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Hossein Joudi-Haghighi

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

10 Hossein Joudi-Haghighi  
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-3315

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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## Table of Contents

I.	Introduction & Background.....	3
II.	Habeas Allegations .....	3
III.	Claims & Arguments .....	4
A.	Joudi-Haghighi must be released because there is no good reason to believe he will be deported to Iran in the reasonably foreseeable future. ....	4
B.	The Government violated both due process and INA regulations by reimprisoning Petitioner without notice and an opportunity to be heard. ....	6
C.	To the extent, Joudi-Haghighi’s detention in immigration custody is to effectuate removal to a third country, that violates the Due Process Clause. because ICE has not given him sufficient notice of the proposed third country and an opportunity to request deferral or withholding of removal to that country under either statute or the Convention Against Torture. ....	8
D.	Removal to third countries where Joudi-Haghighi might face imprisonment violates the constitutional prohibition on “punitive” removal practices. ....	9
IV.	Conclusion.....	10
V.	Verification .....	12

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## I. Introduction & Background

Petitioner Hossein Joudi-Haghighi immigrated to the United States in 1985 from Iran. Following a criminal conviction, he was ordered removed in 2010. He spent approximately 90 days in custody, and then was released on supervision.

On June 9, 2025, Joudi-Haghighi went to his regularly scheduled check-in meeting with immigration officials. At that time, he was taken into custody and has remained in ICE detention ever since.

## 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:**  
San Diego Immigration Court  
880 Front Street, Suite 4240  
San Diego, CA 92101
- **The immigration case number:** Department of Homeland Security, A# 
- **The date upon which removal order was imposed:** Joudi-Haghighi was ordered removed by an Immigration Judge on June 4, 2010.
- **Did you appeal from the removal order?** No.

- 1 • **If you did appeal, provide information related to that**
- 2 **appeal:** Not applicable
- 3 • **Previous petitions:** none
- 4 • **Do you have any petition, appeal or parole matter pending**
- 5 **in any court, either state or federal, as to the removal order**
- 6 **under attack?** No.
- 7

### 8 III. Claims & Arguments

#### 9 A. **Joudi-Haghighi must be released because there is no good**

10 **reason to believe he will be deported to Iran in the**

11 **reasonably foreseeable future.**

12 The Due Process Clause limits a “[noncitizen’s] post-removal-period

13 detention to a period reasonably necessary to bring about that

14 [noncitizen’s] removal from the United States.” *Zadvydas v. Davis*, 533

15 U.S. 678, 689 (2001). Because of this constitutional limitation, the

16 immigration detention statute “does not permit indefinite detention.” *Id.*;

17 *see* 8 U.S.C. § 1231.

18 Immigration detention is presumptively limited to six months.

19 “After this 6-month period, once the [noncitizen] provides good reason to

20 believe that there is no significant likelihood of removal in the reasonably

21 foreseeable future, the Government must respond with evidence

22 sufficient to rebut that showing.” *Zadvydas*, 533 U.S. at 701.

23 But release and rearrest do not restart the six-month grace period.

24 *See Sied v. Nielson*, 2018 WL 1876907, at \*6 (N.D. Cal. Apr. 19, 2018)

25 (“Several courts have held that the six-month period does not reset when

26 the government detains an alien . . . , releases him from detention, and

1 then re-detains him again.”); *see also S.F. v. Bostock*, 2025 WL 2841022,  
2 at \*4 (D. Or. Oct. 7, 2025) (collecting cases where presumption of  
3 reasonableness did not apply when cumulative detention exceeded sixth  
4 months); *Nguyen v. Scott*, 2025 WL 2419288, at \*13 (W.D. Wash. Aug.  
5 21, 2025) (same); *Diaz-Ortega v. Lund*, 2019 WL 6003485, at \*7 n.6 (W.D.  
6 La. Oct. 15, 2019), *report and recommendation adopted*, 2019 WL  
7 6037220 (W.D. La. Nov. 13, 2019);

8 Indeed, to hold otherwise would create an obvious end run around  
9 *Zadvydas*, because ICE could detain an immigrant indefinitely by  
10 releasing and quickly rearresting them every six months.

11 In this case, Joudi-Haghighi was detained by ICE for 3 months in  
12 2010 following his initial order of removal and has now been detained for  
13 6 months from his June 9, 2025 detention to the present. Joudi-  
14 Haghighi’s detention thus exceeds the six-month window by several  
15 months.

16 Further, there is no good reason to believe that the United States  
17 will be able to deport Joudi-Haghighi to Iran. Since Joudi-Haghighi’s  
18 order of removal in 2010, to the best of Petitioner’s knowledge, Iran has  
19 largely not accepted Iranian ex-patriate deportees from the United States  
20 who suffered felony convictions in the United States. Indeed, Iranian  
21 consular officials have explicitly told Petitioner that Iran will not accept  
22 his deportation. On information and belief, the Iranian Embassy will  
23 continue to refuse to issue Petitioner a passport or other travel  
24 documents. His continued detention in immigration custody thus violates  
25 the Due Process Clause of the Fifth Amendment.

26

1 As they have done in other cases, Respondent will likely cite reports  
2 in the media that 150 Iranian expatriates were deported to Iran earlier  
3 this year under a new repatriation agreement between the United States  
4 and Iran. *See, e.g., Zadori v. Noem, et. al.*, 5:25-cv-2832-MRA-DFM, Dkt.  
5 12 at 3 n. 1. Subsequent reporting, however, indicates that only 54  
6 Iranians were actually deported and the circumstances of those  
7 deportations is unclear. *See Farnaz Fassihi and Hamed Aleaziz, 'It feels*  
8 *like I'm in a nightmare': Inside the Fist Deportation Flight to Iran*, New  
9 York Times (Nov. 11, 2025)  
10 [https://www.nytimes.com/2025/11/11/world/middleeast/iran-](https://www.nytimes.com/2025/11/11/world/middleeast/iran-trumpdeportation-flight.html?smid=url-share)  
11 [trumpdeportation-flight.html?smid=url-share](https://www.nytimes.com/2025/11/11/world/middleeast/iran-trumpdeportation-flight.html?smid=url-share). Petitioner is unaware of  
12 any additional deportations and is not aware of any evidence  
13 affirmatively establishing the existence of a new repatriation agreement.

14 The fact that 54 Iranians were deported to Iran under unclear  
15 circumstances does not establish a significant likelihood that Joudi-  
16 Haghghi will be deported. Indeed, Petitioner disputes that such an  
17 agreement is in existence because the United States government has  
18 made no formal statement about any such an agreement and Iranian  
19 detainees, such as Joudi-Haghghi, remain detained in excess of 6  
20 months.

21 **B. The Government violated both due process and INA**  
22 **regulations by reimprisoning Petitioner without notice and**  
23 **an opportunity to be heard.**

24 Due process rights extend to noncitizens present in the United  
25 States, including those subject to final removal orders. *Zadvydas*, 533  
26 U.S. at 693–94; *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025). The

1 fundamental requirements of procedural due process are that a person be  
2 afforded notice and opportunity to be heard “at a meaningful time and in  
3 a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333, (1976).

4 If a noncitizen has been previously released, before reimprisonment,  
5 the regulations require the noncitizen “will be notified of the reasons for  
6 revocation of his or her release,” and will be given “an initial informal  
7 interview promptly after his or her return to Service custody to afford the  
8 alien an opportunity to respond to the reasons for revocation stated in the  
9 notification.” 8 C.F.R. § 241.4(l)(1); § 241.13(i)(3).

10 Courts have consistently interpreted these provisions to require  
11 findings prior to re-detention, as well as an opportunity to contest re-  
12 detention. *See, e.g., Constantinovici v. Bondi*, \_\_ F. Supp. 3d \_\_, 2025 WL  
13 2898985, No. 25-cv-2405-RBM (S.D. Cal. Oct. 10, 2025); *Rokhfirooz v.*  
14 *Larose*, No. 25-cv-2053-RSH, 2025 WL 2646165 (S.D. Cal. Sept. 15, 2025);  
15 *Phan v. Noem*, 2025 WL 2898977, No. 25-cv-2422-RBM-MSB, \*3–\*5 (S.D.  
16 Cal. Oct. 10, 2025); *Sun v. Noem*, 2025 WL 2800037, No. 25-cv-2433-CAB  
17 (S.D. Cal. Sept. 30, 2025); *Van Tran v. Noem*, 2025 WL 2770623, No. 25-  
18 cv-2334-JES, \*3 (S.D. Cal. Sept. 29, 2025); *Truong v. Noem*, No. 25-cv-  
19 02597-JES, ECF No. 10 (S.D. Cal. Oct. 10, 2025); *Khambounheuang v.*  
20 *Noem*, No. 25-cv-02575-JO-SBC, ECF No. 12 (S.D. Cal. Oct. 9, 2025).

21 Here, however, the Government never: (1) provide petitioner with  
22 notice that his Order of Supervision was revoked; (2) conducted an  
23 informal interview or afford Petitioner an opportunity to be heard; or (3)  
24 sufficiently demonstrate the changed circumstances that render his  
25 removal significantly likely in the reasonably foreseeable future.  
26

1 **C. To the extent, Joudi-Haghighi’s detention in immigration**  
2 **custody is to effectuate removal to a third country, that**  
3 **violates the Due Process Clause. because ICE has not given**  
4 **him sufficient notice of the proposed third country and an**  
5 **opportunity to request deferral or withholding of removal**  
6 **to that country under either statute or the Convention**  
7 **Against Torture.**

8 “It is well established that the Fifth Amendment entitles  
9 [noncitizens] to due process of law in the context of removal proceedings.”  
10 *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (per curiam) (quoting *Reno*  
11 *v. Flores*, 507 U.S. 292, 306 (1993)). Noncitizens are thus entitled to  
12 “notice and an opportunity to be heard appropriate to the nature of the  
13 case.” *Id.* (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339  
14 U.S. 306,313 (1950)). As relevant here, this means that purported non-  
15 citizens are entitled to notice that they are to be removed to a third  
16 country “within a reasonable time and in such a manner as will allow  
17 them to actually seek habeas relief in the proper venue before such  
18 removal occurs.” *Id.*

19 Joudi-Haghighi has not been formally ordered removed to any  
20 country other than Iran. As such, he has never had an opportunity to  
21 contest removal to any third country on the grounds that he may face  
22 persecution or torture if he is removed to that country.

23 To the extent that Joudi-Haghighi’s detention is meant to facilitate  
24 his removal to a third country, *see generally Zadvydas*, 533 U.S. at 690  
25 (suggesting that detention following a removal order is intended to  
26 facilitate removal), if such a removal is accomplished in violation of his

1 due-process rights, then his detention is illegal. This due-process claim  
2 “necessarily impl[ies] the invalidity of [his] confinement and removal” to  
3 a third country not yet named in any removal order. *J.G.G.*, 145 S. Ct. at  
4 1005. Thus, his due-process claim is properly brought in a habeas  
5 petition, and a court order that he be released from detention is a proper  
6 remedy for such a violation.

7 **D. Removal to third countries where Joudi-Haghighi might**  
8 **face imprisonment violates the constitutional prohibition**  
9 **on “punitive” removal practices.**

10 The U.S. Supreme Court long ago held that the government may  
11 not inflict upon individuals an “infamous punishment” atop deportation  
12 as a penalty for an immigration violation, absent criminal charges, a  
13 judicial trial, and related constitutional protections. *Wong Wing v. United*  
14 *States*, 163 U.S. 228, 236-38 (1896). More than a century later the Court  
15 reaffirmed the point, holding that while it is within the constitutional  
16 power of Congress to remove those unlawfully present in the United  
17 States, “punitive measures c[annot] be imposed upon [noncitizens]”  
18 merely by dint of their removal, as “all persons within the territory of the  
19 United States are entitled to the protection’ of the Constitution.’ ”  
20 *Zadvydas*, 533 U.S. at 694 (quoting *Wong Wing*, 163 U.S. at 238).

21 Yet the purposes of the government’s third-country removal  
22 program are substantially punitive. As one district court recently held,  
23 government officials have made public statements, judicially noticeable,  
24 that “offer evidence that third country deportation is occurring as a  
25 punishment.” *Nguyen v. Scott*, \_\_\_ F. Supp. 3d \_\_\_, 2025 WL 2419288, at  
26 \*24 (W.D. Wash. Aug. 21, 2025). These include an official video of

1 President Donald J. Trump stating, “[I]f illegal aliens choose to remain in  
2 America, they're remaining illegally and they will face severe  
3 consequences,” with “punishments ... including ... sudden deportation in  
4 a place and manner solely of our discretion.” *Nguyen v. Scott*, 2025 WL  
5 2419288, at \*24 (W.D. Wash. Aug. 21, 2025). “Other courts [too] across  
6 the country have recognized that the government is intentionally  
7 removing individuals to countries where they will be imprisoned” in  
8 facilities where “ ‘torture is pervasive’ ” and “ ‘human rights violations’ ” “  
9 ‘widespread,’ ” under “ ‘horrific prison conditions [engineered] for the  
10 specific purpose of inflicting suffering.’ ” *Id.* at \*24 (quoting cases).

11 Removal to such countries under the Government’s current policy  
12 would thus violate the constitutional prohibition on punitive removal  
13 practices as well.

#### 14 **IV. Conclusion**

15 For the foregoing reasons, this Court should:

- 16 • Order the government to answer this petition,
- 17 • Expedite any briefing and relief, as Petitioner’s current
- 18 custody is illegal;
- 19 • Allow him to conduct discovery in order to support his claim
- 20 for relief;
- 21 • Convene an evidentiary hearing, if needed to resolve disputed
- 22 facts;
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- Order Respondents to release him from their custody; and
- Grant any other relief that is just and practicable.

Respectfully submitted,  
Cuauhtemoc Ortega  
Federal Public Defender

Dated: December 9, 2025

By: /s/  
Jonathan C. Aminoff  
Deputy Federal Public Defender  
Proposed Attorneys for Petitioner  
Hossein Joudi-Haghighi

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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 9, 2025, at Los Angeles, California.

/s/  
Jonathan C. Aminoff