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Proposed Attorneys for Petitioner
Michael Zimran

United States District Court
Central District of California

Michael Zimran,

Petitioner,

v.

Kristi Noem, Secretary of Homeland Security;

Pamela J. Bondi, Attorney General of the United States;

Thomas Giles, Los Angeles Field Office Director, Bureau of Immigration and Customs Enforcement;

James Pilkington, Assistant Field Office Director, Adelanto Detention Facility,

Warden, Geo Group Inc, Adelanto Detention Facility

Respondents.

No. 5:25-CV-3143

DHS No. A[redacted]

Petition For a Writ of Habeas Corpus By a Person in Federal Custody Under 28 U.S.C. § 2241

[Declaration of Raj N. Shah filed herewith]

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I. Introduction

Petitioner Michael Zimran was ordered removed to Pakistan in 2006. For over fifteen years, the Government has unsuccessfully attempted to obtain travel documents for him so that it can remove him to Pakistan. It has failed: the Pakistani Consulate has as of November 2025 informed Zimran it cannot grant him travel documents because it has no records showing he is a Pakistani national.

Yet, inexplicably, the Government has detained Zimran pending removal without any rhyme or reason. The Government released Zimran on supervision from 2008 to 2020, but re-detained him for over a year from late 2020 or early 2021 to March 2022. And then it re-detained him again on June 2, 2025 and continues to hold him in detention. His continued detention is unlawful both because there is no significant likelihood of removal to Pakistan in the foreseeable future and because Immigration and Customs Enforcement ("ICE") violated its own regulations when revoking Zimran's supervised release.

Zimran files this habeas petition to seek his release from custody because his continued detention and ICE's revocation of his supervised release is unlawful. Zimran also seeks to enjoin the Government from removing him to a third country without the notice and opportunity to be heard required by the Constitution and immigration statutes, and to enjoin the Government from removing him to a third country for a punitive purpose and effect.

II. Habeas Allegations

Petitioner provides the following information related to his habeas petition:

- **Place of detention**: At the time of this filing, Petitioner is detained by ICE at the Adelanto Detention Facility in Adelanto, California.
- **Name and location of court which imposed removal order**: Batavia Immigration Court, 4250 Federal Drive, Room F108, Batavia, New York 14020.
- **The immigration case number:** Department of Homeland Security, A #[redacted]
- **The date upon which removal order was imposed**: Zimran was ordered removed by an Immigration Judge on November 16, 2006.
- **Did you appeal from the removal order?** Yes.
- **If you did appeal, provide information related to that appeal**: The appeal was dismissed by the Board of Immigration Appeals on March 5, 2007.
- **Previous petitions**: Zimran filed a habeas corpus petition in 2022 when he was detained by ICE from late 2020 or early 2021 to March 2022. He withdrew the petition because ICE released him from custody.
- **Do you have any petition, appeal or parole matter pending in any court, either state or federal, as to the removal order under attack?** No.

III. Factual Background

On November 16, 2006, Zimran was ordered removed from the United States to Pakistan by the Batavia Immigration Court in New York. (Declaration of Raj Shah ("Shah Decl.") ¶ 3.a.) He appealed to the

Board of Immigration Appeals and his appeal was dismissed on March 5, 2007. (*Id.*)

From 2008 to 2020, Zimran was released on supervision pending his removal from the United States. (*Id.* ¶ 3.b.) During that period, he regularly checked in as required with ICE without any issues. (*Id.*)

While Zimran was released on supervision, the Government attempted to obtain travel documents for him from the Pakistani Consulate. (*Id.* ¶ 3.c.) The Consulate sent Zimran correspondence in 2007 and 2009 stating it had referred his case to authorities in Pakistan for verification of his national status and was still awaiting a reply from them. (*Id.*; *see also* Ex. A.) The Consulate stated it was not in a position to issue travel documents to Zimran in the meantime. (Shah Dec. ¶ 3.c.)

While on supervision, Zimran worked both as a professional driver and as a security guard and lived in New York and later moved to Denver, Colorado. (*Id.* ¶ 3.d.) In his spare time. he also volunteered to work in homeless shelters and was heavily involved in church functions. (*Id.*)

From late 2020 or early 2021 to March 2022, Zimran was re-detained by ICE for over a year. (*Id.* ¶ 3.e.) His detention ended when a non-profit organization assisted him in filing a habeas corpus petition challenging his detention. (*Id.*) In response, in March 2022, ICE released him on supervision and he withdrew his habeas petition. (*Id.*)

After nearly three more years on supervision without incident, Zimran requested authorization from ICE to move to Portland, Oregon, in spring 2025. (*Id.* ¶ 3.f.) ICE granted authorization and instructed him to check in with the ICE field office in Portland. (*Id.*)

But when Zimran checked in with the ICE field office in Portland on June 2, 2025, he was re-detained by ICE despite his compliance with the terms of supervision. (*Id.*) The ICE officer who arrested him orally

remarked that there had been a change in circumstances because ICE may have obtained travel documents for him. (*Id.*) He was transferred to the state of Washington and then transferred again to the Adelanto Detention Facility in Adelanto, California, where he remains detained. (*Id.* ¶ 3.g.)

Both before and after his detention, Zimran was never given any notice that his order of release on supervision had been revoked nor given a statement of reasons as to why it had been revoked. (*Id.* ¶ 3.h.) He was also never afforded an informal interview to discuss the revocation or any other opportunity to be heard about the revocation. (*Id.*)

After his detention, Zimran asked ICE officers to release him to no avail. (*Id.* ¶ 3.i.) In the past five months since he was detained, ICE officers have repeatedly informed him they are still awaiting his travel documents from the Pakistani Consulate. (*Id.* ¶ 3.j.)

On November 17, 2025, Zimran called the Pakistani Consulate and was informed it could not issue him any travel documents because he is not Pakistani and it has no records indicating he is a Pakistani national. (*Id.* ¶ 3.l.)

IV. Claims For Relief

A. Zimran must be released because there is no good reason to believe he will be deported to Pakistan in the reasonably foreseeable future.

The Due Process Clause limits a "[noncitizen's] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen's] removal from the United States." *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). Because of this constitutional limitation, the immigration detention statute "does not permit indefinite detention." *Id.*; *see* 8 U.S.C. § 1231.

Immigration detention is presumptively limited to six months. "After this 6-month period, once the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Zadvydas*, 533 U.S. at 701.

ICE has detained Zimran well beyond the presumptively reasonable six-month period. As of the date of this petition, he has been in custody for over five months since June 2, 2025. (Shah Decl. ¶¶ 3.f-g.) When calculating the six-month *Zadvydas* period, the Court must also factor in the time Zimran was detained by ICE for over a year from late 2020 or early 2021 to March 2022. (*Id.* ¶ 3.e.) Although he was released in March 2022 before being again re-detained in June 2025, release and rearrest do not restart the six-month grace period. *See Sied v. Nielson*, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018) ("Several courts have held that the six-month period does not reset when the government detains an alien . . . , releases him from detention, and then re-detains him again."); *see also S.F. v. Bostock*, 2025 WL 2841022, at *4 (D. Or. Oct. 7, 2025) (collecting cases where presumption of reasonableness did not apply when cumulative detention exceeded sixth months); *Nguyen v. Scott*, 2025 WL 2419288, at *13 (W.D. Wash. Aug. 21,2025) (same); *Diaz-Ortega v. Lund*, 2019 WL 6003485, at *7 n.6 (W.D. La. Oct. 15, 2019), *report and recommendation adopted*, 2019 WL 6037220 (W.D. La. Nov. 13, 2019).

Indeed, to hold otherwise would create an obvious end run around *Zadvydas* because ICE could detain an immigrant indefinitely by releasing and quickly rearresting them every six months. Zimran's case proves this principle: ICE appears to have released Zimran in March

2022 because he sought habeas relief challenging his custody then. (Shah Decl. ¶ 3.e.) To permit ICE to *again* illegally detain him and reset the six-month period would allow it to circumvent *Zadvydas*. Hence, ICE has detained Zimran well beyond the presumptively reasonable six-month period established by *Zadvydas*.

In addition, there is good reason to believe that there is no significant likelihood of removal to Pakistan in the foreseeable future. Indeed, the Government has been trying *for over fifteen years* since 2007 to obtain travel documents for Zimran from the Pakistani Consulate. (*Id.* ¶ 3.c.) Since 2007, the Pakistani Consulate has consistently responded that it cannot grant Zimran travel documents until it verifies his national identity. (*See id.*; *see also* Ex. A.) And on November 17, 2025, the Pakistani Consulate stated flatly that it could not issue him any travel documents at all because he is not Pakistani and it has no records indicating he is a Pakistani national. (Shah Decl. ¶ 3.l.) In short, there is no significant likelihood of removal to Pakistan in the foreseeable future. Zimran's continued detention in immigration custody thus violates the Due Process Clause of the Fifth Amendment and immigration statutes.

B. The Government violated both due process and INA regulations by reimprisoning Zimran without notice and an opportunity to be heard.

Due process rights extend to noncitizens present in the United States, including those subject to final removal orders. *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025). The fundamental requirements of procedural due process are that a person be afforded notice and opportunity to be

heard "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333, (1976).

If a noncitizen has been previously released, before reimprisonment, the regulations require the noncitizen "will be notified of the reasons for revocation of his or her release," and will be given "an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.4(l)(1); § 241.13(i)(3).

Courts have consistently interpreted these provisions to require findings prior to re-detention, as well as an opportunity to contest re-detention. *See, e.g.*, *Vu v, Noem*, No. 1:25-CV-01366-KES-SKO (HC), 2025 WL 3114341, at *7–8 (E.D. Cal. Nov. 6, 2025) (ordering immediate release for ICE's failure to comply with the requirements of § 241.4 and § 241.13); *Nguyen v. Hyde*, 788 F. Supp. 3d 144, 152 (D. Mass. 2025) (same); *Rasakhamde v. Noem*, No. 3:25-CV-02816-RBM-DEB, 2025 WL 3102037, at *5 (S.D. Cal. Nov. 6, 2025) (same); *Ghafouri v. Noem*, No. 3:25-CV-02675-RBM-BLM, 2025 WL 3085726, at *6 (S.D. Cal. Nov. 4, 2025) (same); *McSweeney v. Warden, Otay Mesa Det. Facility*, No. 3:25-CV-02488-RBM-DEB, 2025 WL 2998376, at *7 (S.D. Cal. Oct. 24, 2025) (same); *Truong v. Noem*, No. 25-CV-2597-JES-MMP, 2025 WL 2988357, at *6 (S.D. Cal. Oct. 22, 2025) (same); *Phan v. Noem*, 2025 WL 2898977, No. 25-cv-2422-RBM-MSB, *3–*5 (S.D. Cal. Oct. 10, 2025) (same); *Constantinovici v. Bondi*, __ F. Supp. 3d __, 2025 WL 2898985, No. 25-cv-2405-RBM (S.D. Cal. Oct. 10, 2025) (same); *Truong v. Noem*, No. 25-cv-02597-JES, ECF No. 10 (S.D. Cal. Oct. 10, 2025) (same); *Khambounheuang v. Noem*, No. 25-cv-02575-JO-SBC, ECF No. 12 (S.D.

Cal. Oct. 9, 2025) (same); *Sun v. Noem*, 2025 WL 2800037, No. 25-cv-2433-CAB (S.D. Cal. Sept. 30, 2025) (same); *Van Tran v. Noem*, 2025 WL 2770623, No. 25-cv-2334-JES, *3 (S.D. Cal. Sept. 29, 2025) (same); *Rokhfirooz v. Larose*, No. 25-cv-2053-RSH, 2025 WL 2646165 (S.D. Cal. Sept. 15, 2025) (same); *Delkash v. Noem*, ___ F. Supp. 3d ___, No. 5:25-CV-01675-HDV-AGR, 2025 WL 2683988, at *5 (C.D. Cal. Aug. 28, 2025) (same).

Indeed, one court's research "indicates that every district court, except two, to consider the issue has "determined that where ICE fails to follow its own regulations in revoking release, the detention is unlawful and the petitioner's release must be ordered." *McSweeney*, 2025 WL 2998376, at *7 (footnote call number omitted).

Here, however, the Government never: (1) provided Zimran with notice that his Order of Supervision was revoked; (2) conducted an informal interview or afforded him an opportunity to be heard; or (3) sufficiently demonstrated the changed circumstances that render Zimran's removal significantly likely in the reasonably foreseeable future.

Accordingly, given the Government's failure to comply with federal regulations and the fundamental requirements of due process, Zimran's detention is unlawful and habeas relief is warranted here.

C. To the extent, Zimran's detention in immigration custody is to effectuate removal to a third country, that violates the Due Process Clause. because ICE has not given him sufficient notice of the proposed third country and an opportunity to request deferral or withholding of removal to that country under either statute or the Convention Against Torture.

"It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in the context of removal proceedings." *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (per curiam) (*quoting Reno v. Flores*, 507 U.S. 292, 306 (1993)). Noncitizens are thus entitled to "notice and an opportunity to be heard appropriate to the nature of the case." *Id.* (*quoting Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306,313 (1950)). As relevant here, this means that purported non-citizens are entitled to notice that they are to be removed to a third country "within a reasonable time and in such a manner as will allow them to actually seek habeas relief in the proper venue before such removal occurs." *Id.*

Zimran has not been formally ordered removed to any country other than Pakistan. As such, he has never had an opportunity to contest removal to any third country on the grounds that he may face persecution or torture if he is removed to that country.

To the extent that Zimran's detention is meant to facilitate his removal to a third country, *see generally Zadvydas*, 533 U.S. at 690 (suggesting that detention following a removal order is intended to facilitate removal), if such a removal is accomplished in violation of his

due-process rights, then his detention is illegal. This due-process claim "necessarily impl[ies] the invalidity of [his] confinement and removal" to a third country not yet named in any removal order. *J.G.G.*, 145 S. Ct. at 1005. Thus, his due-process claim is properly brought in a habeas petition, and a court order that he be released from detention is a proper remedy for such a violation.

D. Removal to third countries where Zimran might face imprisonment violates the constitutional prohibition on "punitive" removal practices.

The U.S. Supreme Court long ago held that the government may not inflict upon individuals an "infamous punishment" atop deportation as a penalty for an immigration violation, absent criminal charges, a judicial trial, and related constitutional protections. *Wong Wing v. United States*, 163 U.S. 228, 236-38 (1896). More than a century later the Court reaffirmed the point, holding that while it is within the constitutional power of Congress to remove those unlawfully present in the United States, "punitive measures c[annot] be imposed upon [noncitizens]" merely by dint of their removal, as "all persons within the territory of the United States are entitled to the protection' of the Constitution.'" *Zadvydas*, 533 U.S. at 694 (*quoting Wong Wing*, 163 U.S. at 238).

Yet the purposes of the Government's third-country removal program are substantially punitive. As one district court recently held, government officials have made public statements, judicially noticeable, that "offer evidence that third country deportation is occurring as a punishment." *Nguyen v. Scott*, ___ F. Supp. 3d ___, 2025 WL 2419288, at *24 (W.D. Wash. Aug. 21, 2025). These include an official video of

President Donald J. Trump stating, "[I]f illegal aliens choose to remain in America, they're remaining illegally and they will face severe consequences," with "punishments ... including ... sudden deportation in a place and manner solely of our discretion." *Nguyen v. Scott*, 2025 WL 2419288, at *24 (W.D. Wash. Aug. 21, 2025). "Other courts [too] across the country have recognized that the government is intentionally removing individuals to countries where they will be imprisoned" in facilities where "'torture is pervasive'" and "'human rights violations'" "'widespread,'" under "'horrific prison conditions [engineered] for the specific purpose of inflicting suffering.'" *Id.* at *24 (quoting cases).

Removal to such countries under the Government's current policy would thus violate the constitutional prohibition on punitive removal practices as well.

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V. Conclusion

For the foregoing reasons, this Court should:

- Order the Government to answer this petition,
- Expedite any briefing and relief, as Petitioner's current custody is illegal;
- Allow him to conduct discovery in order to support his claim for relief;
- Convene an evidentiary hearing, if needed to resolve disputed facts;
- Order Respondents to release him from their custody; and
- Grant any other relief that is just and practicable.

Respectfully submitted,

Cuauhtemoc Ortega
Federal Public Defender

Dated: November 21, 2025

By: */s/Raj N. Shah*
Raj N. Shah
Deputy Federal Public Defender

Proposed Attorneys for Petitioner
Michael Zimran

VI. Verification

I, Raj N. Shah, declare as follows:

I am an attorney with the Office of the Federal Public Defender, and I am admitted to practice law in the State of California.

I am authorized to file this petition on behalf of Petitioner Michael Zimran, who is restrained in violation of his liberty.

Based on information and belief, I declare under penalty of perjury under the laws of the United States and the State of California that the contents of this petition are true and correct to the best of my knowledge and belief.

Executed November 21, 2025, at Los Angeles, California.

/s/Raj N. Shah
Raj N. Shah

Declaration of Raj N. Shah

1. I am an attorney with the Office of the Federal Public Defender for the Central District of California, licensed to practice law in California, and admitted to practice in this Court.
2. Mr. Michael Zimran recently contacted my Office seeking assistance filing a habeas corpus petition to challenge his detention at the Adelanto Detention Facility in Adelanto, California. I was the attorney who took his call and was assigned to consult with him and gather information about his case. He was among dozens of detainees calling my Office requesting information and help on their cases.
3. Based on my investigation to date, I am informed and believe the following:
    a. On November 16, 2006, Mr. Zimran was ordered removed from the United States to Pakistan by the Batavia Immigration Court in New York. He appealed to the Board of Immigration Appeals and his appeal was dismissed on March 5, 2007.
    b. From 2008 to 2020, Mr. Zimran was released on supervision pending his removal from the United States. During that period, he regularly checked in as required with Immigration and Customs Enforcement ("ICE") without any issues.
    c. While Mr. Zimran was released on supervision, the United States attempted to obtain travel documents for him from the Pakistani Consulate. The Consulate sent Mr. Zimran correspondence in 2007 and 2009 stating it had referred his case to authorities in Pakistan for verification of his national status and was still awaiting a reply from them. The

Consulate stated it was not in a position to issue travel documents to Mr. Zimran in the meantime. I have enclosed copies of the 2007 and 2009 correspondence from the Pakistani Consulate as **Exhibit A**.

d. While on supervision, Mr. Zimran worked both as a professional driver and as a security guard and lived in New York and later moved to Denver, Colorado. In his spare time. he also volunteered to work in homeless shelters and was heavily involved in church functions.

e. From late 2020 or early 2021 to March 2022, Mr. Zimran was re-detained by ICE. His detention ended when a non-profit organization assisted him in filing a habeas corpus petition challenging his detention. In response, in March 2022, ICE released him on supervision and he withdrew his habeas petition.

f. After nearly three more years on supervision without incident, Mr. Zimran requested authorization from ICE to move to Portland, Oregon, in spring 2025. ICE granted authorization and instructed him to check in with the ICE field office in Portland. When he did so on June 2, 2025, he was re-detained by ICE despite his compliance with the terms of supervision. The ICE officer who arrested him orally remarked that there had been a change in circumstances because ICE may have obtained travel documents for him.

g. He was transferred to the state of Washington and then transferred again to the Adelanto Detention Facility in Adelanto, California, where he remains detained.

h. Both before and after his detention, he was never given any notice that his order of release on supervision had been revoked nor given a statement of reasons as to why it had been revoked. He was also never afforded an informal interview to discuss the revocation or any other opportunity to be heard about the revocation.

i. After his detention, he asked ICE officers to release him to no avail.

j. In the past five months since he was detained, ICE officers have repeatedly informed him they are still awaiting his travel documents from the Pakistani Consulate.

k. Because he lacked legal training, he contacted numerous non-profit organizations and sought assistance. None were available to assist him until he contacted my Office.

l. On November 17, Mr. Zimran called the Pakistani Consulate and was informed it could not issue him any travel documents because he is not Pakistani and it has no records indicating he is a Pakistani national.

4. On November 20, 2025, I spoke to Mr. Zimran by phone, and he authorized me to make and file the foregoing petition on his behalf.

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5. Before filing this petition with this Court, I emailed a copy of it to Assistant United States Attorney Daniel A. Beck, who has represented the Government in habeas matters challenging ICE custody under 28 U.S.C. § 2241.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, this day of November 21, 2025, in Los Angeles, California.

s/ Raj N. Shah

RAJ N. SHAH
Deputy Federal Public Defender