


FILED JAN 26 2026  
10:09-01

UNITED STATES DISTRICT COURT  
FOR THE Middle district of Georgia

Shahrokh Qorbani  
A# 

Civil Action No. \_\_\_\_\_

Petitioner,

v.

Pam Bondi, ATTORNEY  
GENERAL;

Kristi Noem  
SECRETARY OF THE DEPARTMENT  
OF HOMELAND SECURITY;

Homer Bryson,  
U.S. ICE FIELD OFFICE DIRECTOR FOR  
THE Middle district of GA FIELD OFFICE;  
and WARDEN OF IMMIGRATION  
DETENTION FACILITY,

Respondents.

PETITION FOR A WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241

Petitioner, Shahrokh Qorbani, hereby petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

**CUSTODY**

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the

Stewart Detention Center in

146 CCA ROAD

LUMPKIN GA 31815

Petitioner is under the direct control of Respondents and their agents.

### JURISDICTION

2. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104 - 208, 110 Stat. 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq.

3. This Court has jurisdiction under 28 U.S.C. § 2241; art. I § 9, cl. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

4. Petitioner has exhausted any and all administrative remedies to the extent required by law.

### VENUE

5. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493 - 500 (1973), venue lies in the United States District Court for the

Middle district of Georgia, the judicial district in which Petitioner resides.

#### PARTIES

6. Petitioner is a native and citizen of Afghanistan. Petitioner was first taken into ICE custody on 03/16/2024, and has remained in ICE custody continuously since that date. Petitioner was ordered removed on 10/30/2024. Petitioner waived his appeal from the order of deportation, thereby making it final on that same date.

7. Respondent Pam Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Naturalization Act (INA). As such, Pam Bondi has ultimate custodial authority over Petitioner.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Kristi Noem is the legal custodian of Petitioner.

9. Respondent Homer Bryson is the Field Office Director of the Middle district of GA Field Office of ICE and is Petitioner's immediate custodian.

See Vásquez v. Reno, 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).

10. Respondent Warden of Stewart Detention Center, where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

**FACTUAL ALLEGATIONS**

11. Petitioner, Shahrokh Qorbani is a native and citizen of Afghanistan. Petitioner has been in ICE custody since 03/16/2024. An Immigration Judge ordered the Petitioner removed on 10/30/2024

12. Petitioner arrived in the United States for the first time on 03/16/2024. Petitioner has neither lived permanently nor legally in any other country than his native place of birth which is Afghanistan. Petitioner has left Afghanistan on 02/14/2022 on his route to the USA.

13. Petitioner has no criminal history whatsoever.

14. Petitioner has been picked up by ICE from his point of entry at San Ysidro as an arriving alien, right after filing initial papers.

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15. To date, however, ICE has been unable to remove Petitioner to Afghanistan or any other country. No repatriation agreement exists between the United States and Afghanistan. Petitioner has ever heard of his home country accepting citizens for deportation.

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16. Petitioner has cooperated fully with all efforts by ICE to remove him from the United States. Petitioner has done anything and everything asked from him to obtain travel documents. Petitioner has provided his deportation officer with identity informations and signed a travel document several times.

17. Petitioner's custody status was first reviewed on 05/29/2024.  
On 08/07/2024, Petitioner was served with a written decision ordering his/her continued detention.

18. On \_\_\_\_\_, Petitioner was served with a notice transferring authority over his/her custody status to ICE Headquarters Post-Order Detention Unit ("HQPDU"). \_\_\_\_\_

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**LEGAL FRAMEWORK FOR RELIEF SOUGHT**

19. In Zadvydas v. Davis, 533 U.S. 678 (2001), the Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. Id. at 702. In Clark v. Martinez, 543 U.S. 371 (2005), the Supreme Court held that its ruling in Zadvydas applies equally to inadmissible aliens. Department of Homeland Security administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(b)(2)(ii).

20. Petitioner was ordered removed on 10/30/2024, and the removal order became final on 10/31/2024. Therefore, the six-month presumptively reasonable removal period for Petitioner ended on 5/1/2025.

**CLAIMS FOR RELIEF**

**COUNT ONE**

**STATUTORY VIOLATION**

21. Petitioner re-alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the Supreme Court in Zadvydas. The six-month presumptively reasonable period for removal efforts has expired. Petitioner still has not been removed, and Petitioner continues to languish in detention. Petitioner's removal to Afghanistan or any other country is not significantly likely to occur in the reasonably foreseeable future. The Supreme Court held in Zadvydas and Martinez that ICE's continued detention of someone like Petitioner under such circumstances is unlawful.

**COUNT TWO**

**SUBSTANTIVE DUE PROCESS VIOLATION**

23. Petitioner re-alleges and incorporates by reference paragraphs 1 through 22 above.

24. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

25. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling

government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. Zadvydas recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. The presumptively reasonable period during which ICE may detain an alien is only six months. Petitioner has already been detained in excess of six months and Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future.

### COUNT THREE

#### PROCEDURAL DUE PROCESS VIOLATION

26. Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

27. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this case has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process.

*Further, respondents have failed to acknowledge or act upon the petitioner's administrative request for release in a timely manner. There is no administrative mechanism*


in place for the petitioner to demand a decision,  
ensure that a decision will ever be made, or appeal a custody  
decision that violates Zadvydas.

**PRAYER FOR RELIEF**


WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 5) Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

  
\_\_\_\_\_  
Petitioner

12/03/2025  
Date executed

Shahrokh Qorbani A# 

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