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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Shahab Kazemzadeh,

14 Petitioner,

15 v.

16 United States of America, *et al.*,

17 Respondents.

18 Case No. 2:25-cv-1941-JAD-NJK

19 **Supplemental Reply in Support of**
20 **§ 2241 Petition**

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1 INTRODUCTION

2 Petitioner Shahab Kazemzadeh is a citizen of Iran who came to the United
3 States as a refugee with his family when he was a minor due to [REDACTED]
4 [REDACTED] Petitioner was ordered removed to Iran on March 4, 2020. He was
5 subsequently released by ICE/DHS on an Order of Supervision (OSUP) because ICE
6 was not able to remove him to Iran. Over five years later, ICE re-detained
7 Petitioner on June 23, 2025, when ICE/DHS took him into custody just after leaving
8 his house at 7:30 in the morning. Petitioner remained detained until he was
9 released on January 16, 2026 as a result of this Court’s preliminary injunction. His
10 detention spanned approximately seven months and Respondents have presented
11 no evidence justifying any further detention. Iran still has not issued travel
12 documents or given ICE/DHS any indication it will ever do so. ICE/DHS has also
13 not made any efforts to remove Petitioner to a third country, so removal is simply
14 not reasonably foreseeable. Accordingly, Petitioner’s detention violates his due
15 process rights, and his immediate release is compelled by the Due Process Clause of
16 the United States Constitution and the United States Supreme Court’s holding in
17 *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

18 Accordingly, the petition should be granted.

19 ARGUMENT

20 **I. Kazemzadeh’s continuing detention violates due process.**

21 The Due Process Clause of the Fifth Amendment forbids the government
22 from depriving any “person” of liberty “without due process of law.” U.S. Const.
23 amend. V. Petitioner has a liberty interest in remaining free from physical
24 confinement where removal is not reasonably foreseeable. Respondents have
25 violated the Due Process Clause of the Fifth Amendment because Petitioner’s
26 removal is not reasonably foreseeable. *Zadvydas* requires that Petitioner be
27 released on an order released. *See* 533 U.S. at 700-01 (describing release as an

1 appropriate remedy); 8 U.S.C. § 1231(a)(6) (authorizing release “subject to . . . terms
2 of supervision”).

3 **A. Kazemzadeh must remain free from ICE custody because his**
4 **removal is not reasonably foreseeable.**

5 Kazemzadeh’s detention is unreasonable and his removal is not reasonably
6 foreseeable. Kazemzadeh cannot be removed to Iran. Prior to being released
7 pursuant to this Court’s preliminary injunction, Kazemzadeh was held in
8 immigration detention for almost seven months, not counting his prior detention by
9 ICE in 2020, accordingly his detention is not presumptively reasonable under
10 *Zadvydas*.¹ Respondents have previously failed to obtain travel documents for
11 Kazemzadeh from Iran for almost six consecutive years.² ICE has provided no
12 reason to believe there will be a different result now. Instead, Respondents
13 apparently rely on news reports about a recent unconfirmed deportation flight to
14 Iran to support their allegation that Kazemzadeh’s removal is reasonably
15 foreseeable.³

16 Respondents’ answer all but confirms the fact that Kazemzadeh is not likely
17 to be removed. In summary, the Respondents have requested travel documents from
18 Iran, but none have been received, while “DHS continues to seek travel documents
19 from the Iranian government.”⁴ DHS has been seeking these very documents for
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21 ¹ Kazamzadeh maintains that the six-month period of presumptive
22 reasonableness runs from the date the removal order became final. However, as this
23 Court already acknowledged in the order granting preliminary injunction, since
24 Kazemzadeh’s most recent detention lasted more than six months, this Court does
not need to decide this issue in this case. ECF No. 21 at 6, n. 22.

25 ² Kazemzadeh was ordered removed on March 4, 2020. He was released on an
26 OSUP in 2020, as “ICE was unable to secure a travel document for Petitioner.” ECF
No. 6 at 2.

27 ³ ECF No. 6 at 7.

⁴ ECF No. 6 at 2.

1 approximately six consecutive years. These efforts have never been successful, a
2 fact that previously necessitated Kazemzadeh's release on an OSUP months after
3 his original order of removal.

4 Respondents do not even make any specific allegations as to what efforts ICE
5 has made to secure travel documents or that Iran has given any reason to believe
6 they can be obtained. In fact, Respondents provide no evidence whatsoever
7 regarding whether any efforts have been made apart from the ICE Decision to
8 Continue Detention document, but that document itself is unreliable.⁵ In the
9 Decision to Continue Detention, ICE Deputy Field Office Director Jhonny J.
10 Benavides said that the decision was made to continue Kazemzadeh's custody after
11 reviewing the information he submitted to "ICE/ERO reviewing officials on April 2,
12 2025," but Kazemzadeh was not even re-detained by ICE until June 23, 2025.⁶ The
13 document also indicates that Kazemzadeh was ordered removed on September 22,
14 1999, but someone crossed that date out by hand and wrote in Kazemzadeh's actual
15 removal order date of March 4, 2020.⁷ The Decision indicates that Kazemzadeh had
16 not demonstrated he was not a danger or a flight risk⁸ but does not explain what
17 facts those findings are based on (it obviously was not evidence submitted on April
18 2, 2025) given that Kazemzadeh was subject to parole and its accompanying
19 safeguards and that he had been complying with his OSUP.

20 Upon information and belief, throughout his prolonged detention, there has
21 not been any indication that preparations have been made to deport Kazemzadeh.
22 Crucially, the Respondents do not acknowledge any third country designations
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24 ⁵ ECF No. 6-6.

25 ⁶ ECF Nos. 6-6 at 2, 6-5 indicating that Kazemzadeh was not notified of an
26 upcoming custody review until July 24, 2025.

27 ⁷ ECF No. 6-6 at 2.

⁸ ECF No. 6-6 at 2.

1 apply here. Without a third country designation, Respondents must remove
2 Kazemzadeh to Iran, the same country Respondents have yet to receive travel
3 documents from since 2020. Accordingly, Kazemzadeh has shown that his current
4 custody is unreasonable, as there is no reasonable foreseeability of deportation.
5 Kazemzadeh must remain released.

6 Accordingly, Kazemzadeh has established that his removal is not reasonably
7 foreseeable, and his detention has become indefinite, just as it had been in 2020,
8 when he was initially placed on an OSUP. There is no reason to believe Iran will be
9 any more responsive to DHS requests in the future. Respondents fail to provide any
10 information to rebut that showing. Thus, *Zadvydas* compels Kazemzadeh's
11 continued release from detention.

12 **B. Kazemzadeh was re-detained unlawfully in violation of The**
13 **Code of Federal Regulations.⁹**

14 The I-213 filed by Respondents shows that Kazemzadeh's re-detention on
15 June 23, 2025, was unlawful. It suggests that Kazemzadeh was "re-detained" for an
16 irrelevant ground of removability (because Kazemzadeh was already ordered
17 removed in 2020), instead of for any reason relating to violating his OSUP terms or
18 changed circumstances making his removal reasonably foreseeable.¹⁰ On top of that,
19 the charge of removability listed in the I-213 is that Kazemzadeh "is an alien
20 present in the United States without being admitted or paroled, or who arrived in
21 the United States at any time or place other than as designated".¹¹ That is not true.

22 ⁹ Kazemzadeh did not raise a claim for relief based on the unlawful
23 revocation of the OSUP in his petition, but he did raise it in his memorandum in
24 support of temporary restraining order and Respondents responded to the claim.
25 ECF Nos. 9 at 6–8, 13 at 6–7. Accordingly, this Court should consider the claim
26 incorporated into the petition, which should be liberally construed as a pro se
document, and because Respondents responded to it.

27 ¹⁰ See ECF No. 6-2 at 4.

¹¹ ECF No. 6-2 at 4.

1 In reality, Kazemzadeh entered the United States lawfully as a religious refugee on
2 September 22, 1999 and was ordered removed as a result of his criminal
3 conviction.¹² This suggests that Kazemzadeh’s re-detention, which occurred the
4 same week as many Iranians on OSUPs around the country, was not motivated by
5 an individualized analysis of appropriate factors under the regulations governing
6 the revocation of an OSUP (8 C.F.R. 241.13(i)), but by political factors.¹³ Notably,
7 the immigration documents submitted by Respondents do not include a revocation
8 of Kazemzadeh’s OSUP at all. To the contrary, Respondents state in conclusory
9 terms, “[f]ollowing Petitioner’s release from custody, on June 23, 2025, Petitioner
10 was re-detained.”¹⁴ Respondents do not give any coherent explanation as to why or
11 how Kazemzadeh was in violation of immigration law or why he was wanted by
12 ICE, given that he had already been ordered removed and released on an OSUP
13 that was not properly revoked. There were never any legal changes in circumstance
14 rendering Kazemzadeh’s removal reasonably foreseeable. Accordingly, Kazemzadeh
15 should also be granted relief on the basis that his OSUP was unlawfully revoked.

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24 ¹² ECF No. 6-2 at 3.

25 ¹³ See Kourosch Ziabari and Meghnad Bose, *Arrested for being Iranian: How a*
26 *war in the Middle East gave ICE new targets at home*, Prism (Oct. 8, 2025),
available at [https://prismreports.org/2025/10/08/iranian-immigrants-deportation-](https://prismreports.org/2025/10/08/iranian-immigrants-deportation-iran/)
iran/

27 ¹⁴ ECF No. 6 at 2.

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CONCLUSION

Kazemzadeh's detention violates due process. This Court should grant the petition and order that ICE cannot re-detain him absent a change in circumstances regarding ICE's ability to remove him to Iran. This Court should also order that ICE reinstate Kazemzadeh's prior OSUP.

Dated January 20, 2026.

Respectfully submitted,

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/s/ Laura Barrera

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