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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 ALIREZA KARIMI

12 Petitioner,

13 v.

14 JEREMY CASEY, Facility
15 administrator and the Imperial
16 Regional Detention Facility; JESUS
17 ROCHA, Acting Field Office
18 Director, U.S. Immigration and
19 Customs Enforcement; TODD
20 LYONS, Acting Director, U.S.
Immigration and Customs
Enforcement; KRISTI NOEM,
Secretary of United States
Department of Homeland Security;
and PAM BONDI, Attorney General
of the United States,

21 Respondents.
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Case No.: '25CV3116 JO B JW

**PETITION FOR WRIT OF
HABEAS CORPUS AND
ORDER TO SHOW
CAUSE WITHIN THREE
DAYS AND COMPLAINT
FOR DECLARATORY
RELIEF**

1 primary purpose of ensuring his imminent removal, and ICE's internal
2 custody review processes do not meet the minimum procedural safeguards
3 that due process requires. *See id.* at 690-91.

4 5. Mr. Karimi requests that this Court grant him a Writ of Habeas
5 Corpus, ordering Respondents to immediately release him from custody.

6 **JURISDICTION AND VENUE**

7 6. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
8 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28
9 U.S.C. §§ 2201-02 (declaratory relief), and art. I sec. 9, cl. 2 of the United
10 States Constitution (Suspension Clause), as Mr. Karimi is presently in
11 custody under the authority of the United States and challenges his detention
12 as in violation of the Constitution, laws, or treaties of the United States.

13 7. The federal district courts have jurisdiction under Section 2241 to hear
14 habeas claims by individuals challenging the lawfulness of their detention by
15 ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

16 8. Venue is proper in the Southern District of California, pursuant to 28
17 U.S.C. §§ 1391 and 2241(d) because Mr. Karimi is detained at the Imperial
18 Regional Detention Facility in Calexico, California.

19 **PARTIES**

20 9. Petitioner Alireza Karimi is a citizen of Afghanistan. He fled that
21 country because he suffered past persecution and fears future persecution
22 there. He arrived in the United States on July 24, 2024, to seek asylum and
23 has been detained by Respondents ever since. He is currently detained by
24 Respondents in the Imperial Regional Detention Facility after having been
25 granted withholding of removal under the INA on March 11, 2025, pending
26 the government's attempts to remove him to a country other than
27 Afghanistan.

1 10. Respondent Jeremy Casey is the facility administrator at the Imperial
2 Regional Detention Facility in Calexico, California where Mr. Karimi is
3 currently detained. He is thus Mr. Karimi's immediate custodian. He is sued
4 in his official capacity.

5 11. Respondent Jesus Rocha is the Acting Director of ICE's San Diego
6 Field Office for Enforcement and Removal Operations, which has
7 jurisdiction over ICE detention facilities in San Diego and Imperial County,
8 including the Imperial Regional Detention Center, and is thus Mr. Karimi's
9 immediate custodian. He is sued in his official capacity.

10 12. Respondent Todd Lyons is the Acting Director of ICE. He is
11 responsible for the administration of ICE and the implementation and
12 enforcement of the immigration laws, including immigrant detention. As
13 such, Mr. Lyons is a legal custodian of Mr. Karimi. He is sued in his official
14 capacity.

15 13. Respondent Kristi Noem is the Secretary of the Department of
16 Homeland Security (DHS), which is responsible for the administration of
17 ICE, a subunit of DHS, and the implementation and enforcement of the
18 immigration laws. As such, Ms. Noem is the ultimate legal custodian of Mr.
19 Karimi. She is sued in her official capacity.

20 14. Respondent Pam Bondi is the Attorney General of the United States
21 and head of the Department of Justice, which oversees the Board of
22 Immigration Appeals and the Immigration Courts. Ms. Bondi shares
23 responsibility for implementation and enforcement of the immigration laws
24 with Respondent Noem. Ms. Bondi is a legal custodian of Mr. Karimi. She
25 is sued in her official capacity.


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FACTUAL BACKGROUND

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15. Mr. Karimi is a native and citizen of Afghanistan, born in in Wardak, Afghanistan, in  1997.

16. Mr. Karimi fled the Taliban government and entered the United States on July 24, 2024, near Otay Mesa, California, to seek asylum. He has been in ICE custody ever since.

17. On March 11, 2025, Mr. Karimi was granted withholding of removal to Afghanistan. Both he and the DHS waived appeal, causing the immigration judge’s decision to become administratively final that day. Exh. A.

18. Mr. Karimi has remained detained following his final order. He has now been in post-final order detention for over eight months.

19. Following issuance of his final order, while Mr. Karimi remained in custody in Aurora, Colorado, he was informed by ICE that the government was attempting to remove him to a third country, either Panama, Guatemala or Nicaragua. He was not given further information from ICE about his continued detention. When visited by ICE officers, Mr. Karimi would inquire about updates to his case and was told to await further instructions regarding removal to a third country.

20. On or about June 3, 2025, ICE transferred Mr. Karimi to the Imperial Regional Detention Facility in Calexico, California. He was informed after arriving at the facility that Officer Ann Ferrari was the Deportation and Removal Officer assigned to his case. On June 6, he had his first contact with Officer Ferrari and was given a notice of File Custody Review and instructions on how he is expected to cooperate with ICE in furtherance of his removal.

1 21. Mr. Karimi estimates that he met with Officer Ferrari approximately
2 once a month. At each meeting with Officer Ferrari, Mr. Karimi has signed
3 all documents presented to him, has never refused to sign a document, and
4 has remained in full cooperation with all of the officer's requests.

5 22. On September 4, 2025, Mr. Karimi was interviewed by another ICE
6 officer, Officer Perez. The officer asked Mr. Karimi simple questions
7 regarding his identity, such as whether he has a criminal history, if he has
8 ever been imprisoned, and where he would live if released from detention.
9 Following the interview, Mr. Karimi was informed that the interview would
10 be sent to "headquarters" and that he would receive a response with a
11 determination as to whether he will be released or remain detained.

12 23. On September 5, 2025, Mr. Karimi was served with a "Decision to
13 Continue Detention" that appears to have been executed on June 2, 2025, by
14 Field Office Director Calvin D. Carter. The decision states that Mr. Karimi
15 is to remain in detention because he is deemed a flight risk "based on" his
16 lack of status in the United States and purported "criminal record."

17 24. Mr. Karimi has no criminal record and DHS previously filed a Form
18 I-213, Record of Deportable/Inadmissible Alien, indicating that Mr. Karimi
19 has no known criminal history.

20 25. Once Mr. Karimi's post-final order detention exceeded 180 days, he
21 again inquired of ICE through a message sent on a tablet at the detention
22 center as to the status of his custody review. Mr. Karimi was told that his
23 case is "under review" and that the officers were awaiting a response from
24 "headquarters."

25 26. On September 9, 2025, after Mr. Karimi had remained in post-final
26 order detention for over 180 days, undersigned counsel entered an
27 appearance in Mr. Karimi's matter by filing a Form G-28 through the ICE

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1 Enforcement and Removal Operations (ERO) e-filing portal, indicating that
2 he represented Mr. Karimi for “Release advocacy; bond and parole.”
3 Undersigned counsel attempted over several weeks to communicate with
4 Officer Ferrari regarding Mr. Karimi’s continued detention, and to determine
5 whether any determinations were made in his matter, what those
6 determinations were, and the reasons supporting any determinations. To this
7 date, undersigned counsel has never received a response from Officer
8 Ferrari.

9 27. On or about September 25, 2025, Mr. Karimi was visited by another
10 ICE officer, Officer Gonzalez. Mr. Karimi inquired of this officer as to the
11 status of his prolonged detention. The officer told Mr. Karimi that on
12 September 23 a decision was issued from “headquarters” indicating that Mr.
13 Karimi was to remain in detention but that the officer could not access
14 additional information, including the reasoning for the decision.

15 28. In the first week of October 2025, Mr. Karimi was again interviewed
16 by Officer Ferrari. She interviewed Mr. Karimi about his travel history,
17 family, religious beliefs, and whether he has lawful status in another
18 country. Afterwards, Officer Ferrari told Mr. Karimi she would submit the
19 interview to DHS counsel and told him to await further information. Officer
20 Ferrari failed to communicate with undersigned counsel about this interview.

21 29. On approximately October 23, 2025, Mr. Karimi was again visited by
22 Officer Ferrari, who informed him that he was “in limbo.” When he asked
23 what she meant by “in limbo,” Officer Ferrari explained that he could not be
24 removed to Afghanistan but also could not be released into the United States
25 and thus was stuck in detention for the time being.

26 30. On October 31, 2025, Mr. Karimi had a custody redetermination
27 hearing with Immigration Judge Scott Simpson. There, through undersigned
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1 counsel, he argued that the judge had jurisdiction to reconsider his custody
2 given his prolonged and indefinite status of detention and the fact that he had
3 made a good showing that his removal to a third country was not reasonably
4 foreseeable.

5 31. Mr. Karimi argued that he established a good showing given that,
6 after 234 days in post-final order detention, ICE had not identified to which
7 country it seeks to remove him or any progress made towards removal; ICE
8 had told him that he was “in limbo,” which is in effect a concession that his
9 removal is not reasonably foreseeable; and ICE’s justification to continue his
10 detention hinged on baseless allegations that he was not given a chance to
11 rebut or challenge because of the flagrantly untimely manner in which the
12 decision was served on him.

13 32. The Immigration Judge declined to redetermine Mr. Karimi’s custody
14 for lack of jurisdiction.

15 33. At the hearing, Mr. Karimi testified that he had cooperated with all of
16 ICE’s requests, that the documents filed in support of his custody
17 redetermination request were the only documents he has received while in
18 post-final order detention, that he has no criminal record, and that Officer
19 Ferrari recently informed him that he was detained “in limbo.”

20 34. DHS counsel asserted at the hearing that they are actively trying to
21 remove Mr. Karimi to a third country but did not identify a prospective
22 country of removal. DHS counsel further asserted that they were in the
23 process of obtaining a passport for Mr. Karimi from the government of
24 Afghanistan, a process that they conceded they did not initiate until June
25 2025. DHS counsel did not dispute that Mr. Karimi was detained “in limbo.”
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LEGAL FRAMEWORK

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2 35. Section 1231(a) of Title 8 governs the detention of individuals whom
3 immigration courts have ordered removed. The statute commands ICE to
4 detain these individuals for ninety days while it executes the removal order.
5 *See* 8 U.S.C. § 1231(a)(2). The ninety-day removal period starts the moment
6 the removal order becomes final. Absent an applicable exception, ICE must
7 release the person under supervision if it cannot complete removal within
8 ninety days. *See* 8 U.S.C. § 1231(a)(3).

9 36. Subsection 1231(a)(6) authorizes ICE to extend detention beyond the
10 ninety-day period, yet it bars indefinite custody. *See Zadvydas v. Davis*, 533
11 U.S. 678, 689 (2001) (limiting ICE’s authority to a period “reasonably
12 necessary” to carry out removal and prohibiting detention when removal is
13 not “reasonably foreseeable”); *see also Clark v. Martinez*, 543 U.S. 371,
14 377-78 (2005) (extending the holding of *Zadvydas* to inadmissible aliens).

15 37. A “habeas court must [first] ask whether the detention in question
16 exceeds a period reasonably necessary to secure removal.” *Id.* at 699. If the
17 individual’s removal “is not reasonably foreseeable, the court should hold
18 continued detention unreasonable and no longer authorized by statute.” *Id.* at
19 699-700.

20 38. In determining the length of a reasonable removal period, the Court
21 adopted a “presumptively reasonable period of detention” of six months. *Id.*
22 at 701. After six months, the government bears the burden of disproving an
23 alien’s “good reason to believe that there is no significant likelihood of
24 removal in the reasonably foreseeable future . . . with evidence sufficient to
25 rebut that showing” or else a Constitutional violation occurs. *Id.* Moreover,
26 “for detention to remain reasonable, as the period of prior postremoval
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1 confinement grows, what counts as the ‘reasonably foreseeable future’
2 conversely would have to shrink.” *Id.*

3 39. The government must justify Petitioner’s continued confinement by
4 clear and convincing evidence. *See Juarez v. Choate*, No. 1:24-cv-00419-
5 CNS, 2024 WL 1012912, at *8 (D. Colo. Mar. 8, 2024) (holding that “the
6 government will bear the burden to show by clear and convincing evidence
7 that the continued detention of a § 1231(a) detainee is justified). The
8 government’s inability to rebut Petitioner’s showing would signify that
9 imminent removal is unlikely and that Petitioner must be released from
10 detention. *See Zadvydas*, 533 U.S. at 701 (“[A]n alien may be held in
11 confinement *until* it has been determined that there is no significant
12 likelihood of removal in the reasonably foreseeable future.”) (emphasis
13 added).

14 FIRST CAUSE OF ACTION

15 Violation of the Immigration and Nationality Act – 8 U.S.C § 1231

16 40. Mr. Karimi re-alleges and incorporates by reference, as if fully set
17 forth herein, the allegations in paragraphs 1-39 above.

18 41. Mr. Karimi is detained pursuant to the discretionary, post-removal-
19 period detention provision, Section 1231(a)(6), because more than ninety
20 days of detention have elapsed since his removal order became
21 administratively final. *See* 8 U.S.C. § 1231(a)(1)(A) & (B); 8 C.F.R.
22 § 1241.1.

23 42. Post-removal order detention violates 8 U.S.C. § 1231(a)(6) where
24 removal is not significantly likely to occur in the reasonably foreseeable
25 future. *Zadvydas*, 533 U.S. at 699-700.

26 43. Mr. Karimi’s continued detention by Respondents is unlawful and
27 violates 8 U.S.C § 1231(a)(6) as interpreted by the Supreme Court in

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1 *Zadvydas*. Mr. Karimi’s 90-day statutory removal period and six-month
2 presumptively reasonable period for continued removal efforts have both
3 expired. He has been confined in post-final order detention for over eight
4 months; he has cooperated with all ICE requests; and yet there is no
5 indication that his removal to *any* country is significantly likely to occur in
6 the reasonably foreseeable future. “[I]f removal is not reasonably
7 foreseeable, the court should hold continued detention unreasonable and no
8 longer authorized by statute.” *Zadvydas*, 533 U.S. at 699-700.

9 SECOND CAUSE OF ACTION

10 Fifth Amendment Substantive Due Process Violation

11 44. Mr. Karimi re-alleges and incorporates by reference, as if fully set
12 forth herein, the allegations in paragraphs 1-39 above.

13 45. The Supreme Court has long recognized that the Fifth and Fourteenth
14 Amendments refer to all “persons,” not just “citizens.” Aliens, even
15 inadmissible or removable aliens, must be afforded due process protection.
16 *See Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886) (“The Fourteenth
17 Amendment to the Constitution is not confined to the protection of
18 citizens.”). As stated by the Court, the provisions of the Fourteenth
19 Amendment “are universal in their application, *to all persons* within the
20 territorial jurisdiction, without regard to any differences of race, of color, or
21 of nationality” *Id.* (emphasis added).

22 46. The Supreme Court has held that “even one whose presence in this
23 country is unlawful, involuntary, or transitory is entitled to that
24 constitutional protection [of the Due Process Clauses of the Fifth and
25 Fourteenth Amendments].” *Mathews v. Diaz*, 426 U.S. 67, 75 n.7 (1976);
26 *see also Plyler v. Doe*, 457 U.S. 202, 210 (1982) (“Whatever his status under
27 the immigration laws, an alien is surely a ‘person’ in any ordinary sense of

1 that term.”); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896)
2 (“Persons within the territory of the United States . . . even aliens . . . [may
3 not] . . . be deprived of life, liberty or property without due process of law.”).

4 47. As a result of the Immigration Judge’s order granting him
5 withholding of removal as to Afghanistan, Mr. Karimi may not be removed
6 to Afghanistan, and the government has not identified to which country it
7 seeks to remove Mr. Karimi nor taken steps toward effectuating removal to a
8 third country other than applying for a passport from the government of
9 Afghanistan. The government has admitted that it did not begin the process
10 of applying for his passport until June 2025 even though Mr. Karimi has
11 been in post-final order detention since his withholding of removal order
12 became administratively final on March 11, 2025.

13 48. Civil immigration detention violates due process if it is not
14 reasonably related to its statutory purpose. *See Zadvydas*, 533 U.S. at 690
15 (citing *Jackson v. Indiana*, 406 U.S. 715 (1972)). While Respondents may
16 have an interest in detaining Mr. Karimi to effectuate his removal, that
17 interest does not justify indefinite detention. Because Mr. Karimi’s removal
18 is not reasonably foreseeable, his detention no longer serves any legitimate
19 purpose under the INA, the primary statutory purpose of which is to ensure
20 his imminent removal.

21 **THIRD CAUSE OF ACTION**

22 **Fifth Amendment Procedural Due Process Violation**

23 49. Mr. Karimi re-alleges and incorporates by reference, as if fully set
24 forth herein, the allegations in paragraphs 1-39 above.

25 50. After the Supreme Court’s decision in *Zadvydas*, the Attorney
26 General promulgated detailed regulations for determining whether to release
27 an alien after the 90-day removal period. To determine whether Mr.

1 Karimi’s ongoing detention remains justified, ICE is required to conduct
2 post-order custody reviews pursuant to 8 C.F.R. § 241.4.

3 51. The only review that Mr. Karimi has seen evidence of according to
4 his and undersigned counsel’s knowledge occurred within the ninety-day
5 removal period and resulted in the issuance of a Decision to Continue
6 Detention. This decision was executed on June 2, 2025, by Field Office
7 Director Calvin C. Carter, and served on Mr. Karimi on September 5, 2025,
8 ninety-five days later. The decision justified Mr. Karimi’s continued
9 detention on the basis that he failed to demonstrate that he would not pose a
10 significant risk of flight pending his removal from the United States because
11 of his lack of status in the United States and purported “prior criminal
12 record.”

13 52. Mr. Karimi has no criminal record and DHS previously filed with the
14 immigration court a Form I-213 indicating that he has no known criminal
15 record.

16 53. Mr. Karimi was deprived of his due process rights because he has
17 been denied a timely and meaningful opportunity to challenge ICE’s
18 baseless determination or demonstrate that he should not be detained.

19 54. ICE does not make decisions concerning an alien’s custody status in a
20 neutral and impartial manner. *See* 8. C.F.R. § 241.13 (explaining that ICE
21 reviews a detainee’s custody status and that there is no administrative appeal
22 from ICE’s determinations).

23 55. The Respondents’ failure to provide a neutral decision-maker to
24 review Mr. Karimi’s continued detention violates his right to procedural due
25 process. The internal post-order custody reviews ICE conducted in Mr.
26 Karimi’s case, if indeed they conducted such reviews, “raise serious
27 constitutional concerns” and do not meet the minimum procedural

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1 safeguards required by due process to justify his continued detention. *See*
2 *Diouf v. Napolitano*, 634 F.3d 1081, 1091-92 (9th Cir. 2011) (abrogated on
3 other grounds by *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022)).

4 56. Mr. Karimi sought a custody redetermination hearing in an effort to
5 have his prolonged and indefinite custody reviewed by a neutral decision-
6 maker—an immigration judge—but was unable to have his status reviewed
7 because the judge found that he lacked jurisdiction.

8 57. Because there is no administrative mechanism in place for Mr.
9 Karimi to demand a decision from ICE, ensure that a decision will be
10 conducted in a proper manner, or have any custody decisions reviewed in a
11 neutral manner for compliance with *Zadvydass*, he seeks this Court's
12 intervention.

13 58. As a remedy, this Court should conduct its own review of Mr.
14 Karimi's custody or, at least, order ICE to review his custody under the
15 standard articulated under *Zadvydass* and promulgated in the regulations and
16 ICE policy.

17 PRAYER FOR RELIEF

18 Mr. Karimi respectfully asks this Court to grant the following relief:

- 19 1. Assume jurisdiction over this matter;
- 20 2. Issue a Writ of Habeas Corpus ordering Respondents to release Mr.
21 Karimi from custody immediately;
- 22 3. Issue an Order to Show Cause, within three days of Mr. Karimi's
23 filing this petition, why the relief he seeks should not be granted, and set a
24 hearing on this matter within five days of Respondents' return on the order
25 to show cause pursuant to 28 U.S.C. § 2243;
- 26 4. Declare that Respondents have violated Mr. Karimi's rights;

1 5. Order Respondents to release Mr. Karimi from detention because they
2 lack any individualized evidence that Mr. Karimi’s removal will occur in the
3 reasonably foreseeable future;

4 6. Award reasonable attorneys’ fees and costs under the Equal Access to
5 Justice Act, 28 U.S.C. §2412(d), 5 U.S.C. § 504, or any other applicable
6 law; and

7 7. Grant any other relief that the Court may deem just and proper.

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10 Dated: November 12, 2025

Respectfully submitted,

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By: /s/ Zohaile Kakavand
Zohaile Kakavand
Casa Cornelia Law Center
Pro Bono Counsel for Petitioner

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17 **TABLE OF EXHIBITS**

18 **Exhibit A:** Order of the Immigration Judge

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VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner Mr. Alireza Karimi in these habeas corpus proceedings. I am submitting this verification on behalf of Mr. Karimi because I am his attorney. I have reviewed with Mr. Karimi the events described in this petition. Based on those discussions, I hereby verify that the information contained in the foregoing petition is true and correct to the best of my knowledge and belief.

Dated: November 12, 2025

Respectfully submitted,

By: /s/ Zohaile Kakavand
Zohaile Kakavand
Casa Cornelia Law Center
Pro Bono Counsel for Petitioner