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12 UNITED STATES DISTRICT COURT  
 13 DISTRICT OF NEVADA

14 Reza Tehrani,  
 15 Petitioner,  
 16 v.  
 17 John Mattos, *et al.*,  
 18 Respondents.

Case No. 2:25-cv-02389-APG-EJY

**Reply to Respondents' Response to  
 Petition for Writ of Habeas Corpus  
 (ECF No. 16)**

19  
 20  
 21 INTRODUCTION

22 The government filed a brief response to Reza Tehrani's petition for writ of  
 23 habeas corpus under 28 U.S.C. § 2241 on January 28, 2026, representing that the  
 24 matter is now moot because an immigration judge granted Mr. Tehrani a bond of  
 25 \$3500.00. ECF No. 16.

26 Mr. Tehrani did receive a bond on January 26, 2026 and he was released  
 27 from detention on January 29 after his family was able to post that bond. This

1 matter, however, is not moot. Mr. Tehrani's liberty remains at the discretion of the  
2 government, which may impose significant new restrictions on his freedom, and  
3 which could at any time seek to re-arrest Mr. Tehrani purportedly to effect his  
4 deportation, as they have done on multiple prior occasions. The Court can and  
5 should still rule that Mr. Tehrani was entitled to release under *Zadvydas v. Davis*,  
6 533 U.S. 678 (2001), that such release is not conditioned upon his bond or any new  
7 conditions thereof imposed by the government, and that he cannot be arrested and  
8 detained again barring some change of circumstances.

### 9 BACKGROUND

10 The government does not offer any justification or even an explanation for  
11 Mr. Tehrani's detention, which lasted over two months. Without access to his  
12 immigration file and other information within the government's possession, counsel  
13 makes the representations below on information and belief.

#### 14 **1. Mr. Tehrani has lived in the USA for decades with a removal order**

15 Reza Tehrani is a 59 year old man who was born in Iran in 1966. His father,  
16 who was a skilled jeweler, moved his family, including Reza and his five brothers  
17 and one sister, to Italy for business-related reasons. In 1979, while abroad, the  
18 Iranian Revolution occurred, leading to the overthrow of the Shah and the  
19 formation of the Islamic Republic of Iran. Reza and his family, believing they would  
20 be unsafe, have never returned there.

21 Reza's family emigrated, legally, to Canada in approximately 1983. His  
22 brothers still live there, as did his parents until they passed away. In  
23 approximately 1984, Reza obtained a visa and legally entered the United States,  
24 where his sister lived (and still lives to this day). Reza has resided in the United  
25 States ever since then. He married there, and has three adult children who are  
26 natural-born U.S. citizens.

1 Reza Tehrani overstayed his visa. The United States initiated removal  
2 proceedings against him. An order of removal was issued and became final in  
3 approximately 1992.

4 Since the revolution, however, the government of Iran has not had diplomatic  
5 relations with the United States and regularly fails to issue travel documents for  
6 nationals subject to deportation orders. The United States was not able to deport  
7 Mr. Tehrani in 1992 and he was released after a short stint in custody.

8 Mr. Tehrani was detained again in approximately 2003 and again in  
9 approximately 2004, both times purportedly to affect his deportation. As before, the  
10 government of Iran would not issue him travel documents. Mr. Tehrani was  
11 detained for approximately 30 days in 2003 before being released, and then was  
12 held for approximately 90 days in 2004 before being released.

13 Mr. Tehrani currently has health issues, including diabetes, that require  
14 regular care and medication.

15  
16 **2. The government once again arrested and detained Mr. Tehrani**  
17 **purportedly because of the removal order**

18 On November 13, 2025 – almost 50 years after he left Iran, 40 years after his  
19 arrival in the United States and 30 years after his original order of removal -- the  
20 government, via Immigrations and Customs Enforcement (ICE) once again arrested  
21 and detained Mr. Tehrani, at the Nevada Southern Detention Center in Pahrump.  
22 Although the government has no provided no explanation or justification for this  
23 detention, it appears consistent with recent policy changes enacted by the  
24 administration. In an apparent departure from longstanding legal requirements  
25 and ICE's own policies, ICE issued a directive to agents encouraging them to seek to  
26 re-detain noncitizens with final removal orders who had been previously released  
27 from custody for the purpose of removal to previously recalcitrant countries of

1 origin, or to third countries.<sup>1</sup> The directive did not provide justification as to why  
2 detention of noncitizens under orders of supervision would be necessary to  
3 effectuate proper removal to countries of origin or otherwise. Nonetheless, the  
4 government appears to have detained Mr. Tehrani under the authority of 8 U.S.C.  
5 §1231(a)(6), which states that a noncitizen “may be detained” beyond the initial 90-  
6 day removal period following the order of removal (which has long since expired).<sup>2</sup>

7 Although Iran is reported to have recently agreed to have accepted a small  
8 number of deported nationals from the United States, these appear to have been  
9 relatively recent emigrants who illegally entered the United States via Mexico.<sup>3</sup> As  
10 has long been the case, there remains little likelihood that persons like Mr. Tehrani  
11 who left Iran prior to the 1979 Revolution will receive travel documents.

12 Even if this long-standing situation were to suddenly change, there is little  
13 likelihood that Mr. Tehrani would receive travel documents. Mr. Tehrani and his  
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15  
16 <sup>1</sup> P.Ex. 1.

17 <sup>2</sup> This most recent detention is contrary to Department of Homeland Security  
18 (DHS) regulations. Beyond the protections in *Zadvydas*, 8 C.F.R. § 241.4, §241.13(i)  
19 establishes additional protective procedures for re-detention. These procedures  
20 allow for the noncitizen to “be returned to custody” due to violations of the  
21 conditions of their release. 8 C.F.R. § 241.13(i)(1); *see also* § 241.4. Absent condition  
22 violations, revocation of release is only permitted if based on “changed  
23 circumstances” it is determined that “there is a significant likelihood that the alien  
24 may be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2).

25 Regardless of the reason for re-detention, the re-detained person is entitled to  
26 “an initial informal interview promptly” after being taken back into custody. 8  
27 C.F.R. §241.13(i)(3). The re-detained person “will be notified of the reasons for  
28 revocation” and will be afforded the “opportunity to respond to the reasons for  
29 revocation.” *Id.* The re-detained person should also be permitted to “submit any  
30 evidence or information” that can demonstrate that “there is no significant  
31 likelihood [they] be removed in the reasonably foreseeable future” *Id.*

32 Upon information and belief, none of these procedures were followed with  
33 respect to Mr. Tehrani’s November 2025 detention.

34 <sup>3</sup> See e.g. <https://www.reuters.com/world/middle-east/us-deports-planeload-iranians-after-deal-with-tehran-nyt-says-2025-09-30/>.

1 family contacted the Iranian consulate<sup>4</sup> during Mr. Tehrani's most recent detention  
2 to facilitate his potential return. Consular officials informed them they could not  
3 issue him travel documents because they have no records indicating that he was a  
4 citizen of Iran or lived there. Mr. Tehrani does not possess a birth certificate,  
5 which was lost by his parents a long time ago. As such, there remains no significant  
6 likelihood that Mr. Tehrani would be deported to Iran. Nor, on information and  
7 belief, is there any significant likelihood he could be deported to a third country.

8 **3. Mr. Tehrani sought habeas relief and was constitutionally entitled to**  
9 **release**

10 The Supreme Court considered the issue of indefinite detention under 8  
11 U.S.C. §1231(a)(6) in the case *Zadvydas v. Davis*, 533 U.S. 678 (2001). In that case,  
12 the Court acknowledged that allowing a noncitizen to be detained indefinitely after  
13 the statutory removal period would raise "serious constitutional concerns" and, as a  
14 result, held that 8 U.S.C. §1231(a)(6) contains an implicit time limit. *Id.* at 682. The  
15 Court further held that 8 U.S.C. §1231(a)(6) authorizes detention only for "a period  
16 reasonably necessary to bring about the [noncitizen]'s removal from the United  
17 States" and that six months of detention after the removal order is final is  
18 "presumptively reasonable." *Id.* at 689, 701.

19 Although Mr. Tehrani's most recent period of detention was less than six  
20 months it was unreasonable and unlawful for several reasons. First, *Zadvydas*  
21 holds the six-month period of presumptive reasonableness runs from the time of the  
22 removal order, which in the case was entered decades ago. Nothing in *Zadvydas*  
23 suggests that this period is tolled following the noncitizen's initial release, such  
24 that the government might detain them decades later and take advantage of the

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25  
26 <sup>4</sup> Technically Iran lacks a consulate in the United States but pursuant to  
27 diplomatic protocol has an Interests Section administered through Pakistan. See  
[https://en.wikipedia.org/wiki/Interests\\_Section\\_of\\_Iran\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/Interests_Section_of_Iran_in_the_United_States)

1 presumption. As this Court has recognized, “a non-citizen’s presumptively  
2 reasonable period of detention is typically tied to their removal order, and it lapses  
3 six months after this order becomes final.” *Berhe v. Mattos*, 2026 WL 222302 at \*5,  
4 fn. 7 (D. Nev. Jan. 28, 2026) citing *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1102 n.5  
5 (9<sup>th</sup> Cir. 2001). “Non-citizens are not subject to a new presumptively reasonable  
6 period of detention *every* time they are re-detained.” *Id.* (emphasis in original).

7 Second, Mr. Tehrani was detained for two prior periods subsequent to his  
8 removal order totaling approximately 120 days. Even if periods of detention well  
9 after the removal order could be considered presumptively reasonable, all of this  
10 time should be considered for calculating the six-month *Zadvydas* period. *Shadalo*  
11 *v. Mattos*, 2025 WL 3568234, at \* 6 (D. Nev. Dec. 14, 2025) (considering the “full  
12 amount of time that Petitioner has spent in immigration detention since he was  
13 ordered removed” because “[o]therwise, the government could simply circumvent  
14 the INA by releasing and re-detaining citizens such that they never reach six  
15 months of continuous detention”). As of no later than mid-January 2026, Mr.  
16 Tehrani’s release was presumptively unreasonable and he should have been  
17 released.

18 Finally, *Zadvydas* did not say the presumption is irrebuttable, and a variety  
19 of courts across the country that have considered the issue have found the  
20 presumption of reasonableness during the first six months of post-removal order  
21 detention can be rebutted. See *Munoz-Saucedo v. Pittman*, No. CV 25-2258 (CPO),  
22 2025 WL 1750346, at \*5 (D.N.J. June 24, 2025) (analyzing the issue and collecting  
23 cases). “Within the six-month window,” the noncitizen bears the burden of  
24 “prov[ing] the unreasonableness of detention.” *Cesar v. Achim*, 542 F. Supp. 2d 897,  
25 903 (E.D. Wis. 2008). After six months, there is “good reason to believe that there is  
26 no significant likelihood of removal in the reasonably foreseeable future,” and the  
27 burden shifts to the government to justify continued detention. *Zadvydas*, 533 U.S.

1 at 701. “Whether detention is ‘reasonably necessary to secure removal is  
2 determinative of whether the detention is, or is not, pursuant to statutory  
3 authority...The basic federal habeas corpus statute grants the federal courts  
4 authority to answer that question.” *Medina v. Noem, et al., Respondents*, No. 25-  
5 CV-1768-ABA, 2025 WL 2306274, at \*6 (D. Md. Aug. 11, 2025) (citing *Zadvydas*,  
6 533 U.S. at 699). Here, even if Mr. Tehrani’s detention clock ran only from  
7 November 13, 2025, the presumption of reasonableness is rebutted. There was no  
8 reasonable likelihood that Mr. Tehrani would be deported to Iran in November  
9 2025, any more than there was in 1992 or 2003-04.

10 Mr. Tehrani was accordingly entitled to habeas corpus relief under 28 U.S.C.  
11 § 2241.

12  
13 **4. Prior to this Court’s resolution of the habeas petition an immigration**  
14 **court granted Mr. Tehrani bond, under which he remains subject to**  
15 **new restrictions on his freedom**

16 While in custody, Mr. Tehrani also sought a bond hearing with the Las Vegas  
17 immigration court. As noted in the government’s response, the immigration court  
18 held a hearing on January 26, 2026 and granted him a \$3500.00 bond. Mr.  
19 Tehrani’s family was able to post this bond – which they had to pay in full – three  
20 days later and he was released from ICE custody on January 29, 2026.

21 As Mr. Tehrani does not have any upcoming hearings in immigration court,  
22 it is unclear what this bond is securing. Likewise, it is unclear when – if ever – the  
23 bond money might be returned, as the status quo preventing Mr. Tehrani’s  
24 deportation to Iran is unlikely to change. Moreover, the immigration judge at that  
25 hearing made clear that Mr. Tehrani’s release on bond was subject to any new  
26 conditions that ICE might impose on him, and specifically noted the possibility of  
27 placing an electronic bracelet on his ankle. Mr. Tehrani was initially directed to

1 appear at the Las Vegas ICE office at 9:00 a.m. on Monday, February 2, 2026. That  
2 appointment was subsequently moved to Thursday, February 5, 2026. As of this  
3 writing, it is not clear what additional new requirements ICE may seek to impose  
4 on Mr. Tehrani at this appointment.

### 5 ARGUMENT

#### 6 **1. Mr. Tehrani's habeas petition is not moot because he is subject to** 7 **new restrictions on his freedom and because he could be re-detained**

8 The government's response claims this habeas petition is now moot in light of  
9 Mr. Tehrani's bond. "The party asserting mootness bears the burden of establishing  
10 that there is no effective relief that the court can provide." *Forest Guardians v.*  
11 *Johanns*, 450 F.3d 455, 461 (9<sup>th</sup> Cir. 2006). The party asserting mootness has a  
12 "heavy" burden. *Alliance for Wild Rockies v. Burman*, 499 F. Supp. 3d 786, 790 (D.  
13 Mont. 2020). "[A] case is not moot where *any effective relief* may be granted."  
14 *Johanns* at 461 (emphasis in original).

15 Here, the government has presented no argument or authority to establish  
16 mootness. At the time of their pleading, Mr. Tehrani had not even paid the bond  
17 and remained in physical custody. Even in light of Mr. Tehrani's release, however,  
18 this case is not moot for two reasons.

19 First, habeas corpus relief under § 2241 is not limited to persons who are  
20 physically imprisoned. "History, usage, and precedent can leave no doubt that,  
21 besides physical imprisonment, there are other restraints on a man's liberty,  
22 restraints not shared by the public generally, which have been thought sufficient in  
23 the English-speaking world to support the issuance of habeas corpus." *Williamson*  
24 *v. Gregoire*, 151 F.3d 1180, 1182 (9<sup>th</sup> Cir. 1998), *citing Jones v. Cunningham*, 371  
25 U.S 236, 240 (1963). Persons on parole remain in custody insofar as it "imposes  
26 conditions which significantly confine and restrain [their] freedom." *Williamson* at  
27 1182, *citing Jones* at 243. Even persons released on their own recognizances are in

1 “custody” for habeas purposes when they are “obligated to appear at times and  
2 places ordered by the court” and “cannot come and go as [they] please[.]”

3 *Williamson* at 1182, *citing Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973).

4 Here, Mr. Tehrani’s release on bond will apparently be subject to whatever  
5 conditions ICE should impose at his February 5, 2026 appointment, which he has  
6 been told may include placing an electronic bracelet on his ankle. This would be a  
7 new and significant restriction on his freedom – and one he should not be subject to  
8 if the Court ruled he was entitled to relief under *Zadvydas*.<sup>5</sup> See e.g. *Berhe*, 2026  
9 WL 222302 at \*6 (holding petitioner’s release following grant of habeas relief was  
10 “subject to the conditions of his *prior* order of supervision.”) (emphasis added). If  
11 nothing else, Mr. Tehrani’s freedom remains conditioned on a payment of \$3500.00  
12 to the government. Given the lack of any proceedings in immigration court and the  
13 unlikelihood of any deportation, it is not clear when, if ever, this money would be  
14 returned. If the Court ruled Mr. Tehrani was entitled to relief under *Zadvydas*, he  
15 should not be subject to any bond requirement.

16 Second, Mr. Tehrani’s release on bond via an order of the immigration court  
17 (which operates under the authority of the Department of Justice’s Executive Office  
18 for Immigration Review (EOIR)) and subject to the supervision of ICE (within the  
19 Department of Homeland Security), essentially represents the

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21 <sup>5</sup> *Zadvydas* does recognize “release may and should be conditioned on any of  
22 the various forms of supervised release that are appropriate in the circumstances,  
23 and the [noncitizen] may no doubt be returned to custody upon a violation of those  
24 conditions.” *Id.*, 533 U.S. at 700, *citing* 8 U.S.C. § 1231(a)(2), 1253 and 8 C.F.R. §  
25 241.5. But these statutes and regulations pertain to the government’s authority to  
26 set “reasonable” terms of supervision after the 90-day period following the initial  
27 removal order. See e.g. 8 U.S.C. § 1231(a)(3)(D). As explained *supra*, that period  
passed a long time ago for Mr. Tehrani, who has since been living in the community  
without restrictive supervision. The government does not and cannot explain why it  
is now reasonable for Mr. Tehrani to suddenly be subjected to new and more  
restrictive terms of supervision.

1 government/respondents' voluntary cessation of the illegal custody challenged in his  
2 habeas corpus petition. But "[t]he voluntary cessation of challenged conduct does  
3 not ordinarily render a case moot because a dismissal for mootness would permit a  
4 resumption of the challenged conduct as soon as the case is dismissed." *Rosebrock v.*  
5 *Mathis*, 745 F.3d 963, 971 (9<sup>th</sup> Cir. 2014), citing *Knox v. Serv. Emps. Int'l Union,*  
6 *Local 1000*, 567 U.S. 298, 307 (2012); see also *Friends of the Earth, Inc. v. Laidlaw*  
7 *Env'tl. Servs. (TOC), Inc.*, 528 U.S. 167, 189 (2000) ("It is well settled that a  
8 defendant's voluntary cessation of a challenged practice does not deprive a federal  
9 court of its power to determine the legality of the practice." (internal quotation  
10 marks omitted)). While the government is presumed to be "acting in good faith"  
11 when it voluntarily ceases conduct, it still bears a "heavy burden of showing that  
12 the challenged conduct cannot reasonably be expected to start up again." *Rosebrock*  
13 at 971.

14 Here the government does nothing to meet its heavy burden of showing Mr.  
15 Tehrani will not face detention again. While it would be pointless (and in very bad  
16 faith) for ICE to detain Mr. Tehrani under 8 U.S.C. §1231(a)(6) again after he was  
17 released on bond, there was similarly little good reason to suddenly detain Mr.  
18 Tehrani on November 13, 2025 when he had lived in the United States for decades  
19 with a removal order, and when nothing had happened that would make his  
20 deportation to Iran any more likely. Accordingly, in cases where this Court has  
21 granted *Zadvydas* relief, it has additionally enjoined the government from re-  
22 detaining the petitioner "absent proof of changed circumstances making his removal  
23 reasonably foreseeable." See e.g. *Bunnell v. Noem*, 2025 WL 3707588 at \*9 (D. Nev.  
24 2025). The Court should not find this matter is moot unless the government  
25 provides a clear and enforceable promise that he will not be detained again absent  
26 some material change in circumstances. For example in *Picrin-Peron v. Rison*, 930  
27 F.2d 773 (9<sup>th</sup> Cir. 1991), where the petitioner was released on immigration parole

1 during the pendency of his habeas petition, the Court refused to agree the case was  
2 moot even when the government stated in pleadings that he would remain free  
3 absent specified changed circumstance. *Id.* at 776. Instead, the Court insisted the  
4 government provide a sworn statement of the government's representations from  
5 the "director of the Los Angeles District Office of the INS."<sup>6</sup> *Id.*

## 6 7 **2. The Court should grant habeas relief**

8 As explained herein, Mr. Tehrani is entitled to relief under *Zadvydas* and his  
9 habeas petition is not moot. The government, notwithstanding the time it was  
10 given to respond to Mr. Tehrani's request for relief, has neither shown cause for his  
11 custody nor met its heavy burden to show the petition is moot in its Response. The  
12 Court should accordingly rule Mr. Tehrani is entitled to relief. Specifically it should  
13 rule that:

14 (a) Mr. Tehrani's detention beginning on approximately November 13, 2025 was  
15 unlawful;

16 (b) Mr. Tehrani's release is not subject to bond, that the bond paid to the  
17 government shall be returned, and that Mr. Tehrani's continued release shall  
18 not be subject to any conditions above and beyond the conditions he was  
19 subject to before his recent detention;

20 (c) Mr. Tehrani may not be re-detained absent proof of changed circumstances  
21 making his removal reasonably foreseeable.

22 If the Court believes the government should be afforded a further opportunity to  
23 show cause why Mr. Tehrani's detention was lawful and/or why the habeas petition  
24

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<sup>6</sup> "INS" was the Immigration Naturalization Service, the immigration enforcement agency that preceded the formation of ICE in 2003.

1 is moot prior to adjudicating the habeas petition, Mr. Tehrani requests that he be  
2 given an opportunity to respond.

3 **CONCLUSION**

4 Mr. Tehrani respectfully requests the Court grant him relief as set forth in  
5 this Reply.

6  
7 Dated February 4, 2026.

8  
9 Respectfully submitted,

10 Rene L. Valladares  
11 Federal Public Defender

12 */s/ Ryan Norwood*

13 \_\_\_\_\_  
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