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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

Kazem Majd

Petitioner,
v.

Christopher J. LaRose, Warden, Otay Mesa
Detention Facility,

Respondent.

Case No. 26-cv-00245-JES-
BLM

TRAVERSE

A No 

Petitioner responds as follows:

With regard to the allegations of criminal conduct, Petitioner’s counsel has
been unable to verify these new allegations. The additional convictions occurring
more than a decade, and in some instances, several decades prior to Petitioner’s

1 detention do not change the posture of this case, in that they do not change the fact
2 that Petitioner was denied procedural and substantive Due Process.

3 **a. No Prompt Informal Interview**

4 Respondent contends that Petitioner was provided a prompt informal
5 interview. *See* Dkt. 6-1, p. 4 ¶ 24; Dkt. 6-2, p. 4. Petitioner denies any such
6 interview. *See* Dkt 1, p. 9.

7 It appears Respondent confuses Petitioner’s arrest with a prompt informal
8 interview. Petitioner contends that he did not receive a prompt informal interview
9 and had he been provided an informal interview, he would have explained his
10 medical situation and provided documents that were in his possession “precisely in
11 case he was detained.” Dkt. 1, p. 9.

12 Respondent provides an interview worksheet titled “Alien Informal
13 Interview.” The document is not dated and it is not clear when the document was
14 prepared, but it refers back to Petitioner’s December 11, 2025 arrest. The
15 worksheet indicates no documents were provided by Petitioner. Dkt. 6-2, p. 4 .
16 This casts doubt as to whether an interview actually occurred given that
17 Respondent was ready with medical documents in his possession, precisely for that
18 moment.

19 A growing number of courts have found that the government's failure to
20 follow its release revocation procedures renders the re-detention unlawful and
21

1 requires release. *See Quan v. Bowen*, No. 5:25-cv-02546-HDV-PVC, 2025 U.S.
2 Dist. LEXIS 263964 (C.D. Cal. Nov. 14, 2025) at 11; *See also Hoang*, No. 5:25-
3 cv-02766-JGB-JCx, 2025 U.S. Dist. LEXIS 212737 (C.D. Cal. Oct. 28, 2025) [Dkt.
4 10] at 3-6; *Bui*, 2025 U.S. Dist. LEXIS 209265, 2025 WL 2988356, at *2-5 (S.D.
5 Cal. Oct. 23, 2025). “In simpler terms, in order to revoke release, the government
6 must notify the noncitizen of the reason for the revocation and give them *both* an
7 informal and formal interview.” *Delkash v. Noem*, No. 5:25-cv-01675-HDV-AGR,
8 2025 U.S. Dist. LEXIS 194376, 2025 WL 2683988, at *4 (C.D. Cal. Aug. 28,
9 2025).

10 More importantly, the record does not show a meaningful interview, if any
11 interview at all, occurred. Petitioner must be told “what circumstances had
12 changed or why there was now a significant likelihood of removal in order to
13 meaningfully respond to the reasons and submit evidence in opposition.”
14 *Phakeokoth*, 2025 U.S. Dist. LEXIS 220365, 2025 WL 3124341, at *4 (quoting
15 *Sarail A.*, 2025 U.S. Dist. LEXIS 171005, 2025 WL 2533673, at *10). The
16 government’s conclusory explanation for revoking Petitioner’s release “did not
17 offer him adequate notice of the basis for the revocation decision such that he could
18 meaningfully respond at [any] post-detention informal interview,” as required
19 under § 241.13. *See Diaz v. Wofford*, Case No. 1:25-CV-01079 JLT-EPG, 2025
20 U.S. Dist. LEXIS 173666, 2025 WL 2581575, at *8 (E.D. Cal. Sept. 5, 2025)

1 *5; see *Liu v. Carter*, No. 25-cv-03036-JWL, 2025 WL 1696526, at *2 (D. Kan.
2 June 17, 2025).

3 Officer Jason Cole indicates he is “aware of no barrier to the consulate’s
4 issuance of a travel document.” 6-1, p. 5 ¶ 32. But Officer Cole’s subjective
5 knowledge ignores the objective realities: that this administration has conceded as
6 recently as December 2025 that Iran fails to accept deportees, and that the situation
7 with Iran remains unchanged since Petitioner was first ordered removed.

8 **c. *Zadvydas* Presumption is Rebutted**

9
10 Multiple courts have concluded that the *Zadvydas* six-month presumption is
11 rebuttable. See, e.g., *Hoang Trinh v. Homan*, 333 F. Supp. 3d 984, 994 (CD. Cal.
12 2018) (“The Supreme Court in *Zadvydas* outlined a ‘guide’ for approaching these
13 detention challenges . . . not a prohibition on claims challenging detention less than
14 six months.” (quoting *Zadvydas*, 533 U.S. at 700-01)); *Munoz-Saucedo v. Pittman*,
15 No. 25-2258-CPO, 2025 U.S. Dist. LEXIS 120414, 2025 WL 1750346, at *5-6
16 (D.N.J. June 24, 2025) (collecting cases); *Ali v. Dep’t of Homeland Security*, 451 F.
17 Supp. 3d 703, 707 (S.D. Tex. 2020) (holding that the “six-month presumption is not
18 a bright line” and that *Zadvydas* “did not require a detainee to remain in detention
19 for six months . . . before a habeas court could find that the detention is
20 unconstitutional”); *Cesar v. Achim*, 542 F. Supp. 2d 897, 905 (E.D. Wis. 2008)

1 (concluding that “while detention pursuant to § 1231(a)(6) for up to six months is
2 presumptively lawful, an alien may still state a claim for and demonstrate a
3 constitutional violation within the six-month window”); *Medina v. Noem*, No. 25-
4 1768-ABA, 2025 U.S. Dist. LEXIS 154052, 2025 WL 2306274, at *6 (D. Md.
5 Aug. 11, 2025) (noting that “what *Zadvydas* did make clear was that it was
6 adopting a presumption—not a conclusive bar to adjudication of whether continued
7 detention is authorized that lifts only after six months have elapsed”); *see also*
8 *Cordon-Salguero v. Noem*, No. 25-1626-GLR, Mot. Hr’g Tr. at 35-37 (D. Md. June
9 18, 2025) (stating that the *Zadvydas* presumption is rebuttable); *See, also, Nguyen*
10 *v. Hyde*, No. 25-11470-MJJ, 2025 U.S. Dist. LEXIS 117495, 2025 WL 1725791, at
11 *3 (D. Mass. June 20, 2025) (concluding that the six-month presumptively
12 reasonable period was not applicable in a case “about ICE’s authority to re-detain [a
13 noncitizen] after he was issued a final order of removal, detained, and subsequently
14 released on an OSUP” rather than “ICE’s authority to detain in the first place upon
15 an issuance of a final order of removal as in *Zadvydas*”); *Ruiz Primero v. Mattivelo*,
16 No. 25-11442-IT, 2025 U.S. Dist. LEXIS 130195, 2025 WL 1899115, at *5 (D.
17 Mass. July 9, 2025) (distinguishing *Zadvydas* as addressing the issue of indefinite
18 detention rather than an initial detention decision and finding that the Government
19 could not “rely on the presumptive period of permissible detention” established
20 in *Zadvydas*); *see also Guillermo M. R. v. Kaiser*, No. 25-05436-RFL, 2025 U.S.

1 Dist. LEXIS 175897, 2025 WL 1983677, at *5 (N.D. Cal. July 17,
2 2025) (“Zadvydas provided no instruction for what process is necessary to protect
3 non-citizens' liberty interest when the government seeks to return them to
4 custody.”)

5 Because it is clear that Petitioner cannot be removed to Iran, his continued
6 detention is unlawful.

7 **d. Respondent Ignores Medical Claims**

8
9 It is not surprising that the government failed to address any of the
10 Petitioner’s claims regarding Section 504 of the Rehabilitation Act or Petitioner’s
11 medical indifference claims. Respondent has done nothing but ignore Petitioner’s
12 plea for medical help since he was first detained. Petitioner remains in imminent
13 risk of death and serious medical injury, but the government does not care.

14 Petitioner’s request for medical care and documents remain unanswered, and
15 his condition has substantially deteriorated.

16
17 Respectfully submitted,

Dated: **January 21, 2026**

18 */s/ Ashkan Yekrangi*

19 Ashkan Yekrangi, Esq.
20 *Counsel for Petitioner*