemzadeh is a native and citizen of Iran, who is
16 currently detained at the Nevada Southern Detention Center. Since 2020, DHS/ICE has been
17 unable to remove Petitioner to Iran or to any other country. The Iranian Embassy has formally
18 notified ICE that: Iran will not accept Petitioner; Iran will not issue travel documents; and that
19 Iran has no intention of cooperating with ICE regarding removal.

20 2. There is no indication—nor even a theoretical possibility—that ICE will ever be
21 able to deport him. ICE has not obtained travel documents, made diplomatic progress, or
22 identified an alternative receiving country.

23 3. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), detention is unconstitutional if
24 removal is not “reasonably foreseeable.” When a noncitizen is removable but not actually

1 removable, the Constitution forbids continued detention. *Id.*

2 4. Petitioner has now entered a prolonged and potentially indefinite period of
3 detention, rendering his confinement unlawful, punitive, and arbitrary. This Court should
4 conclude that immediate release is required.

5 **II. FACTUAL BACKGROUND**

6 5. Petitioner is a native and citizen of Iran. DHS/ICE has attempted to remove
7 Petitioner to Iran since 2020, without success. The Iranian Embassy formally informed ICE
8 that it will not accept him and will not issue travel documents. ICE has also been unable to
9 identify any other country willing to accept Petitioner. Petitioner has now been detained far
10 beyond the presumptively reasonable six-month period established in *Zadvydas*. Respondents,
11 including DHS/ICE has no removal plan, no viable alternative country, and no path toward
12 removal. Respondents continues to detain Petitioner despite the legal impossibility of
13 effectuating removal. DHS/ICE has a history of cherry-picking arrests, including Petitioner's,
14 without any rational relationship to legitimate removal objectives.

15 6. Because removal is not possible, detention is not lawful and warrants TRO relief.

16 **III. PETITIONER SATISFIES THE TRO STANDARD**

17 **A. Petitioner Is Likely to Succeed on the Merits**

18 **1. *Zadvydas* Controls Where Removal Is Not Reasonably Foreseeable.**

19 7. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that
20 immigration detention is lawful only if removal is reasonably foreseeable. Where removal is
21 not reasonably foreseeable, “the statute... does not permit indefinite detention.” *Id.* at 699.

22 8. This case squarely falls within the “removable-but-not-removable” category
23 identified by the Supreme Court. Iran has affirmatively stated that it will not accept Petitioner
24 and will not issue travel documents, and ICE has admitted it cannot remove him. Respondents

1 have provided no evidence whatsoever—no documentation, no correspondence, and not even
2 a suggestion—that removal to a third country is possible. Respondents cannot produce any
3 evidence—nor even the slightest indication—that any other country is willing to accept
4 Petitioner.

5 9. This Court should grant this request for TRO and order Respondents to
6 immediately release Mr. Shahab Kazemzadeh grounded on the fact that Respondents have
7 provided no removal plan, produced any pending or active travel document request, no
8 diplomatic communications with any third country, no progress since 2020 and no country has
9 been identified for possible removal.

10 10. Respondents, including DHS/ICE, has utterly failed to provide any concrete basis
11 for believing removal will ever occur, now or in the future. Absent such evidence, Petitioner’s
12 continued detention violates due process. The Ninth Circuit has repeatedly held that where
13 removal is not reasonably foreseeable, detention becomes unconstitutional. *See Nadarajah v.*
14 *Gonzales*, 443 F.3d 1069, 1080 (9th Cir. 2006) (“The government cannot detain a noncitizen
15 indefinitely simply because it wishes to do so.”); *Tijani v. Willis*, 430 F.3d 1241, 1242 (9th Cir.
16 2005) (prolonged detention without a likelihood of removal is unconstitutional); *Diouf v.*
17 *Napolitano*, 634 F.3d 1081, 1092 (9th Cir. 2011) (detention must be meaningfully connected
18 to its purpose).

19 11. Here, there is no meaningful connection between Petitioner’s detention and the
20 statutory purpose of detention (facilitating removal). ICE cannot remove Petitioner, and ICE
21 has known this for years. When removal is not possible, detention becomes arbitrary, punitive,
22 unconstitutional or contrary to the purpose of civil immigration detention. *See Zadvydas*, 533
23 U.S. at 690 (detention must be “reasonably related” to its purpose); *Judulang v. Holder*, 565
24 U.S. 42, 53 (2011) (agency action must rest on reasoned explanation and not be arbitrary).

1 12. Petitioner’s detention is precisely the unconstitutional, purposeless detention that
2 *Zadvydas*, *Nadarajah*, and *Tijani* forbid. Respondents are unable to carry out the removal order.
3 Petitioner’s assigned Consulate has not issued travel documents and there is no certainty as to
4 when, if ever, such travel documents will be issued. This Court should conclude that
5 Petitioner’s case meets the standard for emergency injunctive relief and should issue a TRO
6 ordering his immediate release from ICE custody.

7 13. It is critical to emphasize that in *Zadvydas v. Davis*, 533 U.S. 678 (2001), the
8 Supreme Court held that detention after a removal period is constitutional *only* if removal is
9 “reasonably foreseeable.” When no country will accept the noncitizen, detention becomes
10 indefinite and unlawful. *Zadvydas* explicitly addressed the situation “*when no country will take*
11 *the noncitizen.*” *Id.* at 684–86. This is exactly the posture here, as Iran has unequivocally
12 refused to accept Petitioner and Respondents have been unable to secure travel documents or
13 identify any alternate country willing to admit him.

14 14. Even more, Respondents have been unable to remove Petitioner since 2020, and
15 they cannot meaningfully articulate—much less produce—any viable removal plan. Because
16 removal is legally and practically impossible, continued detention violates substantive due
17 process. The Ninth Circuit has repeatedly affirmed that where removal is not reasonably
18 foreseeable, the noncitizen must be released. *See Nadarajah v. Gonzales*, 443 F.3d 1069, 1080–
19 81 (9th Cir. 2006) (ordering immediate release where removal was not foreseeable); *Diouf v.*
20 *Napolitano*, 634 F.3d 1081 (9th Cir. 2011) (prolonged detention requires heightened procedural
21 protections and cannot be justified absent a foreseeable removal).

22 15. Petitioner is far past the *Zadvydas* threshold and squarely within the category of
23 individuals whom the Constitution prohibits from being detained indefinitely. Accordingly, this
24 Court should grant the TRO and order Mr. Shahab Kazemzadeh’s immediate release, as due

1 process does not permit detention where removal is impossible.

2 **2. This Court Should Grant TRO Relief and Issue an Order Releasing**
3 **Mr. Shahab Kazemzadeh on the Grounds that His Detention Is**
4 **Arbitrary, Capricious, Unnecessary and Punitive.**

5
6 16. Under the Fifth Amendment, immigration detention must be civil, nonpunitive
7 and rationally tied to a removal purpose. But Respondents actions, including DHS/ICE's
8 actions here are not tied to any legitimate purpose, punitive, given indefinite duration, arbitrary,
9 due to selective "cherry-picking" enforcement and legally baseless, given Iran's refusal and
10 history of not accepting deportees.

11 17. In *Judulang v. Holder*, 565 U.S. 42, 53 (2011), the Supreme Court held that
12 agency actions must have a "reasoned explanation" and cannot rest on arbitrary decision-
13 making. Respondents conduct, including DHS/ICE's conduct, here fails that test.

14 **3. Respondents' Cherry-Picked Enforcement for Indefinite Detention**
15 **Is Constitutionally Defective and Serves No Legitimate**
16 **Governmental Purpose.**

17
18 18. Detention must relate to securing attendance at proceedings, or protecting the
19 public. *See Zadvydas*, 533 U.S. at 690. DHS/ICE's re-arrest and continued detention of
20 Petitioner—amid clear knowledge that removal is impossible—reflect: no rational connection
21 to deportation, no legitimate governmental purpose and arbitrary selection of individuals for
22 enforcement despite known non-removability. Such conduct is constitutionally impermissible.
23 As such, this Court should grant this TRO and issue an order to immediately release Petitioner.

24 **4. Petitioner Warrants TRO and Immediate Release from Custody**
25 **Under a Clear *Zadvydas* Violation as DHS/ICE Has Failed to**
26 **Remove Petitioner Since 2020.**

27
28 19. Since March 4, 2020, well-over five years of failed removal attempts demonstrate
29 that Petitioner is in "removable-but-not-removable" status—the exact category *Zadvydas*
30 prohibits. As such, and because there is no indication that Respondents will remove Petitioner

1 to Iran, or a third country, in the foreseeable future, this Court should grant this TRO and order
2 Respondents to immediately release Mr. Shahab Kazemzadeh. Given the total absence of any
3 indication that Respondents will be able to remove Petitioner to Iran—or to any third country—
4 in the reasonably foreseeable future, this Court should grant the requested Temporary
5 Restraining Order and order Mr. Shahab Kazemzadeh’s immediate release.

6 20. Under *Zadvydas v. Davis*, 533 U.S. 678, 699–701 (2001), detention is permissible
7 only when removal is reasonably foreseeable; where, as here, removal is impossible, continued
8 detention violates the Due Process Clause. The Ninth Circuit has consistently held that when
9 DHS cannot effectuate removal and offers no concrete evidence of future removability, the
10 noncitizen must be released. *See Nadarajah v. Gonzales*, 443 F.3d 1069, 1080–81 (9th Cir.
11 2006) (ordering immediate release where removal was not practicable); *Diouf v. Napolitano*,
12 634 F.3d 1081, 1091–92 (9th Cir. 2011) (prolonged detention without a foreseeable removal
13 violates due process).

14 21. Again, Federal courts in Nevada have applied these principles to grant habeas
15 relief when ICE cannot establish a realistic prospect of removal. *See, e.g., Alvarez v. ICE*, No.
16 2:18-cv-00348, 2018 WL 2741040 (D. Nev. June 6, 2018) (District of Nevada ordering release
17 where removal was not reasonably foreseeable under *Zadvydas*).

18 22. In the absence of any evidence suggesting that Respondents, including DHS/ICE,
19 will ever secure travel documents—especially given Iran’s explicit refusal to accept
20 Petitioner—continued detention is arbitrary, lacks any rational connection to the purpose of
21 immigration custody, and is unconstitutional. The upshot, this Court should conclude that the
22 governing precedent compels the conclusion that Mr. Kazemzadeh’s detention is unlawful, and
23 this Court should grant the TRO and order his immediate release.

24 **B. Petitioner Faces Immediate, Irreparable Harm**

1 23. Ongoing detention is per se irreparable harm where the detention is
2 unconstitutional, removal is impossible and freedom is unlawfully restrained. Courts in the
3 Ninth Circuit repeatedly hold that unlawful detention itself constitutes irreparable harm. *See*
4 *Nadarajah*, 443 F.3d at 1081, *see also*, *Leiva-Perez v. Holder*, 640 F.3d 962, 970 (9th Cir.
5 2011). Petitioner suffers severe psychological harm, physical confinement in a remote facility,
6 loss of liberty, inability to plan for his future or reunite with his fiancé and build a family, daily
7 constitutional injury.

8 24. This reveals that Petitioner suffers severe and ongoing harm each day he remains
9 unlawfully detained—including significant psychological distress, physical confinement in a
10 remote facility, loss of liberty, inability to meaningfully plan for his future, and prolonged
11 separation from his family. These injuries constitute the very definition of irreparable harm.
12 Courts have long held that ongoing unconstitutional detention inflicts per se irreparable injury,
13 as every additional day unlawfully spent in custody is a harm that cannot be undone. *See*
14 *Nadarajah v. Gonzales*, 443 F.3d 1069, 1081 (9th Cir. 2006) (unlawful immigration detention
15 itself establishes irreparable harm); *Leiva-Perez v. Holder*, 640 F.3d 962, 970 (9th Cir. 2011)
16 (“Loss of liberty unquestionably constitutes irreparable harm.”).

17 25. Federal courts in Nevada have echoed this principle, recognizing that detention
18 without a viable path to removal inflicts continuous and irreparable injury warranting
19 immediate judicial intervention. *See Alvarez v. ICE*, 2018 WL 2741040, at 4 (D. Nev. June 6,
20 2018)* (granting habeas release where ICE’s detention violated *Zadvydas*). Thus, this factor
21 weighs heavily—and decisively—in favor of granting TRO relief and immediate release.

22 **C. The Balance of Equities Favors Petitioner**

23 26. This is a case where the Respondents will suffer no prejudice by releasing
24 Petitioner, Mr. Shahab Kazemzadeh, a man whom Respondents cannot remove to Iran. Even

1 more, Respondents have not identified any third country to which Petitioner would be removed
2 nor could it. Petitioner, however, suffers indefinite detention, constitutional violation, loss of
3 time, liberty, and dignity. The equities, in this case, weigh heavily in Petitioner's favor.

4 27. Immediate release is warranted where the government suffers no cognizable
5 prejudice by releasing an individual it is legally and practically incapable of removing. By
6 contrast, Petitioner endures ongoing and indefinite detention in violation of due process, along
7 with the profound loss of time, liberty, family integrity, and human dignity that accompanies
8 unlawful confinement. Courts consistently recognize that when detention is unconstitutional
9 or serves no legitimate governmental purpose, the balance of equities overwhelmingly favors
10 the detainee. *See Nadarajah v. Gonzales*, 443 F.3d 1069, 1080–81 (9th Cir. 2006) (ordering
11 release where detention lacked any lawful basis); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)
12 (civil detention must bear a reasonable relation to its purpose and cannot be punitive or
13 arbitrary).

14 28. It is critical to emphasize that Federal courts in Nevada similarly hold that when
15 removal is not reasonably foreseeable, the government suffers no harm from release, while the
16 petitioner suffers continuous constitutional injury. *See Alvarez v. ICE*, 2018 WL 2741040 (D.
17 Nev. June 6, 2018) (granting release where ICE could not demonstrate a realistic prospect of
18 removal). This Court should conclude that the equities in this case weigh decisively in
19 Petitioner's favor and support the issuance of a TRO ordering his immediate release.

20 **D. The Public Interest Favors Granting the TRO**

21 29. Public interest is always served by preventing constitutional violations, ensuring
22 lawful, non-arbitrary enforcement and preventing indefinite detention of a person the
23 government cannot deport. *See Nadarajah*, 443 F.3d at 1080–81. The Supreme Court has held
24 that a noncitizen cannot be detained indefinitely in a removable but-not-removable status; the

1 most common situation occurs when no country can be found to accept the noncitizen.
2 *Zadvydas*, 533 U.S. 678. Petitioner re-alleges and incorporates by reference all paragraphs
3 above and all facts stated in the previously filed Petition for Writ of Habeas Corpus.

4 30. For all the reasons stated above, this Court should issue a Temporary Restraining
5 Order immediately releasing Mr. Shahab Kazemzadeh from ICE custody, as his detention is
6 unlawful, unconstitutional, and unsupported by any legitimate governmental purpose.

7 **IV. PRAYER FOR RELIEF**

8 Petitioner respectfully prays that this Honorable Court:

- 9 1. **GRANT** the Emergency Temporary Restraining Order (“TRO”);
10 2. **ORDER** Petitioner’s immediate release from ICE custody;
11 3. Enjoin Respondents, including DHS/ICE, from re-detaining Petitioner absent
12 new, lawful grounds;
13 4. Set an expedited hearing on a Preliminary Injunction if needed;
14 5. Grant all other and further relief this Court deems just and proper.

15 I, Shahab Kazemzadeh, hereby affirm under penalty of perjury and under the laws of the United
16 States that the foregoing is true and correct to the best of my knowledge and belief.

17
18 **DATED this 24th day of November, 2025.**

19 

20 Shahab Kazemzadeh

21 Alien No. 

22 Nevada Southern Detention Center

23 2190 East Mesquite Avenue

24 Pahrump, NV 89060

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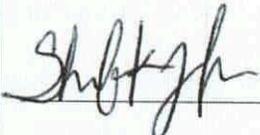
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5 **ACKNOWLEDGEMENT AND VERIFICATION**

6 Under penalty of perjury, the undersigned declares that he is the named Petitioner in the
7 foregoing petition. I have read the foregoing petition and its contents. The statements in the
8 petition are true and correct to the best of my knowledge, except as to any statements alleged
9 on information and belief, and as to those statements, I believe them to be true.

10
11 **DATED** this 24th day of November, 2025.

12
13 **EXECUTED** in Pahrump, Nevada.

14
15 
16 _____

17 Shahab Kazemzadeh

18 Alien No. 

19 Nevada Southern Detention Center

20 2190 East Mesquite Avenue

21 Pahrump, NV 89060

CERTIFICATE OF SERVICE

I, Shahab Kazemzadeh, hereby certify that the foregoing documents has been submitted on November 24, 2025. Further, I served a true, complete and correct copy of the foregoing documents by placing it in a pre-paid stamped envelope and mailing it to the following individuals:

Michael Bernacke
Salt Lake City ICE Field Office Director
2975 Decker Lake Drive, Ste 100
West Valley City, UT 841179-6096

Patrick J. Lechleitner
ICE Deputy Director
500 12th St. SW
Washington, DC 20536

Kristi Noem
Secretary of the Department of
Homeland Security
2707 Martin Luther King Jr. Ave SE,
Washington, DC 20528

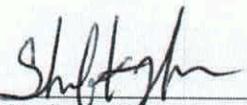
Kerri Ann Quihuis
DOJ-USAO
501 South Las Vegas Blvd., South
Ste # 1000
Las Vegas, NV 89101

Pamela J. Bondi
Attorney General of the United States
950 Pennsylvania Avenue, NW,
Washington, DC 20530-0001

John Mattos
Warden, Nevada Southern Detention Center
2190 East Mesquite Avenue
Pahrump, NV 89060

Respectfully submitted on this 24th day of November, 2025.

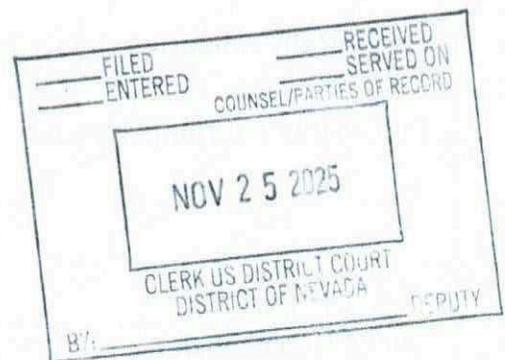
Executed in Pahrump, Nevada.



Shahab Kazemzadeh
Alien No. 
Nevada Southern Detention Center
2190 East Mesquite Avenue
Pahrump, NV 89060

[PROPOSED] ORDER
FOR PETITIONER'S EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER ("TRO") AND
IMMEDIATE RELEASE FROM CUSTODY

SHAHAB KAZEMZADEH
ALIEN No. ~~XXXXXXXXXX~~
PETITIONER, PRO SE
CUSTODY STATUS: DETAINED



Shahab Kazemzadeh
Alien No. [REDACTED]
Nevada Southern Detention Center
2190 East Mesquite Avenue
Pahrump, Nevada 89060

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Shahab Kazemzadeh,)	No. 2:25-cv-01941-JAD-NJK
-Petitioner, <i>Pro Se</i> ,)	INS No. [REDACTED]
v.)	
THE UNITED STATES OF AMERICA,)	Custody Status: <u>DETAINED</u>
Kristi NOEM, in her Official Capacity,)	
Secretary of the Department of Homeland Security)	
Pamela J. BONDI, in her Official Capacity,)	
Attorney General, Department of Justice,)	
Kerri Ann QUIHUIS, in her Official Capacity,)	
ICE Field Office Director, Detention and Removal,)	[Proposed] Order
Las Vegas, Nevada (ICE Local))	
Michael BERNACKE, in his Official Capacity,)	
Field Office Director, Salt Lake City Field Office,)	
U.S. Immigration and Customs Enforcement,)	
Patrick J. LECHLEITNER, in his Official Capacity,)	
Acting Director, Immigration & Customs Enforcement,)	
)	
John MATTOS, in his Official Capacity,)	
Warden of Immigration Detention Facility,)	
Nevada Southern Detention Center;)	
-Respondents.)	
)	

[PROPOSED] ORDER

Upon consideration of Petitioner Shahab Kazemzadeh's Emergency Motion for Temporary Restraining Order and Immediate Release from Custody, the Court finds:

1. Petitioner has shown a likelihood of success on the merits under *Zadvydas v. Davis*, 533 U.S. 678 (2001), because removal to Iran is not reasonably foreseeable and no third country has agreed to accept him;
2. Petitioner is suffering irreparable harm due to ongoing unlawful detention;
3. The balance of equities favors Petitioner, as the government suffers no prejudice by releasing an individual it cannot remove;
4. The public interest supports preventing unconstitutional detention.

IT IS HEREBY ORDERED:

1. **Petitioner Shahab Kazemzadeh SHALL BE IMMEDIATELY RELEASED** from Respondents (ICE) custody forthwith and under reasonable conditions of supervision to be set by the Department of Homeland Security, Immigration and Customs Enforcement.
2. **RESPONDENTS are ENJOINED from Re-Detaining Petitioner** absent new, lawful, and clearly articulated grounds consistent with due process.
3. **The Court retains jurisdiction** to enforce and modify this Order as necessary.

IT IS SO ORDERED that Petitioner's Emergency Motion for Temporary Restraining Order and Immediate Release from Custody is hereby **GRANTED**.

DATED: _____

BY THE COURT:

UNITED STATES DISTRICT JUDGE