

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
Abilene Division

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Sahand Yousefinasrabadi )  
(a.k.a. Sahand Yousefi Nasrabadi), )  
)  
Petitioner, )  
)  
v. )  
)  
Marcello Villegas, *Warden*, )  
*Bluebonnet Detention Facility*; )  
)  
Field Office Director, *ICE Dallas* )  
*Field Office*; )  
)  
Kristi Noem, *Secretary of Homeland* )  
*Security*, )  
)  
Todd Lyons, *Acting Director, U.S.* )  
*Immigration and Customs Enforcement*, )  
)  
Pamela Bondi, *Attorney General*, )  
)  
Respondents. )  
\_\_\_\_\_  
)

**PETITION FOR WRIT OF HABEAS CORPUS**

1. Petitioner Sahand Yousefinasrabadi, also known as Sahand Yousefi Nasrabadi, is a noncitizen who was ordered removed to his native Iran on October 21, 2013. A federal statute, 8 U.S.C. § 1231(a)(6), gives Respondents 180 days to effectuate such removal; yet over 200 days after re-detaining him on June 23, 2025, Respondents have failed to do so, and cannot provide a date certain or even an estimate of when such removal can reasonably be expected. Meanwhile, the government of Iran and that country's airports are completely closed off to the United States, which recently bombed that country. Under such circumstances, continued detention violates the statute as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and

Petitioner must be released from custody on an Order of Supervision until there exists a significant likelihood of removal in the reasonably foreseeable future.

#### **JURISDICTION AND VENUE**

2. This action arises under the Immigration and Nationality Act of 1952 (“INA”), as amended, 8 U.S.C. § 1101 *et seq.*, and the Due Process Clause of the Fifth Amendment to the United States Constitution. This Court has jurisdiction pursuant to Art. I, § 9, cl. 2 of the United States Constitution; 28 U.S.C. § 2241 (general grant of habeas authority to the district courts); 28 U.S.C. § 1331 (federal question jurisdiction); 28 U.S.C. §§2201, 2202 (Declaratory Judgment Act); and 28 U.S.C. § 1651 (All Writs Act).

3. Venue is proper under 28 U.S.C. § 1391(e) because Petitioner is detained at the Bluebonnet Detention Facility in Jones County, within the Northern District of Texas. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 494–95 (1973).

#### **PARTIES**

4. Petitioner Sahand Yousefinasrabadi is a citizen and native of Iran and has lived in United States since 2010. He has a final order of removal to Iran, and is currently detained by Respondents at the Bluebonnet Detention Center in Anson, Texas.

5. Respondent Marcello Villegas, the Warden of the Bluebonnet Detention Center, is the immediate physical custodian of Petitioner for purposes of a federal habeas petition. *Braden*, 410 U.S. at 494–95.

6. Respondent Field Office Director of the U.S. Immigration and Customs Enforcement (“ICE”) Dallas Field Office is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, such as Mr. Yousefinasrabadi, including detentions, enforcement, and removal operations. He is the immediate legal custodian of

Petitioner for purposes of a federal habeas petition. *Braden*, 410 U.S. at 494–95.

7. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the United States.

8. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States.

9. Respondent Pamela Bondi is the Attorney General of the United States. The Immigration Judges who decide removal cases and applications for relief from removal do so as her designees.

### **FACTUAL ALLEGATIONS**

10. Petitioner was born in 1983. He is a native and citizen of Iran. He entered the United States as a refugee in 2010.

11. Petitioner’s entire immediate family are U.S. citizens and reside in the United States, including three children born in the country.

12. In 2012, Petitioner was convicted of a crime, and thereafter was detained by ICE and received a Notice to Appear in immigration court.

13. Petitioner was ordered removed to Iran by an Immigration Judge (“IJ”) on October 21, 2013. He did not appeal to the Board of Immigration Appeals (“BIA”). *See* EOIR Automated Case Information (*available at* <https://acis.eoir.justice.gov/> (*last visited on* January 9, 2026)):

Automated Case Information  
Name: YOUSEFINASRABADI, SAHAND A-Number: [REDACTED]

**Next Hearing Information**  
There are no future hearings for this case.

**Court Decision and Motion Information**  
The immigration judge ordered **REMOVAL**  
**DECISION DATE**  
October 21, 2013  
**COURT ADDRESS**  
1100 COMMERCE ST., SUITE 1060  
DALLAS, TX 75242

**BIA Case Information**  
No appeal was received for this case.

**Court Contact Information**  
If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.  
**COURT ADDRESS**  
1100 COMMERCE ST., SUITE 1060  
DALLAS, TX 75242  
**PHONE NUMBER**  
(214) 757-1814

14. Pursuant to 8 U.S.C. § 1231(a)(1), the government then sought to remove Petitioner to Iran, or to any other country on earth that would accept him from removal. Finding no country on earth to which it could remove Petitioner, the government released him from custody on an Order of Supervision on July 15, 2015.<sup>1</sup>

15. Petitioner's Order of Supervision placed strict conditions on his supervised release and required perioding check-ins with ICE. For the next decade, he faithfully abided by the conditions of his supervised release. Since the issuance of his removal order in 2013, Petitioner has not committed any criminal offenses, nor has he been charged with any. Regarding his past conviction, he fully complied with all the terms and conditions imposed by the criminal court.

16. For over a decade, Petitioner has maintained lawful gainful employment, supported by a "Category C18" Employment Authorization Document (EAD), which the

<sup>1</sup> Ex. 1, Form I-220B Order of Supervision and personal report record.

government has consistently renewed, most recently on July 20, 2024.<sup>2</sup> Each time the government renewed Petitioner's EAD, it necessarily first determined that he "cannot be removed due to the refusal of all countries designated by the alien or under this section to receive the alien," or his removal "is otherwise impracticable or contrary to the public interest."

8 U.S.C. § 1231(a)(7). See also 8 C.F.R. § 274a.12(c)(18) ("An alien against whom a final order of deportation or removal exists and who is released on an order of supervision under the authority contained in [8 U.S.C. § 1231(a)(3)] may be granted employment authorization in the discretion of the district director only if the alien cannot be removed due to the refusal of all countries designated by the alien or under [8 U.S.C. § 1231] to receive the alien, or because the removal of the alien is otherwise impracticable or contrary to the public interest."

17. On June 23, 2025, ICE officers followed Petitioner from his residence to a rental property he owns and manages, where they arrested and re-detained him without any forewarning.

18. On July 15, 2025, Petitioner filed a petition for writ of habeas corpus before this Court. *See Nasrabadi v. Villegas, et al.*, Civ. No. 1:25-cv-129-H (N.D. Tex., filed July 15, 2025). The petition raised two legal challenges: first, a challenge to the government's procedures to remove noncitizens to third countries (i.e. countries other than those designated in the order of removal); and second, a challenge to the government's revocation of Petitioner's Order of Supervision under 8 C.F.R. § 241.4(). On October 28, 2025, the aforementioned habeas petition was denied. *Id.* at Dkt. No. 16. Notably, the habeas petition did not raise a claim under *Zadvydas v. Davis*, 533 U.S. 678 (2001), that his continued detention under 8 U.S.C. § 1231(a)(6) was unlawful because there existed no significant likelihood of removal within the reasonably foreseeable future.

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<sup>2</sup> Ex. 2, Employment Authorization Documents.

19. Currently, Petitioner is located at Bluebonnet Detention Facility, where he remains detained today. He has now been detained for 202 days since his arrest on June 23, 2025—in excess of the 180-day *Zadvydas* period.

20. Petitioner is his family's primary breadwinner, and his absence has caused severe hardship for his wife and their three small children, aged 10, 7, and less than a year old. Following a medically complicated pregnancy, Petitioner's wife was grappling with severe postpartum depression, and their baby was only a few months old when Petitioner was suddenly arrested and ripped away from his family. His 10- and 7-year-old daughters constantly ask about when they will see him again.

21. Respondents previously asserted that Iranian officials “expressed a willingness to help facilitate removal in this case.” *See Nasrabadi v. Villegas, et al.*, Civ. No. 1:25-cv-129-H at Dkt. No. 14 at 6-7. Respondents presently lack any articulable basis to believe that the Iranian Embassy will respond favorably to such request and issue a travel document to Petitioner, however. To the contrary, the Iranian Embassy has already reviewed Petitioner's request for issuance of an Iranian travel document, and on September 5, 2025, determined that “a travel document cannot be issued” due to Petitioner's lack of original Iranian birth certificate and original Iranian passport.<sup>3</sup>

22. Petitioner remains in immigration custody, and ICE has so far not been able to secure a travel document or remove him to Iran. Furthermore, ICE has not provided a date by which it believes it can deport Petitioner, or any other indication that it believes removal is significantly likely to occur within the reasonably foreseeable future.

23. ICE has not made any efforts to remove Petitioner to any country other than Iran, because there are no articulable facts that would cause ICE to believe that he is removable

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<sup>3</sup> Ex. 3, Iranian Embassy Travel Document Refusal Letter.

to any country other than Iran. He possesses no claim to citizenship or residence in any other country, and there is no third country on earth generally willing to accept Iranian nationals with felony convictions.

#### **LEGAL BACKGROUND**

24. 8 U.S.C. §1231(a) permits Respondents to detain noncitizens during the “removal period,” which is defined as the 90-day period during which “the Attorney General shall remove the alien from the United States.” 8 U.S.C. §1231(a)(1)(A). In this case, pursuant to 8 U.S.C. § 1231(a)(2)(B)(i), the removal period began when Petitioner’s removal order became administratively final, October 21, 2013. The Section 1231(a)(1)(A) “removal period” therefore expired on January 19, 2014.

25. After the expiration of the removal period, 8 U.S.C. § 1231(a)(3) provides that ICE may release unremovable noncitizens on an order of supervision (the immigration equivalent of supervised release, with strict reporting and other requirements). Pursuant to 8 U.S.C. § 1231(a)(6), even noncitizens with aggravated felony convictions may be “released” if “subject to the terms of supervision” set forth in 8 U.S.C. § 1231(a)(3).

26. Constitutional limits on detention beyond the removal period are well established. Government detention violates due process unless it is reasonably related to a legitimate government purpose. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). “[W]here detention’s goal is no longer practically attainable, detention no longer ‘bear[s][a] reasonable relation to the purpose for which the individual [was] committed.’” *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Additionally, cursory or pro forma findings of dangerousness do not suffice to justify prolonged or indefinite detention. *Zadvydas*, 533 U.S. at 691 (“But we have upheld preventative detention based on dangerousness only when limited to especially dangerous

individuals [like suspected terrorists] and subject to strong procedural protections.”)

27. The purpose of detention during and beyond the removal period is to “secure[] the alien’s removal.” *Zadvydas*, 533 U.S. at 682. In *Zadvydas*, the Supreme Court “read § 1231 to authorize continued detention of an alien following the 90-day removal period for only such time as is reasonably necessary to secure the alien’s removal.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 699).

28. As the Supreme Court explained, where there is no possibility of removal, immigration detention presents substantive due process concerns because “the need to detain the noncitizen to ensure the noncitizen’s availability for future removal proceedings is “weak or nonexistent.” *Zadvydas*, 533 U.S. at 690-92. Detention is lawful only when “necessary to bring about that alien’s removal.” *See id.* at 689.

29. To balance these competing interests, the *Zadvydas* Court established a rebuttable presumption regarding what constitutes a “reasonable period of detention” for noncitizens after a removal order. *Id.* at 700-01. The Court determined that six months detention could be deemed a “presumptively reasonable period of detention,” after which the burden shifts to the government to justify continued detention if the noncitizen provides a “good reason to believe that there is not significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701.

30. Where a petitioner has provided “good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future,” the burden shifts to the government to rebut that showing. *Zadvydas*, 533 U.S. at 701. Due deference is owed to the government’s assessment of the likelihood of removal and the time it will take to execute removal. *Id.* at 700. However, just as pro forma findings of dangerousness do not suffice to justify indefinite detention, pro forma statements that removal is likely should not satisfy the government’s

burden.

31. The government may only rebut a detainee's showing that there is no significant likelihood of removal in the reasonably foreseeable future with "evidence of progress . . . in negotiating a petitioner's repatriation." *Gebrelibanos v. Wolf*, No. 20-cv-1575-WQH-RBB, 2020 U.S. Dist. LEXIS 185302, at \*9 (S.D. Cal., Oct. 6, 2020) (citing *Kim v. Ashcroft*, 02cv1524-J(LAB) (S.D. Cal., June 2, 2003), ECF No. 25 at 8 (citing *Khan v. Fasano*, 194 F. Supp. 2d 1134, 1136 (S.D. Cal. 2001); *Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1366 (N.D. Ga. 2002)); *see also Carreno v. Gillis*, No. 5:20-cv- 44-KS-MTP, 2020 U.S. Dist. LEXIS 248926, at \*5 (S.D. Miss., Dec. 16, 2020) (granting petitioner's habeas claim because the government failed to show that removal would be imminent after obtaining a travel document and failing to remove petitioner within the document's validity period) (emphasis added).

32. Factors courts consider in analyzing the likelihood of removal include "the existence of repatriation agreements with the target country, the target country's prior record of accepting removed aliens, and specific assurances from the target country regarding its willingness to accept an alien." *Hassoun v. Sessions*, 2019 WL 78984 at \*4 (W.D.N.Y., Jan. 2, 2019) (citing *Callender v. Shanahan*, 281 F. Supp. 3d 428, 436-37 (S.D.N.Y. 2017)); *see also Nma v. Ridge*, 286 F. Supp. 2d 469, 475 (E.D. Pa. 2003).

33. Other courts have denied habeas petitions primarily where the U.S. government has already procured petitioner's travel documents and only travel arrangements are outstanding, which is not the case here. *See Berhe*, 2019 WL 3734110 at \*4 (denying Petitioner's habeas petition because "Eritrea has issued a travel document and Petitioner has presented no evidence to suggest there are other barriers to his removal"); *Tekleweini-Weldemichael v. Book*, No. 1:20-CV- 660-P, 2020 WL 5988894, at \*5 (W.D. La., Sept. 9, 2020), *report and recommendation*

*adopted*, No. 1:20-CV-660-P, 2020 WL 5985923 (W.D. La., Oct. 8, 2020) (denying without prejudice Petitioner's habeas petition because he possessed a travel document valid through December 19, 2020, and noting that he is not precluded from filing a new petition upon the expiration or cancellation of his travel document).

34. In this case, ICE has not shown any meaningful progress in their efforts to obtain a travel document from Iran, and Iran has now definitively rejected Petitioner's travel document request. There is insufficient evidence for the government to meet its burden that there is a significant likelihood of removal in the reasonably foreseeable future. *See Gebrelibanos*, 2020 WL 5929487, at \*3; *Tekleweini-Weldemichael*, 2020 WL 5988894 (finding significant likelihood of removal in reasonably foreseeable future *only because* government had already obtained a valid travel document).

35. Petitioner's presumptively reasonable post-removal period pursuant to 8 U.S.C. § 1231(a)(6) has now passed. With neither a travel document nor an indication from Iran that one is soon to be forthcoming, detention is unreasonable, as removal is not imminent.

36. Petitioner has exhausted all administrative remedies available to him.

**FIRST CLAIM FOR RELIEF:**  
**Violation of 8 U.S.C. § 1231(a)(6)**

37. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-36.

38. Petitioner's continued detention by the Respondents violates 8 U.S.C. § 1231(a)(6), as interpreted by *Zadvydas*. Petitioner's 90-day statutory removal period and six-month presumptively reasonable period for continued removal efforts have passed one decade ago, and no significant likelihood of removal exists in the reasonably foreseeable future.

39. Under *Zadvydas*, the continued detention of Petitioner is unreasonable and not authorized by 8 U.S.C. § 1231(a)(6).

**SECOND CLAIM FOR RELIEF:**  
**Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution**

40. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-36.

41. Petitioner's detention beyond the presumptively reasonable 180-day Section 1231(a)(6) period is only constitutionally permissible when there is a significant likelihood of removal in the reasonably foreseeable future. In Petitioner's case, Iran has not issued any travel documents for his removal; he has also not been recognized as a national of any other country. These factors lend support to the conclusion that there is no likelihood of Petitioner's removal in the reasonably foreseeable future. Respondents continue to detain Petitioner without evidence that Iran will ultimately issue a travel document and with no reason to believe that they will obtain a travel document within a reasonable amount of time. No significant likelihood of removal exists in the reasonably foreseeable future.

42. Respondents' detention of Petitioner no longer bears any reasonable relation to a legitimate government purpose, and thus violates the Due Process Clause.

**PRAYER FOR RELIEF**

43. Petitioner respectfully requests that this Court assume jurisdiction over this matter and enter an order:

- a) Declaring that Petitioner's continued detention is no longer permitted by 8 U.S.C. § 1231(a)(6) and thus violates his due process rights;
- b) Granting the writ of habeas corpus and ordering Respondents to release Petitioner from detention forthwith, on an Order of Supervision pursuant to 8 U.S.C. § 1231(a)(3); and
- c) Granting any other relief that this Court deems just and proper.

Respectfully submitted,

Date: January 11, 2026

//s// Simon Sandoval-Moshenberg

Simon Sandoval-Moshenberg, Esq.<sup>4</sup>

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<sup>4</sup> Pursuant to L.R. 83.10, Plaintiffs seek leave of court to waive the local counsel requirement. *See, e.g., Tadele v. Roark*, Civ. No. 3:25-cv-01121-E, Dkt. No. 8 (N.D. Tex., May 9, 2025) (granting undersigned counsel leave to appeal without local counsel); *Mustajbasic v. Roark*, Civ. No. 3:25-cv-1936-S, Dkt. No. 9 (N.D. Tex., Sept. 8, 2025) (same). Undersigned counsel is handling this matter on a flat-fee basis, and requiring local counsel will considerably increase the financial burden to Plaintiff, a low-income immigrant. Undersigned counsel is prepared to appear at any scheduled in-person hearing before this Court upon reasonable notice.

**Certificate of Service**

I, Simon Sandoval-Moshenberg, hereby certify that on this 11th day of January, 2026, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants. I furthermore will send a copy by certified U.S. mail, return receipt requested, to:

Bluebonnet Detention Facility  
400 2nd Street  
Anson, TX 79501

Civil Process Clerk  
U.S. Attorney's Office for the Northern District of Texas  
1100 Commerce Street, Third Floor  
Dallas, TX 75242-1699

Merrick Garland, Attorney General of the United States  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Office of the Principal Legal Advisor  
U.S. Immigration and Customs Enforcement  
500 12th Street SW, Mail Stop 5900  
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