

1 ADAM GORDON
United States Attorney
2 LAURA C. SAMBATARO
Assistant United States Attorney
3 Maryland Bar
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-9613
Email: laura.sambataro@usdoj.gov
6 Attorneys for Respondents

7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 SHOJA BABAVEISI,

12 Petitioner,

13
14 v.

15 CHRISTOPHER J. LAROSE, et. al,

16 Respondents.
17
18

Case No.: 25-CV-3746-GPC-SBC

**RETURN TO PETITION FOR WRIT
OF HABEAS CORPUS**

19
20 **I. INTRODUCTION**

21 Petitioner has been in Immigration and Customs Enforcement (ICE) custody
22 since March 24, 2025.¹ Petitioner requests that the Court order his release from
23 Immigration and Customs Enforcement (ICE) custody. This Court lacks jurisdiction
24 because Petitioner’s claims are barred by 8 U.S.C. § 1252(g). Moreover, as an applicant
25

26 _____
27 ¹ The Petition erroneously states that Petitioner has been in custody since July 2, 2025,
28 implying that Petitioner was released from custody for some time between his initial
apprehension in March 2025, and transfer to Otay Mesa Detention Facility in July
2025. That assertion is patently false.

1 for admission to the United States found to have a credible fear of persecution,
2 Petitioner's detention is mandated by 8 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion
3 of his removal proceedings. Accordingly, the Court should deny Petitioner's request
4 for relief.

5 II. FACTUAL AND PROCEDURAL BACKGROUND

6 Petitioner is a native and citizen of Iran, who entered the United States without
7 inspection near Roma, Texas, on March 18, 2025. Exhibit 1 (Form I-213).² Petitioner
8 did not then have any valid entry documents to enter the United States. He was
9 determined to be inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I), placed in expedited
10 removal proceedings pursuant to 8 U.S.C. § 1225(b)(1), and taken into custody pursuant
11 to 8 U.S.C. § 1225(b)(1)(B). *Id.* At the time of his apprehension, Petitioner claimed a
12 fear of returning to Iran, and he was referred Petitioner to U.S. Citizenship and
13 Immigration Services (USCIS) for a credible fear interview. On April 18, 2025,
14 Petitioner was interviewed by a USCIS asylum officer to determine whether he had a
15 credible fear of persecution or torture if removed to Iran. *See* Exhibit 4. The interview
16 resulted in a positive determination. *See* Exhibit 4. Petitioner has remained in ICE
17 custody since his March 2025 apprehension. Exhibit 1; Exhibit 4.

18 On July 2, 2025, Petitioner was issued a Notice to Appear, charging him as
19 inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) (as an alien present in the United States
20 without being admitted or paroled) and 1182(a)(7)(A)(i)(I) (as an immigrant not in
21 possession of a valid entry document). *See* Exhibit 2 (Notice to Appear). The filing of
22 the Notice to Appear with the immigration court initiated removal proceedings against
23 Petitioner under 8 U.S.C. § 1229a, and those proceedings remain ongoing. Within his
24 removal proceedings under § 1229a, Petitioner has the opportunity to apply for relief
25 from removal before an immigration judge (IJ), including asylum under 8 U.S.C.

26
27
28 ² The attached exhibits are true copies, with redactions of private information, of documents obtained from Immigration and Customs Enforcement (ICE) counsel.

1 § 1158, withholding of removal under 8 U.S.C. § 1231(b)(3), and relief under the
2 Convention Against Torture. Petitioner filed an application for asylum on September 8,
3 2025. *See* ECF No. 1 at 3-4, ¶ 12.

4 The Notice to Appear scheduled Petitioner’s initial master calendar hearing for
5 July 14, 2025. Exhibit 2.

6 Petitioner’s removal proceedings remain pending, and his individual merits
7 hearing is scheduled for January 27, 2026. *See* Exhibit 3. As a result, there is no
8 administratively final order of removal at this time. Petitioner remains mandatorily
9 detained at the Otay Mesa Detention Center under 8 U.S.C. § 1225(b)(1)(B)(ii).

10 III. STATUTORY BACKGROUND

11 Section 235 of the Immigration and Nationality Act (INA), codified at 8 U.S.C.
12 § 1225, applies to an “applicant for admission,” defined as an “alien present in the
13 United States who has not been admitted” or “who arrives in the United States.” 8
14 U.S.C. § 1225(a)(1). “[A]pplicants for admission fall into one of two categories, those
15 covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*,
16 583 U.S. 281, 287 (2018).

17 Section 1225(b)(1) applies to arriving aliens and “certain other” aliens “initially
18 determined to be inadmissible due to fraud, misrepresentation, or lack of valid
19 document.” *Id.* (citing 8 U.S.C. § 1225(b)(1)(A)(i)). These aliens are generally subject
20 to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if “the alien
21 indicates an intention to apply for asylum . . . or a fear of persecution,” immigration
22 officers will refer the alien for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii).
23 “If the officer determines at the time of the interview that [the] alien has a credible fear
24 of persecution . . . , the alien *shall be detained* for further consideration of the
25 application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added). If the alien
26 does not indicate an intent to apply for asylum, does not express a fear of persecution,
27 or is “found not to have such a fear,” they “shall be detained . . . until removed” from
28 the United States. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

1 IV. ARGUMENT

2 A. Petitioner’s Claim is Barred Under 8 U.S.C. § 1252(g).

3 Respondents contend that judicial review over Petitioner’s claim is barred by 28
4 U.S.C. § 1252(g), which states that “[n]o court shall have jurisdiction to hear any cause
5 or claim by or on behalf of any alien arising from the decision or action by the Attorney
6 General to commence proceedings, adjudicate cases, or execute removal orders.”

7 Here, Petitioner’s claims of unlawful detention necessarily arise from the
8 Department of Homeland Security’s³ decision to commence removal proceedings
9 against him because that decision unavoidably triggers mandatory detention under 8
10 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. *See, e.g.,*
11 *Wang v. United States*, No. CV 10-0389 SVW (RCx), 2010 WL 11463156, at *6 (C.D.
12 Cal. Aug. 18, 2010) (finding section 1252(g) bars judicial review of false imprisonment
13 claim because the plaintiff’s detention arose from the decision to commence removal
14 proceedings, and in turn, the “statute mandating detention during removal proceedings
15 of a person charged as an ‘arriving alien.’”).

16 As explained by another district court, removal proceedings are commenced
17 when, as occurred here, “the alien is issued a Notice to Appear before an immigration
18 court.” *Herrera-Correra v. United States*, No. CV 08–2941 DSF (JCx), 2008 WL
19 11336833, at *3 (C.D. Cal. Sept. 11, 2008); *see also* Exhibit 3 (Notice to Appear). The
20 government “may arrest the alien against whom proceedings are commenced and detain
21 that individual until the conclusion of those proceedings.” *Herrera-Correra*, 2008 WL
22 11336833, at *3. “Thus, an alien’s detention throughout this process arises from the
23 [government’s] decision to commence proceedings” and review of claims arising from
24 such detention is barred under section 1252(g). *Id.* (citing *Sissoko v. Rocha*, 509 F.3d
25 947, 949 (9th Cir. 2007)); *see also Wang*, 2010 WL 11463156, at *6.

26
27 ³ “In 2002, Congress transferred the Attorney General’s immigration enforcement
28 responsibilities to the Secretary of Homeland Security.” *Ibarra-Perez v. United States*,
154 F.4th 989, 995 n.2 (9th Cir. 2025).

1 Because this habeas petition brings a claim “arising from the decision or action
2 by the [government] to commence proceedings,” review of Petitioner’s claim is barred
3 under 8 U.S.C § 1252(g). Thus, the Court must dismiss the petition.

4 **B. Petitioner is Lawfully Detained Under the INA and the Constitution.**

5 Even if the Court assumed jurisdiction to review Petitioner’s claim, the Court
6 must deny his habeas petition because Petitioner’s detention is statutorily mandated
7 under 8 U.S.C. § 1225(b)(1)(B)(ii) and has not been unconstitutionally prolonged.

8 **1. Petitioner is mandatorily detained under 8 U.S.C. § 1225(b)(1).**

9 Petitioner’s claim fails because he is subject to mandatory detention under 8
10 U.S.C. § 1225(b)(1). Under 8 U.S.C. § 1225(a)(1), an “applicant for admission” is
11 defined as an “alien present in the United States who has not been admitted or who
12 arrives in the United States.” As explained above, applicants for admission “fall into
13 one of two categories, those covered by § 1225(b)(1) and those covered by §
14 1225(b)(2).” *Jennings*, 583 U.S. at 287. Section 1225(b)(1) – the provision relevant
15 here – applies because Petitioner was found in the United States without proper
16 documents authorizing his presence. And that statute mandates detention when an
17 immigration officer determines that the alien has a credible fear of persecution. *See* 8
18 U.S.C. § 1225(b)(1)(B)(ii) (“If the officer determines at the time of the interview that
19 [the] alien has a credible fear of persecution . . . , the alien *shall be detained* for further
20 consideration of the application for asylum.”) (emphasis added); *see also Matter of M-*
21 *S*, 27 I. & N. Dec. 509, 519 (AG 2019) (“all aliens transferred from expedited to full
22 [removal] proceedings after establishing a credible fear are ineligible for bond”).

23 Petitioner requests that the Court order him released from ICE custody. But the
24 Supreme Court has rejected such contention, explaining: “Read most naturally,
25 §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until
26 certain proceedings have concluded. . . . Nothing in the statutory text imposes any limit
27 on the length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything
28 whatsoever about bond hearings.” *Jennings*, 583 U.S. at 297. Except for temporary

1 parole granted at the discretion of the Attorney General “for urgent humanitarian
2 reasons or significant public benefit” under 8 U.S.C. § 1182(d)(5), “there are no *other*
3 circumstances under which aliens detained under § 1225(b) may be released.” *Id.* at 300
4 (emphasis in original).

5 As Petitioner’s removal proceedings are pending, and he has not been granted
6 temporary parole, section 1225(b)(1)(B) mandates his detention until the proceedings
7 have concluded. *Jennings*, 583 U.S. at 297 (“Once those proceedings end, detention
8 under § 1225(b) must end as well.”). Because Petitioner is lawfully detained under
9 section 1225(b)(1)(B) and the statute does not entitle him to release at this time, his
10 petition must be denied. *See, e.g., Zelaya-Gonzalez v. Matuszewski*, No. 23-CV-151
11 JLS-KSC, 2023 WL 3103811, at *3 (S.D. Cal. April 25, 2023) (applying *Jennings* to
12 find that the petitioner had no right to release or a bond hearing).

13 **2. Petitioner’s detention is not unconstitutionally prolonged.**

14 Petitioner does not suggest that his prolonged mandatory detention under the INA
15 violates the due process clause of the Fifth Amendment to the U.S. Constitution. Even
16 if the Court construes the petition liberally to assert such a claim, the Court should reject
17 this argument.

18 In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C.
19 § 1225(b). The Supreme Court stated that, “[r]ead most naturally, [8 U.S.C.]
20 §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission until certain
21 proceedings have concluded.” *Id.* at 297. In other words, neither 8 U.S.C. § 1225(b)(1)
22 nor § 1225(b)(2) “impose[] any limit on the length of detention” and “neither
23 § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings.” *Id.* The
24 Supreme Court added that the sole means of release for noncitizens detained pursuant
25 to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary
26 parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300
27 (“That express exception to detention implies that there are no *other* circumstances
28 under which aliens detained under [8 U.S.C.] § 1225(b) may be released.”) (emphasis

1 in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens
2 throughout the completion of applicable proceedings[.]” *Id.* at 302.

3 In *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207–09 (1953), a
4 noncitizen in exclusion proceedings filed a habeas petition claiming that his prolonged
5 detention without a hearing violated his constitutional rights. The Supreme Court
6 rejected the petition, concluding that the noncitizen’s continued detention did not
7 deprive him of any due process rights, stating: “[A]n alien on the threshold of initial
8 entry stands on a different footing: ‘Whatever the procedure authorized by Congress
9 is, it is due process as far as an alien denied entry is concerned.’” *Id.* at 212 (citation
10 omitted).

11 In *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–40
12 (2020), the Supreme Court once again addressed the due process rights of inadmissible
13 arriving noncitizens seeking initial entry into the United States. The Supreme Court
14 stated that such individuals have no due process rights “other than those afforded by
15 statute.” *Id.* at 107; *see also id.* at 140 (“[A]n alien in respondent’s position has only
16 those rights regarding admission that Congress has provided by statute.”). The
17 Supreme Court noted that its determination was supported by “more than a century of
18 precedent.” *Id.* at 138 (citing *Nishimura Ekiu v. United States*, 142 U.S. 651, 660
19 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950); *Mezei*, 345 U.S.
20 at 212; *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)). Because the only process due
21 Petitioner is that afforded under section 1225(b), the Court must reject his claim that
22 his detention violates the Fifth Amendment’s Due Process Clause and deny his
23 requested relief. *See Thuraissigiam*, 591 U.S. at 138–40; *Mendoza-Linares*, 51 F.4th at
24 1167; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022) (“The
25 recognized liberty interests of U.S. citizens and aliens are not coextensive: the Supreme
26 Court has ‘firmly and repeatedly endorsed the proposition that Congress may make
27 rules as to aliens that would be unacceptable if applied to citizens.’”) (quoting *Demore*
28 *v. Kim*, 538 U.S. 510, 522 (2003)); *Zelaya-Gonzalez*, 2023 WL 3103811, at *4

1 (“Binding Ninth Circuit and Supreme Court precedents are clear that Petitioner lacks
2 any rights beyond those conferred by statute, and no statute entitles Petitioner to a bond
3 hearing.”).

4 Since the Supreme Court’s decision in *Thuraissigiam*, numerous published
5 decisions have acknowledged *Thuraissigiam*’s impact on the precise Fifth Amendment
6 Due Process Clause that Petitioner might have raised in this petition: Does an alien
7 detained under 8 U.S.C. § 1225(b)(1) have a due process right to release or a bond
8 hearing after being detained for a certain period of time? The answer is no. *See*
9 *Mendoza-Linares v. Garland*, No. 21-cv-1169-BEN (AHG), 2024 WL 3316306, *2
10 (S.D. Cal. June 10, 2024) (“[T]he Court finds that Petitioner has no Fifth Amendment
11 right to a bond hearing pending his removal proceedings.”); *Zelaya-Gonzalez*, 2023
12 WL 3103811. *3 (S.D. Cal. Apr. 25, 2023) (same); *Rodriguez Figueroa v. Garland*,
13 535 F. Supp. 3d 122, 126–27 (W.D.N.Y. 2021); *Gonzales Garcia v. Rosen*, 513 F.
14 Supp. 3d 329, 336 (W.D.N.Y. 2021); *St. Charles v. Barr*, 514 F. Supp. 3d 570, 579
15 (W.D.N.Y. 2021); *Petgrave v. Aleman*, 529 F. Supp. 3d 665, 667 (S.D. Tex. 2021).

16 Even if the Court infers a constitutional right against prolonged mandatory
17 detention, Petitioner’s claim still fails. “In general, as detention continues past a year,
18 courts become extremely wary of permitting continued custody absent a bond hearing.”
19 *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal.
20 April 20, 2023) (citation omitted); *see also Durand v. Allen*, No. 3:23-cv-00279-RBM-
21 BGS, 2024 WL 711607, at *5 (S.D. Cal. Feb. 21, 2024) (detained over two-and-a-half
22 years); *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL
23 139801, at *6 (S.D. Cal. Jan. 9, 2023) (three years); *Yagao v. Figueroa*,
24 No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at *2 (S.D. Cal. March 29, 2019) (two
25 years). Petitioner’s detention falls significantly short of the length courts have found to
26 raise due process concerns.

27 In similar cases, courts in this district have applied the test in *Lopez v. Garland*,
28 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). *See, e.g., Sanchez-Rivera*, 2023 WL 139801,

1 at *5 (“[W]hile the *Mathews* [*v. Eldridge*, 424 U.S. 319 (1976)] factors may be well-
2 suited to determining whether due process requires a second bond hearing, they are not
3 particularly dispositive of whether prolonged mandatory detention has become
4 unreasonable in a particular case.”); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-
5 JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and finding
6 “the three-factor balancing test from *Lopez* . . . provides an appropriate assessment of
7 the possible constitutional implications of Petitioner’s ongoing detention without
8 process.”).

9 Under *Lopez*, to determine whether continued mandatory detention has become
10 unreasonable, “the Court will look to the total length of detention to date, the likely
11 duration of future detention, and the delays in the removal proceedings caused by the
12 petitioner and the government.” 631 F. Supp. 3d at 879.

13 First, Petitioner has been detained for about 9 months. Courts in this district have
14 found detention for much longer periods to be unreasonably prolonged. *See Durand v.*
15 *Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at *5 (S.D. Cal. Feb. 21,
16 2024) (32 months); *Sibomana*, 2023 WL 3028093, at *4 (19 months); *Sanchez-Rivera*,
17 2023 WL 139801 at *6 (three years); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 773 (S.D.
18 Cal. 2020) (27 months); *Yagao*, 2019 WL 1429582, at *1 (42 months). The length of
19 detention “is the most important factor.” *Sanchez-Rivera*, 2023 WL 139801, at *6
20 (citation omitted). And Petitioner’s current detention does not fall within the range
21 those courts have found to be unreasonable. Moreover, the length of Petitioner’s
22 detention, by itself, does not favor granting habeas relief. *See Sadeqi v. LaRose*, No.
23 25-cv-2587-RSH-BJW, 2025 WL 3154520, at *3 (S.D. Cal. Nov. 12, 2025) (“The
24 Court agrees with Respondents that the length of Petitioner’s detention to date—almost
25 12 months—does not by itself, without more, establish prolonged detention in violation
26 of due process.”). Not only does the length of Petitioner’s detention fall comparatively
27 short of the length courts in this district have found to warrant habeas relief, but the
28 other *Lopez* factors do not favor habeas relief either.

1 Second, the likely duration of future detention weighs against Petitioner.
2 Petitioner’s individual merits hearing is scheduled for January 27, 2026 (*see* Exhibit
3 4), at which point his path to release or removal should be clear.

4 Finally, there is no indication of any delay in the removal proceedings on the
5 part of the government.

6 Balancing the above factors, the record does not support a finding that “detention
7 has become so unreasonable as to require an initial bond hearing,” *Sanchez-Rivera*,
8 2023 WL 139801, at *6, or an order requiring Petitioner’s release. Thus, the Court
9 should reject Petitioner’s claim that his mandatory detention entitled him to be released
10 from ICE custody during the pendency of his removal proceedings.

11 **C. Conditions of Confinement Allegations are Not Proper Habeas Claims**

12 To the extent Petitioner asserts claims regarding conditions of his confinement,
13 ECF No. 1 at ¶¶ 18, 47, p. 17 ¶ 8, the Court lacks jurisdiction over such claims because
14 they do not challenge the lawfulness of his custody. An individual may seek habeas
15 relief under 28 U.S.C. § 2241 if he is “in custody” under federal authority “in violation
16 of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c). But
17 habeas relief is available to challenge only the legality or duration of confinement.
18 *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir. 2023); *Crawford v. Bell*, 599 F.2d
19 890, 891 (9th Cir. 1979); *Dep’t of Homeland Security v. Thraissigiam*, 591 U.S. 103,
20 117 (2020) (The writ of habeas corpus historically “provide[s] a means of contesting
21 the lawfulness of restraint and securing release.”). The Ninth Circuit squarely explained
22 how to decide whether a claim sounds in habeas jurisdiction: “[O]ur review of the
23 history and purpose of habeas leads us to conclude the relevant question is whether,
24 based on the allegations in the petition, release is *legally required* irrespective of the
25 relief requested.” *Pinson*, 69 F.4th at 1072 (emphasis in original); *see also Nettles v.*
26 *Grounds*, 830 F.3d 922, 934 (9th Cir. 2016) (The key inquiry is whether success on the
27 petitioner’s claim would “necessarily lead to immediate or speedier release.”). Here,
28 Petitioner’s claims regarding the conditions of his confinement do not arise under

1 § 2241. *See Nettles*, 830 F.3d at 933 (“We have long held that prisoners may not
2 challenge mere conditions of confinement in habeas corpus.”); *Giron Rodas v. Lyons*,
3 No. 25cv1912-LL-AHG, 2025 WL 2300781, at *3 (S.D. Cal. Aug. 1, 2025) (“Like in
4 *Pinson*, the Court lacks jurisdiction over Petitioner’s § 2241 habeas petition since it
5 cannot be fairly read as attacking ‘the legality or duration of confinement.’”) (quoting
6 *Pinson*, 69 F.4th at 1065); *Guselnikov v. Noem*, No. 25-cv-1971-BTM-KSC, 2025 WL
7 2300873, at *1 (S.D. Cal. Aug. 8, 2025) (finding petitioners’ claims did not arise under
8 § 2241 because they were not arguing they were unlawfully in custody and receiving
9 the requested relief would not entitle them to release). Thus, Petitioner’s claims do not
10 arise under § 2241 and the petition should be dismissed.

11 **E. Fourth Amendment Claims Fail**

12 To the extent Petitioner asserts claims under the Fourth Amendment, he fails to
13 explain why release is the remedy for such alleged violations. *United States v. Crews*,
14 445 U.S. 463, 474 (1980) (noting, in the criminal context, that Fourth Amendment’s
15 “exclusionary principle” “delimits what proof the Government may offer against the
16 accused at trial, closing the courtroom door to evidence secured by official
17 lawlessness,” but an individual “is not himself a suppressible ‘fruit’”); *Cruz v. Barr*,
18 926 F.3d 1128, 1146 (9th Cir. 2019) (releasing petitioner on Fourth Amendment
19 grounds because fruits of the regulatory violation were the only evidence of petitioner’s
20 alienage).

21 Moreover, Fourth Amendment claims related to alienage “belong in front of an
22 Immigration Judge, not a federal district court.” *See Marvan v. Slaughter*, No. CV 25-
23 49-H-DLC, 2025 WL 1940043, at *3 (D. Mont. July 15, 2025) (denying habeas petition
24 challenging detention based on Fourth Amendment violations for lack of subject matter
25 jurisdiction). Petitioner cannot simply “bypass the immigration courts and proceed
26 directly to district court. Instead, [he] must exhaust the administrative process before
27 [he] can access the federal courts.” *Id.* at *4 (quoting *J.E.F.M.*, 837 F.3d at 1029). To
28 the extent Petitioner desires to bring such claims, this district court does not have

1 jurisdiction. Under 8 U.S.C. § 1252(b)(9), “[j]udicial review of all questions of law and
2 fact . . . arising from any action taken or proceeding brought to remove an alien from
3 the United States under this subchapter shall be available only in judicial review of a
4 final order under this section.” Further, judicial review of a final order is available only
5 through “a petition for review filed with an appropriate court of appeals.” 8 U.S.C.
6 § 1252(a)(5).

7 **V. CONCLUSION**

8 For the reasons stated herein, Respondents respectfully request that the Court
9 dismiss this petition for lack of jurisdiction or deny it on the merits.

10 Dated: January 2, 2026

Respectfully submitted,

11
12 ADAM GORDON
13 United States Attorney

14 s/ Laura C. Sambataro
15 LAURA C. SAMBATARO
16 Assistant United States Attorney
17 Attorneys for Respondents
18
19
20
21
22
23
24
25
26
27
28

1 ADAM GORDON
United States Attorney
2 LAURA C. SAMBATARO
Assistant U.S. Attorney
3 Maryland Bar
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-9613
Facsimile: (619) 546-7751
6 Email: laura.sambataro@usdoj.gov

7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 SHOJA BABAVEISI,
11 Petitioner,
12 v.
13 CHRISTOPHER J. LAROSE; et al.,
14 Respondents.
15

Case No.: 25-CV-3746-GPC-SBC

TABLE OF EXHIBITS

16
17 Exhibits:

- 18 1. I-213 Record of Deportable/Inadmissible Alien dated March 18, 2025, with
19 redactions.
20 2. Notice and Order of Expedited Removal, with redactions.
21 3. Notice to Appear dated July 2, 2025, with redactions.
22 4. Notice of Hearing.
23 5. Excerpt from Convention Against Torture assessment.
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

U.S. Department of Homeland Security

Subject ID: 398234831

Record of Deportable/Inadmissible Alien

Family Name (CAPS) BABAVEISI, SHOJA		First	Middle	Sex M	Hair	Eyes	Complexion
Country of Citizenship IRAN	Passport Number and Country of Issue IRAN	File Number CASE No. [REDACTED]		Height	Weight	Occupation LABORER	
U.S. Address [REDACTED]				Scars and Marks			
Date, Place, Time, and Manner of Last Entry 03/18/2025, 1730, 3.75 mile(s) W of ROM, PWAM (SWIMMING)			Passenger Boarded at	F.B.I. Number [REDACTED]		<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated	
Number, Street, City, Province (State) and Country of Permanent Residence IRAN				Method of Location/Apprehension PB			
Date of Birth [REDACTED]	Age: 26	Date of Action 03/19/2025	Location Code RGV/RGC	At/Neat FRONTO, TX	Date/Hour 03/18/2025 1755		
City, Province (State) and Country of Birth PAVEH, IRAN		AR <input checked="" type="checkbox"/> Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>		By ERASMO BENAVIDEZ			
NTV Issuing Post and NTV Number		Social Security Account Name		Status at Entry PWA Mexico		Status When Found TRAVEL/SEEKIN G	
Date Visa Issued		Social Security Number		Length of Time Illegally in U.S. AT ENTRY			
Immigration Record POSITIVE - See Narrative			Criminal Record None Known				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children	
Father's Name, Nationality, and Address, if Known				Mother's Present and Maiden Names, Nationality, and Address, if Known			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code Word(s) I7A1			
Name and Address of (Last)(Current) U.S. Employer		Type of Employment	Salary	Employed from/to Hr			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS #: 1375292905							
[REDACTED]		I77 [REDACTED]		DNA Envelope [REDACTED]			
[REDACTED]		[REDACTED]		[REDACTED]			
		Left Index Print		Right Index Print			
ARREST COORDINATES:							
Latitude: 26.427519		212(f) PROCLAMATION					
Longitude: -99.089745							
CONSEQUENCE DELIVERY SYSTEM:							
Classification: FIRA							
Program: PRO		JOHNNY DAN CAVAZOS Border Patrol Agent (Signature and Title of Immigration Officer)					
STR_PROS							
Alien has been advised of communication privileges		03/19/2025 <i>CS</i>					
Distribution:		Received: (Subject and Documents) (Report of Interview)					
		Officer: LUDIVINA FRANCO					
		on: March 19, 2025 at 1424 (time)					
		Disposition: Expedited Removal - Per 212 (F)					
		Examining Officer: (A) Supervisory Border Patrol Agent					

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name BABAVEISI, SHOJA	File Number [REDACTED] Event No: [REDACTED]	Date 03/19/2025
----------------------------------	---	--------------------

FUNDS IN POSSESSION:

.00

RECORDS CHECKED:

CIS Negative
ABIS Positive
EARM Negative
NCIC Negative
NGI Positive
TECS Positive

NARRATIVE:

ARREST DATA:

On March 18, 2025, BABAVEISI, SHOJA [REDACTED] was encountered by Border Patrol Agents BENAVIDEZ, ERASMO of the Rio Grande City Station, near Fronzon, Texas. At that time, the subject admitted that he was a citizen of Iran and was in the United States while not in possession of any immigration documents allowing him to be in the United States. The subject was then taken into custody and transported to the Rio Grande Valley Sector Centralized Processing Center in McAllen, Texas for processing.

INADMISSABILITY DATA:

Subject admitted to having entered the United States on or around March 18, 2025, by swimming at an unknown location approximately 3.75 miles West of the Roma, Texas Port of Entry. The subject entered at a place not designated as a port of entry by the Attorney General of the United States nor the Secretary of Homeland Security, the successor, thus he was neither admitted, inspected nor paroled into the United States by a U.S. Immigration Official.

MIRANDA WARNING:

At the Rio Grande Valley Sector Centralized Processing Center subject was advised of his rights as per I-214, (Miranda Warning), on March 19, 2025, at approximately 1445 hours in the English language by BPA L. FRANCO and witnessed by BPA L. BENAVIDES-LOZANO. Subject signed that he understood his rights and was NOT willing to provide a statement without his attorney being present.

IAFIS/IDENT:

Upon arriving at the Rio Grande Valley Sector Centralized Processing Center in McAllen, Texas, BABAVEISI, SHOJA [REDACTED], was entered into the IDENT/IAFIS system in a search by fingerprints only capacity. The results on IDENT/IAFIS were positive.

Signature  JOHNNY DAN CAVAZOS	Title Border Patrol Agent
--	------------------------------

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name BABAVEISI, SHOJA	File Number [REDACTED]	Date 03/19/2025
Event No: [REDACTED]		

MOTIVATION:

The subject claims that he came to United States to reside and seek employment in Virginia.

CRIMINAL HISTORY: No Prior Criminal History.

WARRANTS: Negative.

IMMIGRATION HISTORY: No Prior Immigration History.

TERRORIST LINKS

Subject was interviewed and record checks completed. No links to terrorism or travel to countries linked to terrorism. Subject denied being associated with any gangs.

CONSULAR NOTIFICATION:

Subject was also notified of his right to call a representative of his consulate if he wishes to do so. Subject declined the opportunity to speak with a representative of his consulate office.

CREDIBLE FEAR:

Subject was questioned as to his fear of being returned to his country, BABAVEISI, SHOJA [REDACTED] stated that he does fear persecution or physical harm if returned to Mexico.

DISPOSITION:

The subject is being processed for Expedited Removal. The subject was apprehended within fourteen days of the subject's last entry into the United States and within 100 air miles from the United States/Mexico international boundary. Subject will be charged with 8 USC 1325, (Entry of Alien at Improper Time or Place Misrep/Concealment of Facts). The subject will be held in service custody pending review from the Magistrate Court Judge due to his immigration and criminal history. I-43 packet has been created for the subject personal property.

Case approved for prosecution under 8 USC 1325 by AUSA P. Warner.

FORMS EXECUTED:

I-213, I-203, I-214 (Hardcopy), I-296, I-860, FD-249, R-84, FD 936.

HEALTH ISSUES:

The subject states that he has a long-term medical condition (Osteoporosis). The subject claims that he does understand English. Form FD-936 completed upon processing.



Signature [Signature] JOHNNY DAN CAVAZOS	Title Border Patrol Agent
--	------------------------------

U.S. Department of Homeland Security

Continuation Page for Form 1213

Alien's Name BABAVEISI, SHOJA	File Number XXXXXXXXXX	Date 03/19/2025
Event No: XXXXXXXXXX		

Designation of Country of Removal Questionnaire:

If ordered removed, to which country would you like to be removed? DECLINED TO RESPOND

What countries are you a citizen/national of? IRAN


Is the country the migrant is a citizen/national of on the current list of countries that do not accept its citizens? NO

Designate likely country of removal: IRAN

Signature  JOHNNY DAN CAVAZOS	Title Border Patrol Agent
--	------------------------------

EXHIBIT 2

**U.S. DEPARTMENT OF HOMELAND SECURITY
NOTICE TO ALIEN ORDERED REMOVED/DEPARTURE VERIFICATION**

A-File No: 
Date: 03/19/2025

Alien's name: SHOJA BABAVEISI


You have been found to be inadmissible to the United States under the provisions of section 212(a) of the Immigration and Nationality Act (Act) or deportable under the provisions of section 237 of the Act as a Visa Waiver Pilot Program violator. In accordance with the provisions of section 212(a)(9) of the Act, you are prohibited from entering, attempting to enter, or being in the United States

- For a period of 5 years from the date of your departure from the United States as a consequence of your having been found inadmissible as an arriving alien in proceedings under section 235(b)(1) or 240 of the Act.
- For a period of 10 years from the date of your departure from the United States as a consequence of your having been ordered removed in proceedings under any section of the Act other than section 235(b)(1) or 240, or of being ordered excluded under section 236 of the Act in proceedings commenced prior to April 1, 1997.
- For a period of 20 years from the date of your departure from the United States as a consequence of being found inadmissible and being previously excluded, deported, or removed from the United States.
- At any time because in addition to being found inadmissible, you have been convicted of a crime designated as an aggravated felony.

After your removal has been effected, you must request and obtain permission from the Secretary of Homeland Security to reapply for admission to the United States during the period indicated. You must obtain such permission before commencing your travel to the United States. Application forms for requesting permission to reapply for admission may be obtained by contacting any United States Consulate or U.S. Department of Homeland Security office. Refer to the above file number when requesting forms or information.

WARNING FOR ALL REMOVED ALIENS: It is a crime under Title 18 United States Code, Section 1326, for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States without the Secretary of Homeland Security's express consent. Depending on the circumstances of the removal, conviction for this crime can result in imprisonment of a period of from 2 to 20 years and/or a fine up to \$250,000.

SPECIAL NOTICE TO SEX OFFENDERS: Federal Law requires a convicted sex offender, including an alien who has been removed from or otherwise departed the United States and subsequently returns, to register in each jurisdiction in the United States in which he or she resides, is employed, or is a student. Violation of this requirement can result in prosecution and imprisonment for up to 10 years under Title 18 United States Code, Section 2250.

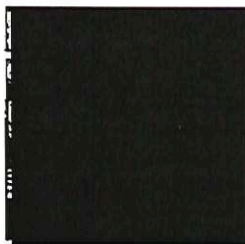
LUDIVINA FRANCO
Date: 2025.03.19 15:38:38 -05:00
0752386098.CBP 

Border Patrol Agent
(Title of officer)

RIO GRANDE VALLEY, TX
(Location of DHS Office)

Verification of Removal
(Complete this section for file copy only)

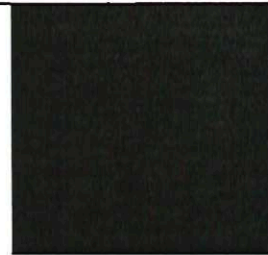
Departure Date	Port of Departure	Manner of Departure
Signature of Verifying Officer		Title of Officer




Photograph of Alien

Refused to Sign

(Signature of alien whose fingerprint and photograph appear above)



Right Index Finger

LUDIVINA FRANCO
Date: 2025.03.19 15:38:42 -05:00
0752386098.CBP 

(Signature of official taking fingerprint)

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY Event No. [Redacted]

File No. [Redacted]

Date: March 19, 2025

In the Matter of: SHOJA BABAVEISI

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) [] (6)(C)(i); [] (6)(C)(ii); [x] (7)(A)(i)(I); [] (7)(A)(i)(II); [] (7)(B)(i)(I); and/or [] (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

- 1. You are not a citizen or national of the United States;
2. You are a native of IRAN and a citizen of IRAN;
3. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; on or about March 18, 2025, you illegally entered the United States at or near ROMA, TX and were not inspected by an Immigration Officer.

Border Patrol Agent
Name and title of immigration officer (Print)

LUDIVINA FRANCO
Date: 2025.03.19 15:38:26 -05:00
0752386098.CBP
Signature of immigration officer

ORDER OF REMOVAL UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

Border Patrol Agent
Name and title of immigration officer (Print)

LUDIVINA FRANCO
Date: 2025.03.19 15:38:28 -05:00
0752386098.CBP
Signature of immigration officer

ACTING/PATROL AGENT IN CHARGE
Name and title of supervisor (Print)

JOSE FLORES JR
Date: 2025.03.19 16:19:13 -05:00
0312230558.CBP1
Signature of supervisor, if available

[] Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on 03/19/2025
LUDIVINA FRANCO
Date: 2025.03.19 15:38:30 -05:00
0752386098.CBP
Signature of immigration officer
Border Patrol Agent
(Date)

EXHIBIT 3

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Event No: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: SHOJA BABAVEISI currently residing at:

See Continuation Page Made a Part Hereof

(519) 671-8700

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of IRAN and a citizen of IRAN;
3. You entered the United States at or near ROMA, TX, on or about March 18, 2025;
4. You did not then possess present a valid immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;
5. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

7488 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA 92154. OTAY MESA DETENTION CENTER

(Complete Address of Immigration Court, including Room Number, if any)

on July 14, 2025 at 8:00 am to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

MARIELLE CEJA - SDDO

(Signature and Title of Issuing Officer)

Date: July 2, 2025

SAN DIEGO, CA

(City and State)

EOIR - 1 of 6

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is: FARSI

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on July 2, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # requested by regular mail
Attached is a credible fear worksheet.
Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the FARSI language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

H 11318 LARA RAMIREZ - Deportation Officer
(Signature and Title of officer)

EOIR - 2 of 6

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name BABAVEISI, SHOJA	File Number XXXXXXXXXX Event No: XXXXXXXXXX	Date 06/11/2025
----------------------------------	---	--------------------

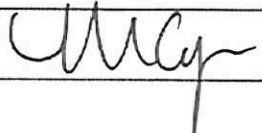
CURRENTLY RESIDING AT:

C/O DHS OTAY MESA DETENTION CENTER 7488 CALZADA DE LA FUENTE SAN DIEGO, CALIFORNIA 92154

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

Signature MARIELLE CEJA 	Title SDDO
--	---------------

- Non-Profit Organization
- ** Referral Service
- *** Private Attorney

List of Pro Bono Legal Service Providers

<http://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

Otay Mesa Immigration Court

Otay Mesa, California (page 1 of 2)	
<p>Jewish Family Service of San Diego*</p> <p>8788 Balboa Avenue San Diego, CA 92123 Tel: (858) 637-3365 Fax: (858) 637-3011 immigration@jfssd.org www.jfssd.org/site/PageServer?pagename=programs_refugee_main</p> <ul style="list-style-type: none"> • Please leave a voicemail any time day or night. Calls returned in the order received. If currently detained and you reach our voicemail, leave your full name and A-number in a voicemail and we will schedule a meeting in person or remote. • Specialize in Bond Hearings, Removal Defense, Cancellation of Removal, Asylum, Withholding of Removal, UN Convention Against Torture, Adjustment of Status, VAWA, U Visa, SIJS and T visa. • Languages: Spanish and multilingual interpretation may be available 	<p>American Bar Association Detention and LOP Information Line**</p> <p>immcenter@americanbar.org www.americanbar.org/groups/public_interest/immigration/</p> <ul style="list-style-type: none"> • Pro se case assistance for detained respondents only • Dial 2150# from the detention center • To contact on behalf of a detained individual, email immcenter@americanbar.org. • The American Bar Association Commission on Immigration Detention and LOP Information Line is not available to provide free legal services for individuals scheduled for Credible Fear Interviews and/or Asylum Merits Interviews
<p>Al Otro Lado*</p> <p>634 S. Spring Street, Suite 908 Los Angeles, CA 90014 Tel: (323) 238-9935 info@alotrolado.org www.alotrolado.org</p> <ul style="list-style-type: none"> • Asylum, WOR, CAT, Defensive VAWA, T Visa, U Visa, Cancellation, and Bond; Please call and leave a message to schedule an appointment • Languages: Spanish, English, and others with interpretation services 	<p>Casa Cornelia Law Center*</p> <p>Post Office Box 12666 San Diego, CA 92112 Tel: (619) 231-7788 Fax: (619) 231-7784 www.casacornelia.org services@casacornelia.org</p> <ul style="list-style-type: none"> • Services include: Asylum, Withholding of Removal, UN Convention Against Torture, Defensive VAWA, U, T Visas, and SIJS, Bond Hearings. • Focus on asylum seekers, and victims of serious crime. • Will accept detained cases • Call for assistance • Languages: Spanish; multilingual interpretation may be available.

Individuals must contact the providers on this list directly to request legal services. Although the providers on this list offer pro bono (free) legal representation, they may not have the capacity at this time to accept new cases.

Disclaimer: As required by 8 C.F.R. § 1003.61, the Executive Office for Immigration Review (EOIR), Office of Policy, maintains a list of organizations and attorneys qualified under the regulations who provide pro bono or free legal services. The information posted on the list is provided to EOIR by the Providers. EOIR does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of the organizations or attorneys.

- Non-Profit Organization
- ** Referral Service
- *** Private Attorney

List of Pro Bono Legal Service Providers

<http://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

Otay Mesa Immigration Court

Otay Mesa, California (page 2 of 2)	
<p>ABA Immigration Justice Project*</p> <p>2727 Camino del Rio South, Suite 320 San Diego, CA 92108 Tel: (619) 255-8810 Fax: (619) 255-8849 contact@abaijp.org www.americanbar.org/groups/public_services/immigration/projects_initiatives/immigration_justice_project_ijp_of_san_diego.html</p> <ul style="list-style-type: none"> Services limited to San Diego, CA Office is not open to the public, please call for appointment 	<p>Southern California Immigration Project*</p> <p>2534 State Street, Suite 208 San Diego, CA 92101 Tel: (619) 516-8119 sparacoscip@gmail.com www.socalimmigrationproject.org</p> <ul style="list-style-type: none"> African countries preferred Asylum cases only, including LGBTQ No hablamos español
<p>Immigrant Defenders Law Center*</p> <p>303 A Street, Suite 305 San Diego, CA 92101 Tel: (213) 314-0701 Fax: (213) 282-3133 sdinfo@immdef.org</p> <ul style="list-style-type: none"> Must be low income No walk-ins, appointment only Languages: Spanish and other languages available upon request 	<p>Immigrant Rights Legal Defense Program (IRLDP) - San Diego County Public Defender*</p> <p>451 A Street, Suite 1450 San Diego, CA 92101 Tel: (619) 446-2883 oac@sdcounty.ca.gov</p> <ul style="list-style-type: none"> Removal defense cases only

Individuals must contact the providers on this list directly to request legal services. Although the providers on this list offer pro bono (free) legal representation, they may not have the capacity at this time to accept new cases.

Disclaimer: As required by 8 C.F.R. § 1003.61, the Executive Office for Immigration Review (EOIR), Office of Policy, maintains a list of organizations and attorneys qualified under the regulations who provide pro bono or free legal services. The information posted on the list is provided to EOIR by the Providers. EOIR does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of the organizations or attorneys.

EXHIBIT 4

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

LEAD FILE: [REDACTED]
IN REMOVAL PROCEEDINGS
DATE: Dec 22, 2025
EAD Clock: 22 days elapsed

TO: Global Law Group, P.C.
Portugal, Mario G
1455 Frazee Road
Suite 500
San Diego, CA 92108

RE: [REDACTED] BABAVEISI, SHOJA

Notice of In-Person Hearing

Your case has been scheduled for a MASTER hearing before the immigration court on:

Date: Jan 27, 2026
Time: 1:00 P.M. PT
Court Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:MAIL[M] PERSONAL SERVICE[P] ELECTRONIC SERVICE[E]
TO: [] Noncitizen | [] Noncitizen c/o Custodial Officer |
[E] Noncitizen ATT/REP | [E] DHS
DATE: 12/22/25 BY: COURT STAFF VO
Attachments:[] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码，即可在线阅读该通知。

ঠিকম তুঁ অনলাইন পড়ন যস পৃষ্ঠমা কোড স্ক্যান করি মমারটবৈন উ বৈমট চী ববতৈ বব।

অনলাইনে নো টিপি পড়ার জন্য এই পজেরে কোডটি স্ক্যান করতে স্মার্টফোনে কামেরা ব্যাবহার করুন



सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entèlijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

Чтобы прочитать уведомление онлайн, отсканируйте код на этой странице с помощью камеры вашего смартфона.

Utilisez l'appareil photo d'un téléphone intelligent pour scanner le code sur cette page afin de lire l'avis en ligne.

EXHIBIT 5



U.S. Citizenship
and Immigration
Services

Applicant: **SHOJA BABAVEISI**

A # [REDACTED]

Officer: **Amber Mcatee**

Date of Determination: **Apr 18, 2025**

**Convention Against Torture Assessment Notice For Alien(s) Whose Entry Has Been Sus-
pended and/or Restricted Pursuant to INA §§ 212(f) and 212(a) (Rev. 01/31/2025)**

A Number [REDACTED]

Last Name: **BABAVEISI**

Interview Date: **2025-04-18**

First Name: **SHOJA**

Determination Date: **2025-04-18**

You were interviewed by a DHS asylum officer to determine whether it is more likely than not that you will be tortured in **IRAN**. The assessment made by the DHS asylum officer, indicated below, will be considered by DHS in determining whether you may be sent to **IRAN**. DHS will provide you with additional information regarding how you will be processed.

- You established it is more likely than not that you will be tortured in IRAN
- You did not establish it is more likely than not that you will be tortured in IRAN



U.S. Citizenship
and Immigration
Services

Applicant: SHOJA BABAVEISI

A #:

Officer: Amber Mcatee

Date of Determination: Apr 18, 2025

Convention Against Torture Assessment Worksheet For Alien(s) Whose Entry Has Been Suspended and/or Restricted Pursuant to INA §§ 212(f) and 212(a) (Rev. 01/31/2025)

Referral Information

Referral Date: **2025-04-08**

Date of Encounter/Apprehension: **2025-03-18**

Port of Arrival or Border Patrol Station: **Rio Grande Valley**

Designated Country of Removal: **IRAN**

PART I: NOTES

(SEE INTERVIEW NOTES)

Summary of Material Facts

You testified that you were harmed, threatened, and detained by the IRGC. You fear that if you return you will be imprisoned and executed. You testified that there is a warrant out for your arrest and there is an open investigation on you. You believe they will still want to harm you because the IRGC has been to your house to search for you since you have left the country. You cannot internally relocate because the IRGC controls the country and they would be able to locate you.

Additional facts relied upon when making determination (COI, family processing notes, etc.)

PART II: ANALYSIS

A. Credibility

Individual's testimony was credible: Considering the totality of the circumstances and all relevant factors, the individual's testimony was consistent, detailed, and plausible. Therefore, individual's testimony is found credible.

Individual's testimony was not credible: Considering the identified credibility issues, the absence of reasonable explanations for those issues, and taking into consideration the applicant's individual circumstances and all other relevant evidence, the individual's testimony is found not credible.

B. Torture

1. Would the individual be subjected to severe physical or mental pain or suffering?

Yes

2. Would the severe pain or suffering in IRAN be inflicted by, instigated by, consented to or acquiesced to, by a public official or other person acting in an official capacity?

Yes

3. Would the severe pain or suffering in IRAN be specifically intended to inflict severe pain or suffering on the individual?



U.S. Citizenship
and Immigration
Services

Applicant: **SHOJA BABAVEISI**
A #: **221044694**

Officer: **Amber Mcatee**
Date of Determination: **Apr 18, 2025**

Yes

4. Would the individual be in the offender's custody or physical control?

Yes

5. Would the severe pain or suffering not arise only from or be inherent in or incidental to lawful sanctions?

Yes

PART III: DETERMINATION

Individual established it is more likely than not that he or she will be tortured in IRAN.

Individual did not establish it is more likely than not that he or she will be tortured in IRAN.

Asylum Officer / Supervisory Asylum Officer Signatures

Asylum Officer Signature:

Signed by: Amber Mcatee on Friday, April 18, 2025, 5:01 pm

Supervisory Asylum Officer Signature:

Signed by: Ronald Fagan on Saturday, April 19, 2025, 11:08 am



U.S. Citizenship and Immigration Services

Applicant: SHOJA BABAVEISI
A #: [REDACTED]

Officer: A Mcatee
Interview Date: Apr 18, 2025

Interview Notes

DOB: [REDACTED] (Age 26)
Country of Birth: Iran
Entry Date: 2025-03-18
Apprehension Date: 2025-03-18

Sex: Male
Nationality: IRAN
Port of Entry: ROMA TX
Detention Status: Detained

Introduction

Begin Interview

Interview Start Time
12:40 PM

Interpreter and Oath

Interpreter Participation
USCIS Interpreter

Interpreter(s) Under Oath

Interview Format

Detention Status
Detained
Detention Location
SAN LUIS REGIONAL DET CENTER

Method of Interview
Telephonic

What is your full and complete name?

BABAVEISI, SHOJA

What is your date of birth?

[REDACTED]

Is anyone else in the room with you?

No

Are you able to hear anyone else?

No

Do you believe you can be overheard by anyone else?

No