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7
8 **United States District Court**
9 **Central District of California**

10 Asghar Payman Farsi

11 Petitioner,

12 v.

13 Kristi Noem, Secretary of
14 Homeland
Security;

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

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

20
21 James Pilkington, Assistant Field
22 Office Director, Adelanto Detention
Facility,

23 Warden, Geo Group Inc, Adelanto
24 Detention Facility

25 Respondents.
26

No. 5:25-cv-03275

DHS No. A 

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

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I. Introduction & Background

On June 21, 2025, Petitioner Asghar Payman Farsi (hereafter “Petitioner” or “Farsi”) and his minor son went shopping for a birthday present for Farsi’s wife. After leaving a Target store, Farsi and his son walked through the parking lot to their car. They were met at the car by approximately 4 law enforcement officers. The law enforcement officers asked Farsi’s name, and then announced they were taking him into custody. Farsi’s son went home without his father and reported to his mother that Farsi had been arrested. Farsi’s wife, Violet Tava, called the police looking for Farsi, but the police had no answers. For 6 days they waited with no information as to what had happened to their loved one. Finally, Farsi was given access to a phone and called his wife to inform her that he had been taken into ICE custody.



For 15 years, Farsi was on immigration supervision without incident. Farsi had been convicted of a criminal offense in 2007, and ordered removed on January 20, 2010. He spent the next 85 days in ICE custody awaiting deportation. When ICE was unable to deport him to Iran, he was released on supervision. He remained on supervision from 2010 until his 2025 arrest without incident.

On June 21, 2025, ICE apparently unilaterally decided that Farsi would no longer be on supervision and detained him without providing him notice or an opportunity to respond to any reason why his supervision was being revoked. And Farsi has remained in custody despite the government’s inability to deport him to Iran.

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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 Immigration and Customs and Enforcement (ICE) at the Adelanto Detention Facility in Adelanto, California.
- **Name and location of court which imposed removal order:**
Eloy Immigration Court
1705 East Hanna Rd., 
Eloy, AZ 85131
- **The immigration case number:** Department of Homeland Security, A# 
- **The date upon which removal order was imposed:** Farsi was ordered removed by an Immigration Judge on January 20, 2010.
- **Did you appeal from the removal order?** No
- **If you did appeal, provide information related to that appeal:** Not applicable
- **Previous petitions:** None
- **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

1 **III. Claims & Arguments**

2 **A. Farsi must be released because there is no good reason to**
3 **believe he will be deported to Iran in the reasonably**
4 **foreseeable future.**

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

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

16 ICE has detained Farsi well beyond the presumptively reasonable
17 six-month period. As of the time of filing this petition, Farsi has been
18 detained from June 21, 2025 to December 5, 2025. In addition to this 5-
19 month period, Farsi was also detained by ICE for 85 days in 2010 after
20 signing his removal order. When analyzing a *Zadvydas* claim, courts
21 examine the total period of time in ICE custody and do not restart the
22 six-month grace period each time a petitioner is released and rearrested.
23 *See Sied v. Nielson*, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018)
24 (“Several courts have held that the six-month period does not reset when
25 the government detains an alien . . . , releases him from detention, and
26 then re-detains him again.”); *see also S.F. v. Bostock*, 2025 WL 2841022,

1 at *4 (D. Or. Oct. 7, 2025) (collecting cases where presumption of
2 reasonableness did not apply when cumulative detention exceeded sixth
3 months); *Nguyen v. Scott*, 2025 WL 2419288, at *13 (W.D. Wash. Aug.
4 21, 2025) (same); *Diaz-Ortega v. Lund*, 2019 WL 6003485, at *7 n.6 (W.D.
5 La. Oct. 15, 2019), *report and recommendation adopted*, 2019 WL
6 6037220 (W.D. La. Nov. 13, 2019). Indeed, to hold otherwise would create
7 an obvious end run around *Zadvydas*, because ICE could detain an
8 immigrant indefinitely by releasing and quickly rearresting them every
9 six months.

10 There is good reason to believe that there is no significant likelihood
11 of removal to Iran in the foreseeable future. In the 15 years that Farsi
12 has been on supervision, the government has been unable to secure travel
13 documents for him. Farsi has most recently been in custody for almost 6
14 months and the government has yet to procure travel documents and has
15 given no indication that they will be able to do so. And finally a consular
16 official met with several Iranian detainees at the Adelanto Detention
17 Center during the month of November 2025. That official informed Farsi
18 that Iran would not issue Farsi travel documents, and the Iranian
19 Interests Section of the Foreign Consular Office confirmed this via
20 telephone to Farsi.

21 Should the Court not consider the time Farsi has spent in ICE
22 custody cumulatively, this petition is not premature because Farsi's
23 removal is not reasonably foreseeable. *Zavvar v. Scott*, 2025 WL 2592543,
24 at *5 (D. Md. Sept. 8, 2025) (collecting numerous cases). Farsi cannot be
25 returned to Iran, because Iran does not recognize him as a citizen. Upon
26 information and belief, the Iranian Embassy will continue to refuse to

1 issue him a passport or other travel documents. His continued detention
2 in immigration custody thus violates the Due Process Clause of the Fifth
3 Amendment.

4
5 **B. The Government violated both due process and INA**
6 **regulations by reimprisoning Petitioner without notice and**
7 **an opportunity to be heard.**

8 Due process rights extend to noncitizens present in the United
9 States, including those subject to final removal orders. *Zadvydas*, 533
10 U.S. at 693–94; *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025). The
11 fundamental requirements of procedural due process are that a person be
12 afforded notice and opportunity to be heard “at a meaningful time and in
13 a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333, (1976).

14 If a noncitizen has been previously released, before reimprisonment,
15 the regulations require the noncitizen “will be notified of the reasons for
16 revocation of his or her release,” and will be given “an initial informal
17 interview promptly after his or her return to Service custody to afford the
18 alien an opportunity to respond to the reasons for revocation stated in the
19 notification.” 8 C.F.R. § 241.40(1); § 241.13(i)(3).

20 Courts have consistently interpreted these provisions to require
21 findings prior to re-detention, as well as an opportunity to contest re-
22 detention. *See, e.g., Constantinovici v. Bondi*, __ F. Supp. 3d __, 2025 WL
23 2898985, No. 25-cv-2405-RBM (S.D. Cal. Oct. 10, 2025); *Rokhfirooz v.*
24 *Larose*, No. 25-cv-2053-RSH, 2025 WL 2646165 (S.D. Cal. Sept. 15, 2025);
25 *Phan v. Noem*, 2025 WL 2898977, No. 25-cv-2422-RBM-MSB, *3–*5 (S.D.
26 Cal. Oct. 10, 2025); *Sun v. Noem*, 2025 WL 2800037, No. 25-cv-2433-CAB

1 (S.D. Cal. Sept. 30, 2025); *Van Tran v. Noem*, 2025 WL 2770623, No. 25-
2 cv-2334-JES, *3 (S.D. Cal. Sept. 29, 2025); *Truong v. Noem*, No. 25-cv-
3 02597-JES, ECF No. 10 (S.D. Cal. Oct. 10, 2025); *Khambounheuang v.*
4 *Noem*, No. 25-cv-02575-JO-SBC, ECF No. 12 (S.D. Cal. Oct. 9, 2025).

5 Here, however, the Government never: (1) provided Farsi with
6 notice that his Order of Supervision was revoked; (2) conducted an
7 informal interview or afforded Farsi an opportunity to be heard; or (3)
8 sufficiently demonstrated the changed circumstances that rendered his
9 removal significantly likely in the reasonably foreseeable future. Farsi is
10 therefore entitled to relief and must be released.

11
12 **C. To the extent, Farsi’s detention in immigration custody is**
13 **to effectuate removal to a third country, that violates the**
14 **Due Process Clause. because ICE has not given him**
15 **sufficient notice of the proposed third country and an**
16 **opportunity to request deferral or withholding of removal**
17 **to that country under either statute or the Convention**
18 **Against Torture.**

19 “It is well established that the Fifth Amendment entitles
20 [noncitizens] to due process of law in the context of removal proceedings.”
21 *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (per curiam) (quoting *Reno*
22 *v. Flores*, 507 U.S. 292, 306 (1993)). Noncitizens are thus entitled to
23 “notice and an opportunity to be heard appropriate to the nature of the
24 case.” *Id.* (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339
25 U.S. 306, 313 (1950)). As relevant here, this means that purported non-
26 citizens are entitled to notice that they are to be removed to a third

1 country “within a reasonable time and in such a manner as will allow
2 them to actually seek habeas relief in the proper venue before such
3 removal occurs.” *Id.*

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

8 To the extent that Farsi’s detention is meant to facilitate his
9 removal to a third country, *see generally Zadvydas, 533 U.S. at 690*
10 (suggesting that detention following a removal order is intended to
11 facilitate removal), if such a removal is accomplished in violation of his
12 due-process rights, then his detention is illegal. This due-process claim
13 “necessarily impl[ies] the invalidity of [his] confinement and removal” to
14 a third country not yet named in any removal order. *J.G.G., 145 S. Ct. at*
15 1005. Thus, his due-process claim is properly brought in a habeas
16 petition, and a court order that he be released from detention is a proper
17 remedy for such a violation.

18 **D. Removal to third countries where Farsi might face**
19 **imprisonment violates the constitutional prohibition on**
20 **“punitive” removal practices.**

21 The U.S. Supreme Court long ago held that the government may
22 not inflict upon individuals an “infamous punishment” atop deportation
23 as a penalty for an immigration violation, absent criminal charges, a
24 judicial trial, and related constitutional protections. *Wong Wing v. United*
25 *States, 163 U.S. 228, 236-38* (1896). More than a century later the Court
26 reaffirmed the point, holding that while it is within the constitutional

1 power of Congress to remove those unlawfully present in the United
2 States, “punitive measures c[annot] be imposed upon [noncitizens]”
3 merely by dint of their removal, as “all persons within the territory of the
4 United States are entitled to the protection’ of the Constitution.’ ”
5 *Zadvydas*, 533 U.S. at 694 (quoting *Wong Wing*, 163 U.S. at 238).

6 Yet the purposes of the government’s third-country removal
7 program are substantially punitive. As one district court recently held,
8 government officials have made public statements, judicially noticeable,
9 that “offer evidence that third country deportation is occurring as a
10 punishment.” *Nguyen v. Scott*, ___ F. Supp. 3d ___, 2025 WL 2419288, at
11 *24 (W.D. Wash. Aug. 21, 2025). These include an official video of
12 President Donald J. Trump stating, “[I]f illegal aliens choose to remain in
13 America, they’re remaining illegally and they will face severe
14 consequences,” with “punishments ... including ... sudden deportation in
15 a place and manner solely of our discretion.” *Nguyen v. Scott*, 2025 WL
16 2419288, at *24 (W.D. Wash. Aug. 21, 2025). “Other courts [too] across
17 the country have recognized that the government is intentionally
18 removing individuals to countries where they will be imprisoned” in
19 facilities where “‘torture is pervasive’ ” and “‘human rights violations’ ” “
20 ‘widespread,’ ” under “‘horrific prison conditions [engineered] for the
21 specific purpose of inflicting suffering.’ ” *Id.* at *24 (quoting cases).

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

1 **IV. Conclusion**

2 For the foregoing reasons, this Court should:

- 3 • Order the government to answer this petition,
4 • Expedite any briefing and relief, as Petitioner’s current
5 custody is illegal;
6 • Allow him to conduct discovery in order to support his claim
7 for relief;
8 • Convene an evidentiary hearing, if needed to resolve disputed
9 facts;
10 • Order Respondents to release him from their custody; and
11 • Grant any other relief that is just and practicable.

12
13 Respectfully submitted,
14 Cuauhtemoc Ortega
Federal Public Defender

15 Dated: December 5, 2025

16 By: /s/ Jonathan C. Aminoff
Jonathan C. Aminoff
Deputy Federal Public Defender

17 Proposed Attorneys for Petitioner
18 Asghar Payman Farsi
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V. Verification

I, Jonathan C. Aminoff, 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, 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 December 5, 2025, at Los Angeles, California.

/s/ Jonathan C. Aminoff
Jonathan C. Aminoff