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

FILED

OCT 10 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

UNITED STATES DISTRICT COURT
for the

SAEID JAMSHIDIPARVAR
Petitioner

v.

PAMBONDI, KRISTI NOEM, TODDM. LYONS, Bobby Thompson, LETICIA DIAZ
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. _____
(Supplied by Clerk of Court)
SA25CA1326JKP

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

Personal Information

1. (a) Your full name: SAEID JAMSHIDIPARVAR
   (b) Other names you have used: None
2. Place of confinement:
   (a) Name of institution: South Texas ICE processing center
   (b) Address: 566 Veterans Drive Pearsall, TX 78061
   (c) Your identification number: Alien Number # [redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
4. 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)*: _____

Decision or Action You Are Challenging

5. 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)

☐ 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)*:

6. Provide more information about the decision or action you are challenging:
(a) Name and location of the agency or court: Pearsall suit 101, 566 veterans Drive pearsall, TX 78061
(b) Docket number, case number, or opinion number: Alien number # [redacted]
(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: prolonged detention post immigration judge's order of removal on september/05/2024
(d) Date of the decision or action: september/05/2024

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: Board of Immigration Appeals
(2) Date of filing: oct/1/2024
(3) Docket number, case number, or opinion number: Alien number # [redacted]
(4) Result: Dismiss
(5) Date of result: November/22/2024
(6) Issues raised: I am requesting to appeal my removal order by immigration judge on september/05/2024. my case is about converting from Islam to christianty which mean apostasy under Islamic law and the punishment for this is death penalty in my home country (IRAN). My baptism certificate and human rights report in my case was ignore in the court. English is not my native language and I could not understand interpreter I hope, I can have a chance for fair appeal.
(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**
After the first appeal, did you file a second 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 second appeal: No standing

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: No standing

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

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

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: November/29/2023

(b) Date of the removal or reinstatement order: september/05/2024

(c) Did you file an appeal with the Board of Immigration Appeals?

☑ Yes ☐ No

If "Yes," provide:

(1) Date of filing: oct/1/2024

(2) Case number: Alien number # [redacted]

(3) Result: Dismiss

(4) Date of result: November/22/2024

(5) Issues raised: I am requesting to appeal my removal order by immigration judge on september/05/2024. my case is about converting from Eslam to christianity wich mean apostasy under Islamic law and the punishment for this is death penalty in my home country (IRAN). my baptism certificate and human rights report in my case was ignore in the court. English is not my native language and I could not understand interpreter properly I hope, I can have chance for fair apped.

(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:

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: Good faith compliance

fully cooperated, including following instructions to seek travel documents. My travel documents were denied by Iranian consulate

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

on May/20/2025 I signed form 1-229(a) warning for failure to depart, About 40 days later, an ICE officer informed me that the Iranian consulate denied my travel documents.

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

☐ Yes ☑ No

GROUND TWO: Due process violation

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

prolonged detention without meaningful likelihood of removal violates substantive due process, The immigration judge ordered removal on september/5/2024

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

☐ Yes ☑ No

GROUND THREE: Detention exceeds constitutional and statuary limits (Zadvydas)

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

please see form 1-229(a)

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

☐ Yes ☑ No

GROUND FOUR: punitive / Excessive Detention

continued confinement despite full cooperation and impossibility of removal renders detentions punitive in violation of the 8th Amendment's prohibition against excessive and arbitrary restraint

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

please see form 1-229 (a)

(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: Not applicable

Request for Relief

15. State exactly what you want the court to do: Grant the writ of habeas corpus order petitioner's immediate release from custody under reasonable conditions of supervision, because there is no significant likelihood of removal in the reasonably foreseeably future. In the alternative, order Respondents to provide petitioner with individualized bond hearing before a neutral decision maker where goverment must justify continued detention by clear and convincing evidence.

Declaration Under Penalty Of Perjury

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

_____

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: september/30/2025 Saeed Jamshidiparvar

Signature of Petitioner

_____

Signature of Attorney or other authorized person, if any

U.S Department of Homeland Security
Immigration and Customs Enforcement

Warning for Failure to Depart

Name:	Field Office:	File #:
Jamshidiparvar, Saeid	ERO/STIPC	[redacted]

Section 243(a) of the Immigration and Nationality Act provides, in part, that:

Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a) who--

(A) willfully fails or refuses to depart from the United States within a period of 90 days* from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,

(B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,

(C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or

(D) willfully fails or refuses to present himself or herse .

the Attorney General pursuant to such order,

shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both.

Nothing in this section shall make it a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.

Any action Immigration and Customs Enforcement may take to obtain a travel document for your departure or to remove you will *NOT* relieve you of the liability for compliance with the provisions of law referred to in the first paragraph above.

* Section 241(a)(1)(C) provides for the extension of the statutory removal period if the alien refuses, during the removal period, to make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent the alien's removal subject to an order of removal.

Date Order Final:	Ordered Removed under Section:
11/22/2024	212(a)(7)(A)(i)(I)

Record of Service
(Check method used)

( ) **Record of Personal Service**

Served by: (Print Name and Title of Officer)	Date:
A. Valentin Velez, Deportation Officer	5/20/2025
Officer's Signature:	**Location of Service:** ERO/STIPC Pearsall, TX
Served On: (Alien's Signature) Saeid	**Date:** 5/20/2025

( ) Warning administered in Court (Copy of order attached)	Record of Personal Sevice (Cont.)
( ) Certified Mail Service	Fingerprint of Alien (Specify finger used)
Attach certified mail receipts here.	Fingerprints on file.

Form I-229 (a)
(Revised 12/04/02)

INSTRUCTION SHEET TO DETAINEE REGARDING REQUIREMENT TO ASSIST IN REMOVAL

The following is a list of things you are required to complete within 30 days of receiving this form, in order comply with your obligation to assist in obtaining a travel document:

Mandatory requirements will be checked off by the ICE officer depending on the facts of each case. Failure to comply or provide sufficient evidence of your inability to comply, may result in the extension of the removal period and subject you to further detention. In addition, you may be subject to criminal prosecution. If you need assistance in complying with any of the requirements, please contact a Deportation Officer.

- ☑ Submit passports (current and expired) to ICE. If you have a copy of your passport you are to submit it.
- ☑ Apply for a travel document/passport from your embassy or consulate, or directly from your government in your native country, or any other embassy or consulate of your native country in another country.
- ☑ Comply with all instructions from all embassies or consulates requiring completion of documentation for issuance of a travel document.
- ☑ Submit to ICE birth certificates, national identification cards, and any other document issued by a foreign government indicating your citizenship, nationality, place of birth, and place of residence prior to entering the United States.
- ☑ Provide names and addresses of family and friends residing in the United States and request that they contact your embassy or consulate in the United States, in order to facilitate the issuance of a travel document.
- ☑ Provide names and addresses of family and friends residing in your country of citizenship and request family and friends residing abroad contact your government in reference to issuing a travel document.
- ☑ You are required to take measures to request reinstatement of your previous nationality, register as required, or take any other action that will ensure the issuance of a travel document and your removal from the United States.
- ☑ Provide ICE with written copies of requests to embassies or consulates requesting issuance of a travel document.
- ☑ Provide ICE with written copies of responses from embassies or consulates regarding your requests.
- ☑ Solicit permission from another country, which may be able to accept you, to enter that country to affect your removal from the United States.
- ☑ Provide your true and correct name and date of birth and any other identities you have ever used.
- ☑ Other: You are required to cooperate with any effort to effect your removal from the United States. You are required to adhere to all conditions of the ICE ERO COVID-19 Pandemic Response Requirements (PRR), commercial airline requirements, and foreign country requirements, to include COVID-19 testing for the purpose of removal.

Alien's Signature: _____ A Number: [redacted]

Served by: A. Valentin Velez, Deportation Officer (Officer's Name) on 5/7/2025 (Date) at ERO/STIPC Pearsall, TX (Location)

(Rev. 04/18/12) **To be served with I-229 (a) no later than 30 days after the final order**

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:
PARVAR, SAEID JAMSHIDI

To:
PARVAR, SAEID JAMSHIDI
566 VETERANS DRIVE
PEARSALL, TX 78061

A-Number:
[redacted]

DC65

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
09/05/2024

☐ Unable to forward - no address provided.

☐ Attached is a copy of the **decision of the Immigration Judge.** This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

☐ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

☐ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA § 242.

☐ Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review.** This is a final order. No appeal is available.

☑ Other:

Final Order; both parties waive appeal.

Date: 09/05/2024

Immigration Judge: Veronica M. Segovia 09/05/2024

Certificate of Service

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

Respondent Name : PARVAR, SAEID JAMSHIDI | A-Number : [redacted]

Riders:

Date: 09/05/2024 By: Gutierrez, Rachel, Court Staff

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:
PARVAR, SAEID JAMSHIDI

To:
PARVAR, SAEID JAMSHIDI
566 VETERANS DRIVE
PEARSALL, TX 78061

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
09/05/2024

ORDER OF THE IMMIGRATION JUDGE

☑ This is a summary of the oral decision entered on 09/05/2024. 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)(7)(A)(i)(I) and 212(a)(6)(A)(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

B. Cancellation of Removal

☐ 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 Iran

☐ 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:

Immigration Judge: Veronica M. Segovia 09/05/2024

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☑ waived ☐ reserved
Appeal Due:

Certificate of Service

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To: [ ] Noncitizen | [P] Noncitizen c/o custodial officer | [ ] Noncitizen's atty/rep. | [P] DHS
Respondent Name : PARVAR, SAEID JAMSHIDI | A-Number : [redacted]
Riders:
Date: 09/05/2024 By: Gutierrez, Rachel, Court Staff

U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

PARVAR, SAEID JAMSHIDI
A[redacted]
STIPC
566 VETERANS DRIVE
PEARSALL, TX 78061

DHS/ICE Office of Chief Counsel - PSD
566 Veterans Drive
Pearsall, TX 78061

Name: PARVAR, SAEID JA...

A[redacted]

Type of Proceeding: Removal

Date of this notice: 10/7/2024

Type of Appeal: Case Appeal

Filed by: Alien

FILING RECEIPT FOR APPEAL

The Board of Immigration Appeals acknowledges receipt of your appeal and fee or fee waiver request (where applicable) on 10/1/2024 in the above-referenced case.

WARNING: If you leave the United States after filing this appeal but before the Board issues a decision, your appeal will be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

WARNING: If you have been granted voluntary departure by the Immigration Judge, you must submit sufficient proof of having posted the voluntary departure bond set by the Immigration Judge to the Board of Immigration Appeals. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.26(c)(3)(ii).

NOTICE TO PARTIES – DHS/ICE prosecutorial discretion: The Board is aware that DHS has issued memoranda regarding its enforcement priorities and framework to exercise prosecutorial discretion (memoranda are available on U.S. Immigration and Customs Enforcement (ICE) website at www.ice.gov). See EOIR PM 21-25, Effect of Department of Homeland Security Enforcement Priorities, available at www.justice.gov/eoir. The parties may wish to assess whether this matter remains an enforcement priority and whether the exercise of prosecutorial discretion is warranted. However, as there are prohibitions on DHS's authority to exercise its prosecutorial discretion (e.g., individuals subject to mandatory detention pursuant to sections 236(c) and 241 of the Immigration and Nationality Act, 8 U.S.C. §§ 1222(c) and 1231, all inquiries regarding an individual respondent/applicant's eligibility for prosecutorial discretion must be made directly to DHS/ICE. If the parties jointly agree to the exercise of prosecutorial discretion, or if ICE otherwise intends to exercise some form of prosecutorial discretion, a motion should be filed with the Board to this effect and it should clearly contain the caption "EXERCISE OF PROSECUTORIAL DISCRETION" on the front of the motion.

FILING INSTRUCTIONS:

If the respondent/applicant is represented by counsel, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If the respondent/applicant is unrepresented (also called pro se) and receives assistance on documents to be filed with the Board (such as help preparing an appeal, motion, form, briefs, or other documents), a Notice of Entry of Limited Appearance for Document Assistance before the Board of Immigration Appeals (Form EOIR-60) must be submitted with the document(s) that assistance was provided when filed with the Board.

In all future correspondence or filings with the Board, please list the name and registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for every family member who is included in this appeal.

If you have any questions about how to file something at the Board, please review the Board's Practice Manual found on the EOIR's website at www.justice.gov/eoir.

Certificate of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals – including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the DHS Counsel or the Director of HHS/ORR at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected. See Chapter 3.2 (Service) of the Board's Practice Manual.

Use of an overnight courier service to the address below is encouraged to ensure timely filing. If this is an electronic (eROP) case and the respondent/applicant has a practitioner of record (properly entered a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) and accepted by the Board), electronic filing is required.

FILING ADDRESS:

Board of Immigration Appeals
Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 20041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

cc:

VonackS

Userteam: PCM

U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

PARVAR, SAEID JAMSHIDI
A[redacted]
STIPC
566 VETERANS DRIVE
PEARSALL TX 78061

DHS/ICE Office of Chief Counsel - PSD
566 Veterans Drive
Pearsall TX 78061

Name: PARVAR, SAEID JAMSHIDI **A[redacted]**

Date of this Notice: 11/22/2024

Enclosed is a copy of the Board's decision in the above-referenced case. If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of this decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Saeid Jamshidi PARVAR, A[redacted]

Respondent

FILED
Nov 22, 2024

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Melissa Garcia, Assistant Chief Counsel

IN REMOVAL PROCEEDINGS
On Appeal from a Decision of the Immigration Court, Pearsall, TX

Before: Wetmore, Chief Appellate Immigration Judge

WETMORE, Chief Appellate Immigration Judge

The respondent's appeal will be summarily dismissed pursuant to 8 C.F.R. § 1003.1(d)(2)(i)(G). The summary of the Immigration Judge's oral decision dated September 5, 2024, indicates that the respondent waived his right to appeal. The transcript of the respondent's September 5, 2024, hearing before the Immigration Judge also reflects that he waived his right to appeal (Tr. at 88-89). However, on October 1, 2024, the respondent filed a Notice of Appeal (Form EOIR-26) with the Board.

This case is not properly before the Board, as the respondent has made no specific argument that his decision to waive his right to appeal was not a knowing and intelligent one. To the extent that the respondent makes a general assertion that he had trouble understanding the interpreter during his September 5, 2024, hearing, he has provided no specific examples, he did not raise this issue during the hearing below, and the transcript of the hearing does not support his assertion. The Immigration Judge's decision therefore became administratively final upon the respondent's waiver of his right to appeal. 8 C.F.R. §§ 1003.3(a)(1) (final sentence), 1003.39; *see Matter of Rodriguez-Diaz*, 22 I&N Dec. 1320 (BIA 2000); *see also Matter of Shih*, 20 I&N Dec. 697 (BIA 1993).

Accordingly, the following order will be entered.

ORDER: The respondent's appeal is summarily dismissed.

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

OMB# 1125-0002

Notice of Appeal from a Decision of an Immigration Judge

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):

SAEID JAMSHIDIPARVAR

A# [redacted]

For Official Use Only

WARNING: Names and "A" Numbers of everyone appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

2. I am ☒ the Respondent/Applicant ☐ DHS-ICE *(Mark only one box.)*

3. I am ☒ DETAINED ☐ NOT DETAINED *(Mark only one box.)*

4. My last hearing was at September, 05, 2024 *(Location, City, State)*

5. **What decision are you appealing?**

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).

☒ I am filing an appeal from the Immigration Judge's decision *in merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated September, 05, 2024.

☐ I am filing an appeal from the Immigration Judge's decision *in bond proceedings* dated _____. (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court? ☐ Yes. ☐ No.)

☐ I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated _____.

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

6. **State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.**

I am requesting to appeal my removal order by Immigration Judge on september/05/2024. my case is about converting from Islam to christianity which mean apostasy under Islamic law and the punishment for this is death penalty in my home country (IRAN). my baptism certificate and human rights report in my case was ignore in the court. English is not my native language and I could not understand interpreter property I hope, I can have chance for fair appeal.

(Attach additional sheets if necessary)

WARNING: You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals? ☐ Yes ☒ No

8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal? ☒ Yes ☐ No

WARNING: If you mark "Yes" in item #7, you should also include in your statement above why you believe your case warrants review by a three-member panel. The Board ordinarily will not grant a request for oral argument unless you also file a brief.

If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule.

8. **Print Name:** SAEID JAMSHIDIPARVAR

9. **Sign Here:** X Saeid Jamshidiparvar 09/25/2024

Signature of Person Appealing *(or attorney or representative)* Date

Form EOIR-26
Rev. Jan. 2022

10. Mailing Address of Respondent(s)/Applicant(s)

(Name)

(Street Address)

(Apartment or Room Number)

(City, State, Zip Code)

(Telephone Number)

11. Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)

(Name)

566 Veterans Dr.
(Street Address)

(Suite or Room Number)

pearsall. TX 78061
(City, State, Zip Code)

(Telephone Number)

NOTE: You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

NOTE: If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

12. **PROOF OF SERVICE (You Must Complete This)**

I Saeid Jamshidiparvar mailed or delivered a copy of this Notice of Appeal
(Name)

on 09/25/2024 (Date) to DHS (Opposing Party)

at 1015 Jackson Keller Rd ste. 100, San Antonio TX 78213
(Number and Street, City, State, Zip Code)

SIGN HERE ➔ X Saeid Jamshidiparvar.
Signature

☐ No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

NOTE: If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.

WARNING: If you do not complete this section properly, your appeal will be rejected or dismissed.

WARNING: If you do not attach the fee payment receipt, fee, or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

HAVE YOU?

- ☑ Read all of the General Instructions.
- ☑ Provided all of the requested information.
- ☑ Completed this form in English.
- ☑ Provided a certified English translation for all non-English attachments.
- ☑ Signed the form.
- ☑ Served a copy of this form and all attachments on the opposing party, if applicable.
- ☑ Completed and signed the Proof of Service
- ☑ Attached the required fee payment receipt, fee, or Fee Waiver Request.
- ☑ If represented by attorney or representative, attach a completed and signed EOIR-27 for each respondent or applicant.

Form EOIR-26
Rev. Jan. 2022