

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

PAIMAN KARIMI,

Petitioner,

v.

Bret BRADFORD, Field Office Director of Enforcement and Removal Operations, Houston Field Office, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Alexander SANCHEZ, Warden of IAH Polk Adult Detention Facility,

Respondents.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

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**INTRODUCTION**

1. This is a petition for a writ of habeas corpus filed on behalf of Mr. Paiman Karimi (“Mr. Karimi”), seeking relief to remedy his unlawful detention. Respondents are detaining Mr. Karimi pending the execution of his final removal order. Mr. Karimi has fully cooperated with Respondents in their efforts to remove him.

2. Mr. Karimi is a national of Iran who has resided in the United States for over twenty (20) years. To date, in the twenty-one (21) years subsequent to the decision, DHS has failed to identify or propose a viable third country alternative for removal, particularly one where Mr. Karimi would be protected from detection and torture by the Iranian government.

Respondents have been unable or unwilling to remove Mr. Karimi and thus, he has been detained for more than six (6) months. Mr. Karimi is not a flight risk or a danger to the community.

3. Prior to his detention, he was reporting with the U.S. Immigration and Customs Enforcement (USICE) and had committed no crimes. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA).

2. Mr. Karimi is detained pursuant to 8 U.S.C. § 1231, which governs the detention of non-citizens with a final order of removal issued by an Immigration Judge (IJ). Mr. Karimi was subsequently placed on an Order of Supervision (OSUP). 8 U.S.C. § 1231(a)(3).

5. In detaining Mr. Karimi, ICE violated his due process rights in failing to comply with the statutory requirements required to revoke an Order of Supervision outlined in 8 U.S.C. § 241.4(1)(2). Mr. Karimi has never violated the terms of his supervision, and the conditions supporting Mr. Karimi's release on supervision has not changed. Thus, any subsequent detention by ICE was and is unlawful.

3. On or about May 6, 2025, Respondent, Bret Bradford, arrested Mr. Paiman and placed him in the custody of the IAH Polk Adult Detention Facility. Mr. Paiman's detention was for the purpose of executing his removal order. On September 30, 2025, Respondent Bradford reviewed the custody status of Mr. Paiman and determined that he should be detained because:

*"In order to be considered for parole or release, aliens must establish that they are described in one or more of the five categories set forth in section 212.5(b) of Title 8 of the Code of Federal Regulations (C.F.R.) and that, on a case-by-case basis, their parole would be justified for urgent humanitarian reasons or would yield a significant public benefit. The five categories set forth in section 212.5(b) of Title 8 of the Code of Federal Regulations (C.F.R.) is **an alien** who has a serious medical condition such that continued*

*detention would not be appropriate; an individual who has been medically certified as pregnant; a non-citizen juvenile; a non-citizen who will be a witness in proceedings being, or to be, conducted by judicial, administrative, or legislative bodies in the United States; or a non-citizen whose continued detention is not in the public interest.*

*We regret to inform you that your client has not presented evidence of eligibility for humanitarian parole, and will not be released from custody at this time." See Exhibit I.*

4. On October 24, 2025, Respondent Bradford again determined that Mr. Paiman should continue to be detained and referred to the prior request and denial. To date, Respondents have not been able or are unwilling to remove Mr. Paiman. *Id.*

5. Mr. Karimi's continued detention violates 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), because his removal is not reasonably foreseeable. He cannot be deported to his home country of Iran.

6. In light of there being no change in circumstances or third country designation that assures Mr. Karimi will not be tortured, there is no significant likelihood of removal in the reasonably foreseeable future, and continued detention violates the fundamental constitutional protections of due process and those protections established in *Zadvydas v. Davis*, 533 U.S. 678 (2001). In *Zadvydas*, the Supreme Court held that the government may not detain individuals indefinitely where removal is not reasonably foreseeable. Given Mr. Karimi's decades of reporting to ICE on OSUP and the lack of any identified removal destination, his detention is both arbitrary and unlawful.

6. Mr. Paiman has fully cooperated with Respondents' requests to complete the necessary paperwork to secure his travel documents. Respondents, however, have not secured the necessary paperwork to remove Mr. Paiman. Mr. Paiman submits that his detention is in

violation of his constitutional rights. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. Paiman from their custody.

### **CUSTODY**

7. Mr. Paiman is in the physical custody of Respondent Bret Bradford, Director of the Houston Field Office for U.S. Immigration and Customs Enforcement (USICE) Enforcement and Removal Operations (ERO), the Department of Homeland Security (DHS), and Respondent Alexander Sanchez, Warden of IAH Polk Adult Detention Facility in Polk, Texas. At the time of the filing of this petition, Petitioner is detained at the IAH Polk Adult Detention Facility in Livingston, Texas. The IAH Polk Adult Detention Facility contracts with the DHS to detain aliens such as Petitioner. Mr. Paiman is under the direct control of Respondents and their agents.

### **JURISDICTION**

8. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

9. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See, e.g., Zadvydas*, 533 U.S. at 687.

10. Federal courts also have federal question jurisdiction, through the APA, to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus”). The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702. Respondents’ continued detention of Petitioner up to and past the 90-day removal period has adversely and severely affected Petitioner’s liberty and freedom.

#### **VENUE**

11. Venue lies in the United States District Court for the Southern District of Texas, the judicial district in which Respondents, Bret Bradford and Alexander Sanchez, reside and where Petitioner is detained. 28 U.S.C. § 1391(e).

#### **PARTIES**

12. Petitioner Mr. Paiman is a national and citizen of Iran who was ordered removed on July 7, 2004. He is detained by Respondents pursuant to 8 U.S.C. § 1231, which permits the DHS to detain aliens, such as Petitioner, pending the execution of the alien’s removal order.

13. Respondent Bret Bradford is the Director of the Houston Field Office for U.S. Immigration and Customs Enforcement (USICE) Enforcement and Removal Operations (ERO). Respondent Bradford is a custodial official acting within the boundaries of the judicial district of the United States Court for the Southern District of Texas, Houston Division. Pursuant to Respondent Bradford’s orders, Petitioner remains detained.

14. Respondent Alexander Sanchez, is the warden of the IAH Polk Adult Detention Facility in Livingston, Texas. He is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Southern District of Texas, Houston Division.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

15. Mr. Paiman has exhausted his administrative remedies to the extent required by law.

16. He has fully cooperated with Respondents and has not delayed or obstructed his detention.

17. Mr. Paiman's only remedy is by way of this judicial action.

**STATEMENT OF FACTS**

18. Petitioner Paiman Karimi is a national and citizen of Iran who was ordered removed on July 7, 2004, after the Immigration Judge, in Houston Texas, denied his I-589 application for asylum, withholding of removal and protection under the convention against torture. *See* Exhibit B.

19. After being ordered removed, Mr. Paiman filed an appeal with the Board of Immigration Appeals, which was dismissed on September 6, 2005. In addition, Mr. Paiman filed a Motion to Reopen BIA Jurisdiction on December 29, 2014 and it was denied. *See* Exhibit E.

20. On or about November 21, 2013, Mr. Paiman was placed on an Order of Supervision (OSUP). *See* Exhibit C.

21. Mr. Paiman reported to ICE yearly up until his detainment in 2025. *See* Exhibit D.

22. On or about May 6, 2025, Respondent Bradford and his agents arrested Mr. Paiman at his home. The reason for his arrest was to execute his removal order.

23. However, Respondents have been unable or unwilling to remove Mr. Paiman.

24. Mr. Paiman has fully cooperated with Respondents' efforts to obtain his travel documents.

25. Respondents have twice reviewed Mr. Paiman 's custody status and have determined that he should be detained because his removal is likely.

26. Mr. Paiman has now been in detention for more than six (6) months pending his removal. Respondents continue to detain Mr. Paiman even though it is now clear that Respondents cannot remove him.

27. Mr. Paiman is not a danger to the community or a flight risk. He has no pending criminal cases and has never been convicted of any criminal charge.

28. Mr. Paiman has deep roots in this community. He is married to a U.S. citizen, who has filed an I-130 petition for him. *See* Exhibit H.

29. Prior to his arrest, Mr. Paiman was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.

30. Respondents' decision to detain Mr. Paiman is no longer legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. Paiman 's request for release.

### **ARGUMENT**

#### **I. PETITIONER'S CONTINUED DETENTION IS UNLAWFUL UNDER *ZADVYDAS* BECAUSE HIS REMOVAL IS NOT REASONABLY FORESEEABLE, AND THIS COURT SHOULD ACCORDINGLY ORDER HIS IMMEDIATE RELEASE.**

##### **A. Mr. Paiman Karimi's removal is not reasonably foreseeable under *Zadvydas*.**

31. Mr. Karimi's detention is governed by 8 U.S.C. § 1231(a) because he has been detained for more than 90 days since he received a final order of removal and was subsequently placed on OSUP. The 90-day removal period began for Mr. Karimi on August 7, 2004, when the

appeal period expired without either party filing a timely appeal. *See* 8 U.S.C. § 1231(a)(1)(B)(i); 8 C.F.R. § 1241.1(c).<sup>6</sup> Therefore, the *Zadvydas* framework applies to Mr. Karimi's detention because it has been more than 20 years since his removal order became final.

**B. The Court should order Mr. Karimi's immediate release**

32. Because Mr. Karimi's removal is not reasonably foreseeable, *Zadvydas* requires that he be immediately released. *See* 533 U.S. at 700-01 (describing release as an appropriate remedy); 8 U.S.C. § 1231(a)(6) (authorizing release "subject to . . . terms of supervision"). To order his immediate release, this Court need only determine that Mr. Karimi's removal is not reasonably foreseeable under *Zadvydas*; it need not analyze whether he poses a danger to the community or a flight risk. *See* 533 U.S. at 699-700 ("[I]f removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute.").

33. *Zadvydas* explicitly held that flight risk is already baked into the reasonable foreseeability analysis, *See id.* at 690 (observing that the "justification . . . [of] preventing flight . . . is weak or nonexistent where removal seems a remote possibility at best"), and that dangerousness cannot unilaterally justify indefinite civil detention barring "special circumstances," which may include the non-citizen being a "suspected terrorist[]" but do not include the non-citizen's "removable status itself." *Id.* at 691. *See also Kansas v. Hendricks*, 521 U.S. 346, 358 (1997) ("A finding of dangerousness, standing alone, is ordinarily not a sufficient ground upon which to justify indefinite involuntary [civil detention]."). With respect to Mr. Karimi's detention, ICE has not invoked the regulations governing these "special circumstances" determinations. *See* 8 C.F.R. § 241.14. To the extent this Court considers any factors outside of the foreseeability of Petitioner's removal, which it need not do, Mr. Karimi has significant equities that warrant release. Mr. Karimi has lived in the United States for over twenty years.

Additionally, this Court or ICE is free to impose conditions on release to mitigate any potential concerns regarding flight risk or danger. *See Zadvydas*, 533 U.S. at 700 (“[T]he [noncitizen]’s release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances.”).

### **CLAIMS FOR RELIEF**

#### **COUNT I CONSTITUTIONAL CLAIM**

34. Petitioner alleges and incorporates by reference the paragraphs above.

35. Petitioners’ detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution. His removal is not reasonably foreseeable and he must be immediately released.

#### **COUNT II STATUTORY CLAIM**

36. Petitioner alleges and incorporates by reference the paragraphs above.

37. Petitioner’s continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

#### **COUNT THREE**

38. If he prevails, Petitioner requests attorney’s fees and costs under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Declare that Petitioner’s continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1231(a)(6); the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

3. Order Petitioner's immediate release;
4. Award Petitioner reasonable costs and attorney's fees; and,
5. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

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ATTORNEY FOR PETITIONER

By: /s/KyMBERly Renaud  
KyMBERly A. Renaud  
Texas State Bar No. 24107699

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, Paiman Karimi, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge and belief.

Dated this 14th day of November, 2025.

By: /s/KyMBERly Renaud  
KyMBERly A. Renaud