

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

AFSHIN MASHELI

Petitioner,

v.

KEVIN RAYCRAFT, in his  
official capacity as Field Office  
Director of Enforcement and  
Removal Operations, Detroit Field  
Office, Immigration and Customs  
Enforcement; Kristi NOEM, in  
her official capacity as Secretary,  
U.S. Department of Homeland  
Security; U.S. DEPARTMENT  
OF HOMELAND SECURITY;  
Pamela BONDI, in her official  
capacity as U.S. Attorney  
General; EXECUTIVE OFFICE  
FOR IMMIGRATION REVIEW,

Respondents.

Case No.

Hon.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

**PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

— Identified as a Companion to *Lopez-Campos v. Raycraft*, 25-cv-12486 —

**INTRODUCTION**

This petition challenges Respondents' ongoing detention of Petitioner without a bond hearing. The Immigration and Nationality Act ("INA") assigns detention of long-resident noncitizens apprehended in the interior to 8 U.S.C. § 1226(a), which provides for bond eligibility, not to § 1225(b)(2). Federal courts, including this Court, have repeatedly rejected Respondents' contrary view and ordered release or a bond hearing.

### JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 and § 1331; the Suspension Clause also applies. Venue lies in this District because Petitioner is detained at the direction of, and within the immediate custody chain of, the ICE Detroit Field Office.

### PARTIES

Petitioner Afshin Masheli (A# [REDACTED]) is a national of Iran, a lawful permanent resident since approximately 1995, via his mother's petition, who first entered the United States lawfully in approximately 1991 on a B-1/B-2 visa issued by the U.S. Department of State. He has been detained since June 22, 2025 at North Lake Correctional Facility (Baldwin, Michigan). If released, he will live with his U.S.-citizen godmother, Mahin Dokht Jalali-Yazdi (age 82), at [REDACTED] Dearborn, MI 48126. This is the exact address where he has resided for over a decade, and the ICE Detroit Field Office has long been aware of his presence there.

### FACTS

*Criminal history:* (as disclosed in Petitioner's declaration): On or about December 12, 2001, Petitioner was charged in state court with criminal sexual conduct ("CSC") in the third degree involving an adult woman; in 2002, following trial, he was convicted of multiple charges, including first degree CSC and sentenced to 2½–25 years. He was paroled in 2007, taken into ICE custody, and later placed on an Order of Supervision by ICE due to the practical and legal barriers to removal to Iran.

*2025 detention & lack of review:* ICE re-arrested Petitioner on or about June 22, 2025. Petitioner has not received 90- or 180-day post-order custody reviews or a revocation interview/notice. On June 24, 2025, at ICE's direction, he signed a travel-document request for Iran; to date no travel document has issued.

*Longstanding supervision and compliance:* ICE's Personal Report Records and correspondence show regular reporting over many years and compliance with OSUP conditions, including a May 7, 2021 ICE letter confirming compliance. See Exhibits B–E (OSUP forms and reporting logs).

*Barriers to removal to Iran:* Records reflect years-long difficulty obtaining Iranian civil documents and travel papers, including a 2018 letter from the Iranian Interests Section stating a replacement birth record had not been received and could not be confirmed, and USPS tracking showing submissions to the Interests Section in 2019. See Exhibits F–G.

*Caregiving & community support:* Petitioner provides daily care for his 82-year-old U.S.-citizen godmother, who attests that he has not committed any violations during the

past 15 years and that she is fully dependent on his assistance. See Exhibit H (English translation) and Exhibit I (Farsi original).

### **CLAIMS FOR RELIEF**

Count I — INA (8 U.S.C. § 1226(a) governs). Respondents' refusal to afford Petitioner a bond determination under § 1226(a) is contrary to the INA's text, structure, and decades of practice recognized in the template authorities.

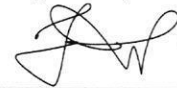
Count II — Fifth Amendment Due Process. Civil detention without an individualized assessment of flight risk or danger violates due process. Petitioner has been detained without a bond hearing.

### **PRAYER FOR RELIEF**

Petitioner asks the Court to:

- (1) grant the writ;
- (2) order Respondents to release Petitioner unless a § 1226(a) bond hearing is provided within seven (7) days;
- (3) enjoin transfer outside this District without prior notice; and
- (4) grant any other just relief.

Respectfully submitted,



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