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

8
9 Saman MAHMOUDPOUR,
Petitioner,

10 v.

11 Kristi Noem, Secretary of Homeland
12 Security;

13 Pamela J. Bondi, Attorney General of the
14 United States;

15 Thomas Giles, Los Angeles Field Office
16 Director, Bureau of Immigration and
Customs Enforcement;

17 James Pilkington, Assistant Field Office
18 Director, Adelanto Detention Facility,

19 Warden, Geo Group Inc, Adelanto
20 Detention Facility

21 Respondents.

No.

DHS No. 

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

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4 B. The Government violated both due process and INA regulations by
5 reimprisoning Petitioner without notice and an opportunity to be heard
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I. Introduction & Background

The respondent is a native and citizen of Iran. On or about 05/18/2024, he and his family attempted to enter the United States near the U.S.–Mexico border without a visa or other authorization. The respondent was apprehended by U.S. Border Patrol; however, after completing initial interviews at the detention center, he was granted parole on 04 November 2024.

Upon release, the respondent, his wife, and their two minor children relocated to Orange County, California. The respondent was instructed to register through the Intensive Supervision Appearance Program (ISAP) as an alternative to detention.

Thereafter, the respondent filed a defensive application with the Santa Ana Immigration Court. Prior to his re-arrest, he was scheduled to appear for his individual hearing on July 2, 2026.

On October 14, 2025, when the respondent reported to the Santa Ana Field Office to meet with his ERO officer, he was apprehended and transferred to the Adelanto Detention Facility.

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:** Santa Ana Immigration Court
- **The immigration case number:** Department of Homeland Security, A#



1 **III. Claims & Arguments**

2 **A. Mr. Mahmoudpour must be released because there is no good reason to**
3 **believe he will be deported to Iran in the reasonably foreseeable future**
4 **and without completing his individual hearing that was scheduled for**
5 **July 2026.**

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

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

16 ICE has detained Mr. Mahmoudpour well beyond the presumptively
17 reasonable six-month period between the first time he was detained and the second
18 arrest in October 2025.

19 As noted in the attached supporting documents, the Petitioner lawfully held a
20 full-time position and was enrolled in an English course at the Community Education
21 Center to improve his language proficiency (Attachment A). In addition, Mr.
22 Mahmoudpour suffers from a medical condition that requires ongoing follow-up
23 appointments and possible surgery (Attachment B).

24 His children were attending local schools and excelling academically
25 (Attachment C). He was also an active member of the Southern California Kurdish
26

1 community and has several references and support letters to attest to his character
2 (Attachment D).

3 His detention has exacerbated this condition, and the prolonged confinement
4 without meaningful review is causing unnecessary hardship to his immediate family.

5 **LIKELIHOOD OF REMOVAL**

6 There is good reason to believe that there is no significant likelihood of
7 removal to Iran in the foreseeable future. Even though Mr. Mahmoudpour has not
8 yet been in ICE custody for six months, after his second detention, this petition is not
9 premature. Mr. Mahmoudpour cannot be returned to his country of origin, because
10 he should be allowed to complete his asylum interview with his spouse and children
11 as it was previously calendared in July 2026. Separating his case from that of his
12 family because of his detention is significantly prejudicial and creates administrative
13 nightmare for the Court and the petitioner's ability to present his case while in
14 custody. Furthermore, upon information and belief, Iran will continue to refuse to
15 issue him a passport or other travel documents. His continued detention in
16 immigration custody thus violates the Due Process Clause of the Fifth Amendment.

17 Release and rearrest do not restart the six-month grace period. *See Sied v.*
18 *Nielson*, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018) (“Several courts have
19 held that the six-month period does not reset when the government detains an alien . .
20 . . , releases him from detention, and then re-detains him again.”); *see also S.F. v.*
21 *Bostock*, 2025 WL 2841022, at *4 (D. Or. Oct. 7, 2025) (collecting cases where
22 presumption of reasonableness did not apply when cumulative detention exceeded
23 sixth months); *Nguyen v. Scott*, 2025 WL 2419288, at *13 (W.D. Wash. Aug.
24 21, 2025) (same); *Diaz-Ortega v. Lund*, 2019 WL 6003485, at *7 n.6 (W.D. La. Oct.
25 15, 2019), *report and recommendation adopted*, 2019 WL 6037220 (W.D. La. Nov.
26 13, 2019);

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

4 Even without six months in ICE custody, a petitioner can still raise this claim
5 through his lack of reasonable foreseeability of removal. *Zavvar v. Scott*, 2025 WL
6 2592543, at *5 (D. Md. Sept. 8, 2025) (collecting numerous cases). In other words,
7 regardless of the six-month rubric, an unconstitutional detention is and
8 unconstitutional detention—no matter how long it’s been.

9 Due process rights extend to noncitizens present in the United States,
10 including those subject to final removal orders. *Zadvydas*, 533 U.S. at 693–94, 121
11 S.Ct. 2491; *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025). The fundamental
12 requirements of procedural due process are that a person be afforded notice and
13 opportunity to be heard “at a meaningful time and in a meaningful manner.”
14 *Mathews v. Eldridge*, 424 U.S. 319, 333, (1976).

15 If a noncitizen has been previously released, before reimprisonment, the
16 regulations require the noncitizen “will be notified of the reasons for revocation of
17 his or her release,” and will be given “an initial informal interview promptly after his
18 or her return to Service custody to afford the alien an opportunity to respond to the
19 reasons for revocation stated in the notification.” 8 C.F.R. § 241.4(l)(1); §
20 241.13(i)(3).

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

1 2800037, No. 25-cv-2433-CAB (S.D. Cal. Sept. 30, 2025); *Van Tran v. Noem*, 2025
2 WL 2770623, No. 25-cv-2334-JES, *3 (S.D. Cal. Sept. 29, 2025); *Truong v. Noem*,
3 No. 25-cv-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) provide petitioner with notice that
6 his Order of Supervision was revoked; (2) conducted an informal interview or afford
7 Petitioner an opportunity to be heard; or (3) sufficiently demonstrate the changed
8 circumstances that render his removal significantly likely in the reasonably
9 foreseeable future.

10 11 **IV. Conclusion**

12 For the foregoing reasons, this Court should:

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

20
21 Respectfully submitted,

22 Kaveh Ardalan, Attorney at Law

23 Dated: December 10, 2025

24 Petitioner

25 By: /s/
26 Kaveh Ardalan, Proposed Attorneys for

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V. Verification

I, Kaveh Ardalan declare as follows:

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 10, 2025, at Los Angeles, California.

/s/
Kaveh Ardalan