


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

OMID KAMALI	A 	:	
		:	
Petitioner,		:	
		:	
v.		:	Case No: 4:25-cv-416
		:	
WARDEN, STEWART DETENTION		:	
CENTER,		:	
		:	
Respondent.		:	

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

Background

Petitioner, a native and citizen of Iran, entered the United States on July 21, 2015, as a refugee. Petitioner's status was adjusted to a lawful permanent resident on February 9, 2017. Petitioner was convicted of three felonies and sentenced to a term of 15 years, to serve the first three in prison. After serving his sentence, Petitioner was sent to Irwin County detention center on May 22, 2020 and signed his deportation on June 30, 2020. After four travel document applications, three for Iran and one for Turkey, and Respondent's failure to effectuate Petitioner's removal, Petitioner was released under an order of supervision on May 25, 2021.. Petitioner has filed another habeas application on August 12, 2025 which was dismissed, upon that dismissal Petitioner has made corrections and now files this habeas mainly challenging Respondent's violations of his procedural due process rights, and seeking an emergency ruling in his new petition as his continued detention is illegal and unconstitutional.

## GROUNDS

Respondent's failure to comply with their own regulations of 8 C.F.R. § 241.13(i)(2), and 8 C.F.R. § 241.13(i)(3), 8 C.F.R. § 241.4(2), 8 C.F.R. § 241.4(d) are in violation of procedural due process under Fifth Amendment, Second, Precedent.

### **I. Respondent's failure to comply with their own regulations.**

Petitioner contends that DHS failed to comply with these requirements in his case, in that quoting the language of the regulation: (1) Petitioner was not "notified of the reasons for revocation of his ... release" "upon revocation"; and (2) DHS did not "conduct an initial informal interview promptly after his ... return to ... custody to afford [him] an opportunity to respond to the reasons for revocation". (3) Petitioner is yet to see a copy of the reason(s) of his supervision revocation since he was detained on July 2, 2025 to the present. Petitioner also challenges his detention as inconsistent with due process. DHS failed to follow its own regulations in revocation procedures: 8 C.F.R. § 241.13(i)(2), 8 C.F.R. § 241.13(i)(3)

upon revocation, an alien will be notified of the reasons for revocation of his or her release. The service will conduct an initial informal interview promptly after his or her return to service custody to afford the alien an opportunity to respond to reasons for revocation stated in the notification. The alien may submit any evidence or information that he or she shows there is no significant likelihood he or she be removed in reasonably foreseeable future, or that he or she violated the order of supervision. The revocation custody review will conclude an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.

Several Courts addressing similar circumstances have held that a failure to adhere to these regulations violated due process. For example in *Rombot v. Souza*, when the petitioner had an order of supervision revoked without advance notice at a routine check-in appointment because ICE had determined that there was a significant likelihood of removal in the foreseeable future, the Court held

that ICE violated the petitioner's due process rights by failing to comply with 8 C.F.R. § 241.4 and 214.13. The Court continued by stating, "the agency must follow its own regulations, and prior written commitments in the release notification. The Supreme Court has recognized that "an alien may no doubt be returned to custody upon a violation of supervision conditions" Zadvydas, 533 U.S. at 700, but it has never given ICE a carte Blanche to re-incarcerate someone without basic due process protection. In Rokhfirooz v. Larose the United States District Court concluded that "Government agencies are required to follow their own regulation *see. Accardi v. Shaughnessy, 347 U.S. 260, 268, 74 S. Ct 499, 98 L. 681 (1954)* it was 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.** *see. e.g. Orellana v. Baker 2025 U.S. Dist. LEXIS 164986, 2025 LX 369492, 2025 WL 2444087, M.S.L v. Bostock, No. 6:25-cv-1204-AA, 2025 WL 2430267, at \*10 (D. Or. Aug. 21, 2025), Ceesay v. Kurzdorfer, 781 F. supp. 3d 137, 163 (W.D.N.Y. 2025), Rombot v. Souza, 296 F. supp. 3d 383 (D Mass, 2017)*. In Orellana v. Baker the Court stated "in one sense, this case presents a more stark case of a violation of due process, there is absolutely no record of the decision to revoke Orellana's release, much less on that was presented to him, which reveals an even more significant due process problem."

ICE also violated these regulations to provide an alien with a copy of decision of custody review and they are followed;

Service of decision and other documents. All notices, decisions. Or other documents in connection with the custody review conducted under this section by the District director, director of the Detention and Removal Field Office, or Executive Associate Commissioner shall be served on the alien.

8 C.F.R. § 241.4 (2)

Custody determination. A copy of any decision by the district director of the Detention and Removal Field Office, or Executive Associate Commissioner to release or to detain an alien shall be provided to detained alien. A decision to retain custody shall briefly set forth the reasons for the continued detention.

8 C.F.R. § 241.4 (d)

Petitioner's 90-day detention long passed – even though he should not be here – and he was not provided a copy of the decision(s) set forth in provisions to protect Due Process rights, and to provide the alien with these notices and decision is the bear minimum ICE could and should do to comply with the Supreme Court's order that “ICE cannot re-incarcerate someone without basic due process protection.” But, Petitioner was never given the said notices or a copy of the said decision(s), neither after his supervision revocation, nor after his 90-day custody review re-determination. This is a copy messages that were sent regarding Petitioner's 90-day custody review;

- ct 2, 2025 11:53 Good morning sir, it has been three months since I am detained, I'm almost sure that my consulate rejected my travel document request again if they did please say so, and do I get a three months re-determination or everything changed this time around?
- ct 6, 2025 08:24 your request has been sent to the ICE in Washington DC for review. Corrections were made to the paperwork and it was resubmitted. After it is reviewed, your paperwork will be sent to the consulate for issuance of a travel document. At this time you will remain in custody. I will be by this week for you to sign some paperwork if necessary.  
#609683891

Petitioner believes that he as a human being is protected under the United States Constitution , and he stands firm by his liberty which is in the heart of the Constitution of The United States. ICE's ongoing violations of Petitioner's Due Process rights stripped him from his liberty which is clearly protected under the Fifth Amendment. Recently another court in 11th Circuit ruled against ICE's stand to take away these rights from aliens. *See Grigorian v. Bondi 2025 U.S. Dist. LEXIS 175489*. The Court found that only because he was not given “an informal interview” after his re-detention to contest the revocation of his OSUP, ICE was in violation of *Grigorian's* Due Process rights and ordered ICE to release him immediately.

Petitioner's re-detention on July 2, 2025 violated provisions within 8 C.F.R. § 241.4 that are designed to provide procedural due process. First at no point, whether at the time of his re-detention on July 2, 2025 or at any point thereafter, has Kamali received notification of the reasons for his re-

detention which is in violation for the requirements within 8 C.F.R. § 241.4 that "a copy of any decision ... to detain an alien shall be provided to the detained alien." and that the decision "set forth the reasons" for that detention. 8 C.F.R. § 241.4(d). *see Ruiz v. Mattivelo* (noting that the petitioner who was re-detained under 8 U.S.C. § 1231(a)(6) was "constitutionally entitled" to the due process set forth in 8 C.F.R. § 241.4(d) which require that a "decision to retain custody beyond the removing period must briefly set forth the reasons for the continued detention")

To be clear, Petitioner does not challenge the decision to execute his removal, the decision to detain him, the Government's authority to deport or detain him. Rather he challenges the methods by which he was detained, and the fact that ICE did not "comply with statutory requirements" required to revoke an order of supervision, or re-detain the Petitioner as outlined in 8 C.F.R. § 241.13(i)(2) – (3), and 8 C.F.R. § 241.4(d). And this provisions were only set to protect human rights and liberty under the Constitution of the United States.

#### **Precedent.**

In Orellana v. Baker 2025 U.S. Dist. LEXIS 369492, 2025 WL 2444087, the Court decided that "the record is clear that ICE's revocation of release violated its own regulation by failing to have an authorized official make the revocation decision, failing to provide Santamaria Orellana with an informal interview, or some combination of these deficiencies. Where it is undisputed that the regulations were put in place to provide due process. The Court concludes that Santamaria Orellana was demonstrated that the revocation of his release and thus his ongoing detention are unlawful in violation of Accardi doctrine and violate his right to due process under the Fifth Amendment as a result, the Court will grant the petition."

In Rombot v. Souza 296 F. Supp. 3d 383 (D Mass. 2017), it was decided that ICE violated the Due Process Clause of the Fifth Amendment when it detained Rombot. The Court stated that "based on

ICE's violation of its own regulation, the Court concluded Rombot's detention was unlawful because it was required to follow the procedures set out in 8 C.F.R. § 241. 4." The Court Further decided that he should be **released** pursuant to the conditions in his preexisting order of supervision. And in Rokhfirooz v. Larose 2025 U.S. Dist. LEXIS 180605, 2025 LX 377518, 2025 WL 264 6165, The Court ruled, "because DHS failed to make the determination required by Section 241. 13(i)(2) for revoking petitioner's release, the Court has no occasion to address the adequacy of the reasons stated for such a determination. The Court cannot conclude that petitioner was "upon revocation" duly notified of those reasons, or that DHS "conducted an informal interview promptly ... to afford [petitioner] an opportunity to respond to the reasons for revocation in the notification," as required by Section 241. 13(i)(3)." And in conclusion the Court decided that "for the foregoing reasons, the petition is **granted**. Respondent is ordered to immediately **release** petitioner from custody, subject to the conditions of his preexisting order of supervision."

### **MOTION FOR EMERGENCY RULING**

Petitioner believes that his re-detention violated his procedural due process rights on multiple instances.(1) He was not given a written notification of his supervision revocation stating that why his supervision being revoked. (2) he was not given an informal interview shortly after he was brought back to Respondent's custody to give him chance to defend himself or challenge his re-detention. (3) he was not provided with 90-day re-determination letter to state why Respondent wants to continue Petitioner's detention since he is clearly not a flight risk nor he is a risk to society, as he has shown in the past 4 years that he was under an order of supervision.

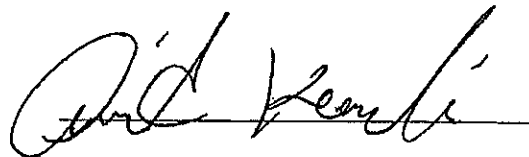
In addition to that Petitioner's travel document has been rejected by his country at least 4 times, one time in 2024 and 3 times during his detention in 2020-2021, and his travel document with Turkey

as a third country was also rejected in 2021 making his deportation unforeseeable and his continued detention unreasonable.

All these facts pointing out that his continued detention is in clear violations of his constitutional rights. Furthermore, if he was deported at this point where his Fifth Amendment rights were violated in many instances, those violations would be irreparable, knowing that once deported Petitioner can not sue or claim any rights because of lack of jurisdiction. Therefore, making this case eligible for an emergency ruling. For those reasons Petitioner respectfully requests for an emergency ruling and to grant his habeas relief.

Pursuant to title 28, U.S. Code Section 1746, I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.

Respectfully submitted on this November 20, 2025.

A handwritten signature in black ink, appearing to read "Omid Kamali", written over a horizontal line.

OMID KAMALI