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9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 NOORULLAH FAYAZI,

11 Petitioner,

12 v.

13 THE UNITED STATES OF AMERICA et al.,

14 Respondents.
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Case No. 2:25-cv-02480-APG-DJA

**Federal Respondents' Response to
Petition for Writ of Habeas Corpus
Pursuant to 28 U.S.C. § 2241
(ECF No. 4)**

16 Federal Respondents Kristi Noem, Pamela Bondi, Michael Bernacke, Kerri
17 Quihuis, and Todd Lyons, through undersigned counsel, hereby file this response to the
18 Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 4) filed by
19 Noorullah Fayazi ("Petitioner").

20 On April 16, 2025, an Immigration Judge ordered Petitioner removed from the
21 United States, but granted the Petitioner's application for deferral of removal under the
22 Convention Against Torture as to Afghanistan. In short, he can be removed from the
23 country, but not to Afghanistan.

24 Because Petitioner has now been in post-removal immigration custody for nine
25 months, the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001) applies,
26 and the Court must evaluate whether there is a "significant likelihood of removal in the
27 reasonably foreseeable future." *Id.* at 701. Because Petitioner cannot be removed to
28 Afghanistan, ICE has attempted to identify a third country that will accept Petitioner. For

1 example, Petitioner provided an ICE deportation officer with the names and addresses of
2 family members in two other countries, and the Department of Homeland Security sent a
3 request to those two countries to accept Petitioner. As of today, those countries have not
4 responded to these requests, and the government cannot provide an anticipated timeframe
5 for Petitioner's removal.

6 If the Court grants the petition, the government requests that the Court (a) order
7 Petitioner's release subject to reasonable terms of supervision¹ provided under 8 U.S.C.
8 § 1231(a)(3); and (b) give ICE 48 hours to release Petitioner so that they can ensure a safe
9 and orderly release during the daytime.

10 Respectfully submitted this 16th day of January 2026.

11 TODD BLANCHE
12 Deputy Attorney General

13 /s/ Richard Anthony Lopez
14 RICHARD ANTHONY LOPEZ
15 Assistant United States Attorney
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27 ¹ See *Trejo v. Warden of ERO El Paso E. Montana*, No. EP-25-CV-401-KC, 2025 WL 2992187,
28 at *10 (W.D. Tex. Oct. 24, 2025) (“The remedy for a *Zadvydas* claim is generally release of
the habeas petitioner under conditions of supervision.”).