

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHAHROKH RAHIMI,)

Petitioner,)

v.)

Case No. 5:25-cv-01338-OLG

BOBBY THOMPSON, Warden,)

South Texas ICE Processing Center)

MIGUEL VERGARA,)

Field Office Director, San Antonio)

Field Office, United States)

Immigration and Customs Enforcement)

TODD M. LYONS, Acting Director,)

United States Immigration and Customs)

Enforcement; **KRISTI NOEM**, Secretary)

of United States Department of)

Homeland Security; **UNITED STATES**)

DEPARTMENT OF HOMELAND)

SECURITY; **PAMELA BONDI**,)

United States Attorney General;)

EXECUTIVE OFFICE FOR)

IMMIGRATION REVIEW; *in their*)

official capacities,)

Respondents.)

ADVISORY TO THE COURT

Petitioner Shahrokh Rahimi submits this advisory to notify the Court that he has timely appealed his December 1, 2025, immigration decision to the Board of Immigration Appeals (BIA) and thus remains detained under 8 U.S.C. § 1226(a) and eligible for bond. Mr. Rahimi also submits this advisory to inform the court that his December 19, 2025, Motion to Alter or Amend Judgment or to Vacate Judgment and for Leave to Amend Petition (Dkt. 16) is fully briefed and ripe for adjudication.

First, Mr. Rahimi submits evidence that he has timely filed an appeal of Immigration Judge (IJ) Kevin Terrill's denial of his asylum claim to the BIA. Ex. 1, Declaration of Amanda Aguilar. IJ Terrill denied Mr. Rahimi's asylum case on December 1, 2025. Dkt. 16, Ex. 2. On December 31, 2025, within the thirty-day appeal window for asylum appeals, 8 U.S.C. § 1158(d)(5)(a)(iv), Mr. Rahimi filed an appeal of IJ Terrill's decision to the BIA. Ex. 1.

Mr. Rahimi's timely appeal means that he remains detained under 8 U.S.C. § 1226(a) because he does not have a final order of removal. Noncitizens are detained under their initial detention statute until an IJ's decision becomes administratively final, which occurs when either the BIA affirms the immigration judge's order, or the period to appeal the immigration judge's determination expires. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 533–34 (2021); 8 U.S.C. § 1101(a)(47)(B); *see also* U.S.C. §§ 1231(a)(1)(B)(i). Consequently, because Mr. Rahimi has a pending appeal and does not have a final order of removal, he is still detained under 8 U.S.C. § 1226(a). *Id.*; *see* Ex. 1.

Second, Mr. Rahimi further seeks to notify the court that his December 19, 2025, motion, Dkt. 16., is fully briefed and ripe for adjudication. Under the local rules, "A response to a dispositive motion shall be filed not later than 14 days after the filing of the motion." W.D. Tex. Local R. CV-7(e)(2). Any response to the December 19 motion was thus due January 2, 2026. *See* Fed R. Civ. P. 6(a)(1). Respondents have not filed a response, so the motion is ripe for consideration by this court.

Dated: January 14, 2026

Respectfully submitted,

/s/ Daniel Woodward
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CERTIFICATE OF SERVICE

I certify that on January 14, 2026, I filed this document electronically through the CM/ECF system, which will serve a copy on all counsel of record.

/s/ Daniel Woodward
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