

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CV-62457-JB

KARIM SOUDBAKHSH
Petitioner,

v.

CARLOS R. NUNEZ, Assistant Field
Office Director at Broward Transition
Center,

Respondent.

RESPONDENT'S RESPONSE TO COURT ORDER (ECF NO. 10)
AND AMENDED PETITION FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241 (ECF NO. 9)

Respondent, Carlos R. Nunez, Assistant Field Office Director at Broward Transition Center¹, through the undersigned Assistant United States Attorney, respectfully submits this Response to this Court's Order (ECF No. 10), and Response to Petitioner Karim Soudbakhsh's Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Pro Se) ("Amended Petition") (ECF No. 9). In his Amended Petition, Petitioner raises a single claim, namely that his "continued detention violates the Immigration and Nationality Act and the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001)" (*id.* at 1) (*italics added*). That claim lacks merit, and this Court should deny the Amended Petition.

¹ Carlos R. Nunez replaced Juan F. Gonzalez as the Assistant Field Office Director.

MEMORANDUM OF FACT

I. Karim Soubakhsh's First Overstay

Karim Soubakhsh ("Karim") is a native and citizen of Iran who entered the United States in 1972 on an F-1 visa that permitted him to remain in the United States until January 1, 1979 (Exhibit A to ECF No. 7 (BIA Opinion of July 10, 2002) at 1-2; Exhibit B to ECF No. 7 (Form I-213, Record of Deportable/Inadmissible Alien, (Form I-213) dated June 24, 2025); Exhibit C to ECF No. 7 (Form I-213, Record of Deportable/Inadmissible Alien, (Form I-213) dated December 05, 1979)). Karim overstayed that visa and was placed in deportation proceedings by the issuance of an Order to Show Cause, charging him as deportable from the United States in violation of INA § 241(a)(2) (Exhibit D to ECF No. 7 (Order to Show Cause Record of Deportable/Inadmissible Alien, (Form I-221) dated December 20, 1979)). On January 7, 1980, Petitioner admitted the allegations in the Order to Show Cause and conceded the charge of deportability (Exhibit F to ECF No. 7 (Immigration Judge order dated July 29, 1980)). Karim departed Iran and resettled in the United Arab Emirates in 1987 where he had legal status. (Exhibit A to ECF No. 7 (BIA Opinion of July 10, 2002) at 1-2).

II. Karim Soubakhsh's Second Overstay

On March 20, 1993, Karim entered the United States on a B1/B2 visa that permitted him to remain in the United States until January 1, 1994 (Exhibit E to ECF No. 7 (Order to Show Cause Record of Deportable/Inadmissible Alien, (Form I-221) dated March 21, 1996)). On or about March 21, 1996, Petitioner was placed in deportation proceedings by the issuance of an Order to Show Cause, charging him as deportable from the United States in violation of INA § 241(a)(1)(B) as an alien who, after admission as a nonimmigrant under section 101(a)(15) of the INA, remained in the United States for a longer time than permitted. (*Id.*)

On October 27, 1997, Petitioner applied for relief from deportation (Exhibit G to ECF No. 7 (Oral Decision of the Immigration Judge dated October 27, 1997)). The Immigration Judge denied Karim's request for relief, finding in part, that Karim was not eligible because he had firmly resettled in the United Arab Emirates. Because Karim lacked legal status to remain in the United States (in that his visa expired and relief from deportation was denied), a final order of deportation was entered on or about October 27, 1997.

In July 2002, the Board of Immigration Appeals granted Karim's withholding of deportation to Iran (Exhibit A to ECF No. 7 (BIA Opinion of July 10, 2002) at 2). The final order of deportation, however, remained active, meaning Karim has no legal status to remain in the United States and could be deported to another country if Karim failed to depart the United States pursuant to the deportation order.

On or about June 25, 2025, Karim was arrested by immigration officials because he failed to comply with the final order of deportation (Exhibit B to ECF No. 7 (Form I-213, Record of Deportable/Inadmissible Alien, (Form I-213) dated June 24, 2025); Exh. H to ECF No. 7 (Detention History)). On October 28, 2025, Karim was served a Decision to Continue detention in accordance with 8 C.F.R. § 241.4, because removal is practicable and likely to occur in the foreseeable future and his continued detention is in the public interest (Exhibit I to ECF No. 7 (Declaration of Deportation Officer)). To date, Petitioner remains in Immigration and Customs Enforcement custody at the Broward Transition Center (Exh. H to ECF No. 7 (Detention History)).

MEMORANDUM OF LAW

I. THERE HAS BEEN NO VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT OR THE SUPREME COURT'S DECISION IN *ZADVYDAS v. DAVIS*.

The single claim in the Amended Petition is that the continued detention of the Petitioner violates the Supreme Court's ruling in *Zadvydas v. Davis*, 533 U.S. 678 (2001), because, according to Petitioner, he has been detained for more than 180 days and "removal is not reasonably foreseeable" (ECF No. 1 at 1. *See also* ECF No. 1 at 2 (alleging violation because Petitioner "cannot be removed to Iran due to the withholding of removal, and no third country has agreed to accept him")). That claim lacks merit. In *Zadvydas*, the Supreme Court held that a six-month detention of an alien pending removal is presumptively reasonable. *Zadvydas*, 533 U.S. at 699-701 (stating "for the sake of uniform administration in the federal courts, we recognize that [six-month] period.").

Under INA section 241 (codified at 8 U.S.C. § 1231), "when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days." 8 U.S.C. § 1231 (a)(1)(A). That 90-day period is called the "removal period." During the removal period, the Attorney General is required to detain the alien. 8 U.S.C. § 1231(a)(2)(A). "An alien ordered removed who is inadmissible under section 1182 of this title ... may be detained beyond the removal period" or released subject to supervision. 8 U.S.C. § 1231(a)(6).

In *Zadvydas v. Davis*, 533 U.S. 678 (2001). the Supreme Court held that § 1231(a)(6) only authorizes detention for a period reasonably necessary to remove the alien, and "does not permit indefinite detention." *Id.* at 682 ("[W]e construe the statute to contain an implicit 'reasonable time' limitation."). To help guide lower court determinations, and to limit the

occasions when courts will need to make them, the Court held that six months of post-removal order detention is presumptively reasonable. *Id.* at 700-01. Even in cases where detention is longer than the presumptively reasonable period, the Supreme Court held that “an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701. Thus, to state a valid claim under *Zadvydas*, a detained alien must show (1) “post removal order detention in excess of six months” and (2) “a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002). Petitioner has not made such a showing.

In this case, Petitioner cannot show that there is “a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *See Akinwale*, 287 F.3d at 1052. The Amended Petition is correct that Petitioner (for now) cannot be deported to Iran. That said, the Board of Immigration Appeals determined that Petitioner was “firmly resettled” in the United Arab Emirates and there is no reason to believe that the final order of deportation cannot be effectuated through removal to a third country. Under *Zadvydas*, Petitioner’s Amended Petition should be dismissed as premature, as Petitioner has failed to meet his burden of establishing that there is no significant likelihood of his removal in the reasonably foreseeable future.

CONCLUSION

This Court should dismiss the Amended Petition because the *Zadvydas* claim lacks merit in that there is no reason to believe that a third country will not accept Petitioner.


Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 20, 2026, I uploaded the attached document to the Court's PACER system. Moreover, I certify that a copy with exhibits was mailed to:

Karim Soubakhsh
A 
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3900 North Powerline Road
Deerfield Beach, FL 330373

By: */s/ H. Ron Davidson*
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