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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Ali Partovi,

14 Petitioner,

15 v.

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

17 Respondents.

18 Case No. 2:25-cv-02283-JAD-DJA

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

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INTRODUCTION

2 Petitioner Ali Partovi, an Iranian citizen, has lived in the United States since
3 2001. In 2002, an IJ ordered Partovi removed to Iran. Partovi was held indefinitely
4 in detention pending removal for almost ten years. Respondents were never able to
5 obtain necessary “travel documents” from Iran to remove Partovi. On information
6 and belief, Partovi was eventually released on an Order of Supervision (OSUP) on
7 October 12, 2011. ECF No. 16 at 2. Partovi settled in Salt Lake City, Utah, where
8 he worked as a janitor for the past seven years. He was reporting regularly under
9 supervision for approximately fourteen years without issue.

10 Partovi had remained on an order of supervision (OSUP) up until the time he
11 was re-detained on June 23, 2025. Partovi was taken into custody by ICE while
12 commuting to his employment. ICE gave him no opportunity to contest his re-
13 detention and has not alleged that he violated his OSUP. ICE does not have travel
14 documents in hand, as Partovi cannot be removed to Iran, and he has not been
15 given any specific information regarding any plans to remove him to a third
16 country. He has remained in ICE custody since June.

17 Partovi’s continuing indefinite detention is unreasonable and violates due
18 process under *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001), because his removal is
19 not reasonably foreseeable. In their Response, Respondents provide nothing but
20 vague information that a process may be underway to try to remove Partovi to some
21 still undetermined third country. However, these unsupported factual claims are
22 woefully insufficient to establish that his removal is reasonably foreseeable.
23 Further, Respondents’ argument that this petition is premature is wrong for the
24 same reason—the constitutional violation has been established because it is now
25 five years since the removal order became final and removal is not reasonably
26 foreseeable.

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1 Upon information and belief, throughout his prolonged detention, there has
2 not been any indication that preparations have been made to deport Partovi.
3 Crucially, the Government acknowledges that a third country designation does not
4 apply here. ECF No. 16 at 7 (“This case has nothing to do with third-country
5 removal because Petitioner was denied the application for asylum...”). Without a
6 third country designation, Respondents must remove Partovi to Iran, the same
7 country Respondents have yet to receive travel documents from since 2002.
8 Accordingly, Partovi has shown that his current custody is unreasonable, as there is
9 no reasonable foreseeability of deportation. Partovi must be released.

10 Respondents’ answer all but confirms the fact that Partovi is not likely to be
11 removed. They indicate that Respondents have requested travel documents from
12 Iran, but none have been received, and that “ICE is actively working and in the
13 process to obtain necessary travel documents from Iran and remove Petitioner.”
14 ECF No. 16 at 6. These efforts did not work from 2002 until his release in 2011.
15 Predictably, Respondents have been unable to obtain any of the requested travel
16 documents again from June 23, 2025 to the date of this filing. Despite Respondents’
17 claims, any Iran “updates” are not likely. Again, Respondents do not indicate that
18 any plans for third country removal have been made.

19 Accordingly, Mr. Partovi has established that his removal is not reasonably
20 foreseeable, and his detention has become indefinite, just as it was from 2002 until
21 2011. Respondents fail to provide any information to rebut that showing. Thus,
22 *Zadvydas* compels Partovi’s release from detention.

23 **B. Partovi was detained on illegal grounds in violation of The**
24 **Code of Federal Regulations.**

25 Second, Respondents argue that Partovi was detained by ICE in a “targeted
26 (sic) enforcement action.” ECF No. 16 at 2. What this suggests is that Partovi was
27 re-detained for an irrelevant ground of removability (because Partovi was already

1 ordered removed in 2002), instead of for any reason relating to violating his OSUP
2 terms or changed circumstances making his removal reasonably foreseeable. This
3 suggests that Partovi's re-detention, which occurred the same week as many
4 Iranians on OSUPs around the country, was not motivated by an individualized
5 analysis of appropriate factors under the regulations governing the revocation of an
6 OSUP (8 C.F.R. 241.13(i)), but by political factors.² Notably, the immigration
7 documents submitted by Respondents do not include a revocation of Partovi's OSUP
8 at all. To the contrary, Respondents state, "Petitioner has been afforded due process
9 throughout and during his removal proceedings and detention, was denied asylum
10 under CAT and ordered removed to Iran . . ." ECF No. 16 at 2-3. This only refers to
11 the 2002 proceedings and omits any reference for the last twenty-four years.
12 Furthermore, Respondents do not explain why or how Partovi was in violation of
13 immigration law or why he was wanted by ICE, given that he had already been
14 ordered removed and released on an OSUP that does not seem to have been
15 properly revoked.

16 Next, Respondents state in conclusory terms that "ICE is actively working on
17 obtaining travel documents from Iran to effectuate the removal to Iran." ECF No. 16
18 at 3. Respondents provide no further information, despite repeating this claim
19 throughout their Response. These vague statements are woefully insufficient to
20 establish that removal is reasonably foreseeable. They are mere assertions without
21 any evidentiary support. On a basic level, there is no explanation as to what it
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26 ² See Kourosh Ziabari and Meghnad Bose, *Arrested for being Iranian: How a*
27 *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-iran/>

1 means for ICE to actively work to obtain travel documents from the same country
2 that failed to respond to said requests for almost a quarter century.³

3 As of the time of this filing, there is no indication when that might happen,
4 what the current status actually is, or how long this process even takes. Critically,
5 they acknowledge that there has been no third country designation, necessitating a
6 removal back to Iran. Courts in this district and within the circuit have regularly
7 refused to find the Government has established reasonable foreseeability where the
8 Government has offered little more than generalizations regarding the likelihood
9 that removal will occur. See, e.g., *Cavieres Gomez v. Mattos*, No. 2:25-cv-00975-
10 GMN-BNW, 2025 WL 3101994 at *6 (D. Nev. Nov. 6, 2025); *Singh v. Gonzales*, 448
11 F. Supp. 2d 1214, 1220 (W.D. Wash. 2006); *Hoac v. Becerra*, No. 2:25-CV-01740-DC-
12 JDP, 2025 WL 1993771, at *3 (E.D. Cal. July 16, 2025). Indeed, in cases such as
13 *Singh* and *Hoac*, the Government had at least identified a specific country for
14 removal; here, no country has even been identified. In sum, there is no reliable or
15 specific evidence that deportation is reasonably foreseeable. The Government's
16 vague claims utterly fail.

17 The question for this Court is whether Partovi's removal is reasonably
18 foreseeable. The history of his case, and the dearth of relevant evidence provided by
19 Respondents compels the conclusion that it is not.

20 **C. Partovi's detention has always been indefinite.**

21 Respondents also contend that Partovi's petition should be dismissed because
22 his present detention does not qualify as "indefinite," irrespective of his previous
23 ten years' detention or his current detention exceeding the presumptively
24 reasonable six-month presumption in *Zadvydas*. However, the real question under
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26 ³ Partovi was ordered removed in 2002. When he was released on an OSUP in
27 October of 2011, ICE "placed him on an order of supervision while submitting
requests to the Iranian embassy for travel documents." ECF No. 16 at 2.

1 *Zadvydas* is, and always has been, whether Partovi’s detention is reasonably
2 necessary to secure removal.

3 This Court must consider is when the six-month period of presumptive
4 reasonableness runs. The answer is that it starts during the 90-day removal period
5 after the order of removal becomes final, 8 U.S.C. §1231(a)(1)(B) and comprises that
6 period and the following three months. *See Kim Ho Ma v. Ashcroft*, 257 F.3d 1095,
7 1102 n.5 (9th Cir. 2001) (the period of presumptive reasonableness is “six months
8 after a final order of removal—that is, three months after the statutory removal
9 period has ended.”) Here, Partovi’s order of removal was entered on May 3, 2002.
10 Accordingly, his 90-day removal period began then. 8 U.S.C. § 1231(a)(1)(B). The
11 presumptively reasonable period thus expired six months after the entry of his
12 removal order and three months after the end of his 90-day removal period, both of
13 which occurred decades ago. Thus, Respondents’ argument fails because the window
14 of presumptive reasonableness has long since passed.

15 As this Court is well aware, Mr. Partovi spent almost a full decade in
16 detention while the government alleges efforts were made to remove him to Iran, as
17 well as locate these same “travel documents” referenced in its Response to Mr.
18 Partovi’s petition. They were unable to do so for another fourteen years while Mr.
19 Partovi was under an OSUP. This inability to obtain the requisite documents for
20 essentially the entire twenty-first century is no stronger indictment against any
21 reasonable possibility of his being removed to Iran.⁴ It logically follows that his
22 removal is not reasonably foreseeable. Partovi must be released.

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24 ⁴ Iran is currently experiencing national unrest, as protests have been
25 countered with state-sponsored violence. *See Tucker Reals, Elizabeth Palmer, Ramy*
26 *Inocencio, and Joanne Stocker, Over 12,000 feared dead after Iran protests, as video*
27 *shows bodies lined up at morgue*, CBS News (Jan. 13, 2026), available at
<https://www.cbsnews.com/news/iran-protest-death-toll-over-12000-feared-higher-video-bodies-at-morgue/>.

1 **II. Respondents failed to state any defenses to Grounds Three through**
2 **Five, therefore, relief should be granted as to each because they are**
3 **meritorious.**

4 Respondents failed to address the substance of Grounds Two, Three, Four
5 and Five of Partovi's Petition.⁵ Accordingly, this Court should grant relief on each of
6 those claims because they are meritorious, as explained at length in the Petition
7 and January 9, 2025 hearing, and Respondents' have not provided any legal
8 grounds that would support denying those claims.

9
10 **CONCLUSION**

11 Partovi's continuing detention violates due process. He is entitled to relief on
12 the grounds raised in his petition. He must be released immediately.

13 Dated January 13, 2026.

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15 Respectfully submitted,

16 Rene L. Valladares
17 Federal Public Defender

18 */s/ Christian Lassiter*

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Christian Lassiter
20 Assistant Federal Public Defender

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⁵ See ECF Nos. 16.