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

10 SAEID ZAREI,

11 Petitioner,

12 v.

13 CHRISTOPHER LAROSE, warden of  
Otay Mesa Detention Center  
14 DANIEL A. BRIGHTMAN, San Diego  
Field Office Director, Immigration and  
15 Customs Enforcement and Removal  
Operations ("ICE/ERO");  
16 TODD LYONS, Acting Director of  
Immigration Customs Enforcement  
17 ("ICE"); KRISTI NOEM, Secretary of the  
Department of Homeland Security  
18 ("DHS"); PAMELA BONDI, Attorney  
General of the United States, U.S.  
19 DEPARTMENT OF HOMELAND  
20 SECURITY; U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT,

21 Respondents.

Case No.: 26-cv-0308 GPC (MMP)

**RESPONSE TO PETITION**

22  
23 **INTRODUCTION**

24 Petitioner requests that the Court order his release from Immigration and  
25 Customs Enforcement (ICE) custody. This Court lacks jurisdiction because  
26 Petitioner's claims are barred by 8 U.S.C. § 1252(g). Moreover, as an applicant for  
27 admission to the United States found to have a credible fear of persecution, Petitioner's  
28 detention is mandated by 8 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his

1 removal proceedings. Accordingly, the Court should deny Petitioner's request for  
2 relief.

### 3 **FACTUAL AND PROCEDURAL BACKGROUND**

4 Petitioner is a native and citizen of Iran who was apprehended by a Border Patrol  
5 agent in Texas when he entered the United States without inspection on March 27, 2025.  
6 See Ex. 1, Form I-213.<sup>1</sup> Petitioner did not then have any valid entry documents to enter  
7 the United States. *Id.* On March 27, 2025, he was determined to be inadmissible under  
8 8 U.S.C. § 1182(a)(7)(A)(i)(I), and pending expedited removal proceedings pursuant to  
9 8 U.S.C. § 1225(b)(1), he was taken into Immigration and Customs Enforcement (ICE)  
10 custody. pursuant to 8 U.S.C. § 1225(b)(1)(B). See Exhibit 2, Notice and Order of  
11 Expedited Removal. He was later interviewed by an asylum officer, pursuant to 8  
12 U.S.C. § 1225(b)(1)(B), and after receiving a positive credible fear determination,  
13 Petitioner was issued a Notice to Appear (NTA). See Exhibit 3, NTA. The filing of the  
14 NTA initiated removal proceedings, pursuant to 8 U.S.C. § 1229a, against Petitioner,  
15 and those proceedings remain ongoing. Within his removal proceedings under § 1229a,  
16 Petitioner has the opportunity to apply for relief from removal before an immigration  
17 judge (IJ), including asylum under 8 U.S.C. § 1158, withholding of removal under 8  
18 U.S.C. § 1231(b)(3), and relief under the Convention Against Torture.

19 Petitioner's merits hearing is set to occur on May 11, 1016. See Petition at p.8,  
20 ¶ 20, ECF No. 1. Thus Petitioner's removal proceedings remain pending. As there is no  
21 administratively final order of removal at this time, Petitioner remains mandatorily  
22 detained under 8 U.S.C. § 1225(b)(1)(B).

### 23 **STATUTORY BACKGROUND**

24 Section 235 of the Immigration and Nationality Act (INA), codified at 8 U.S.C.  
25 § 1225, applies to an "applicant for admission," defined as an "alien present in the  
26 United States who has not been admitted" or "who arrives in the United States." 8  
27

28 <sup>1</sup> The attached exhibits are true copies, with redactions of private information, of documents  
obtained from Immigration and Customs Enforcement (ICE) counsel.

1 U.S.C. § 1225(a)(1). “[A]pplicants for admission fall into one of two categories, those  
2 covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*,  
3 583 U.S. 281, 287 (2018).

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

## 16 ARGUMENT

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

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

22 Here, Petitioner’s claims of unlawful detention necessarily arise from the  
23 Department of Homeland Security’s<sup>2</sup> decision to commence removal proceedings  
24 against him because that decision unavoidably triggers mandatory detention under 8  
25 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. *See, e.g.*,  
26 *Wang v. United States*, No. CV 10-0389 SVW (RCx), 2010 WL 11463156, at \*6 (C.D.

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

1 Cal. Aug. 18, 2010) (finding section 1252(g) bars judicial review of false imprisonment  
2 claim because the plaintiff's detention arose from the decision to commence removal  
3 proceedings, and in turn, the "statute mandating detention during removal proceedings  
4 of a person charged as an 'arriving alien.'").

5 As explained by another district court, removal proceedings are commenced  
6 when, as occurred here, "the alien is issued a Notice to Appear before an immigration  
7 court." *Herrera-Correra v. United States*, No. CV 08-2941 DSF (JCx), 2008 WL  
8 11336833, at \*3 (C.D. Cal. Sept. 11, 2008); *see also* Exhibit 3 (Notice to Appear). The  
9 government "may arrest the alien against whom proceedings are commenced and detain  
10 that individual until the conclusion of those proceedings." *Herrera-Correra*, 2008 WL  
11 11336833, at \*3. "Thus, an alien's detention throughout this process arises from the  
12 [government's] decision to commence proceedings" and review of claims arising from  
13 such detention is barred under section 1252(g). *Id.* (citing *Sissoko v. Rocha*, 509 F.3d  
14 947, 949 (9th Cir. 2007)); *see also Wang*, 2010 WL 11463156, at \*6.

15 Because this habeas petition brings a claim "arising from the decision or action  
16 by the [government] to commence proceedings," review of Petitioner's claim is barred  
17 under 8 U.S.C. § 1252(g). Thus, the Court must dismiss the petition.

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

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

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

23 Petitioner's claim fails because he is subject to mandatory detention under 8  
24 U.S.C. § 1225(b)(1). Under 8 U.S.C. § 1225(a)(1), an "applicant for admission" is  
25 defined as an "alien present in the United States who has not been admitted or who  
26 arrives in the United States." As explained above, applicants for admission "fall into  
27 one of two categories, those covered by § 1225(b)(1) and those covered by §  
28

1 1225(b)(2).” *Jennings*, 583 U.S. at 287. Section 1225(b)(1) – the provision relevant  
2 here – applies because Petitioner was found in the United States without proper  
3 documents authorizing his presence. And that statute mandates detention when an  
4 immigration officer determines that the alien has a credible fear of persecution. *See* 8  
5 U.S.C. § 1225(b)(1)(B)(ii) (“If the officer determines at the time of the interview that  
6 [the] alien has a credible fear of persecution . . . , the alien *shall be detained* for further  
7 consideration of the application for asylum.”) (emphasis added); *see also Matter of M-*  
8 *S*, 27 I. & N. Dec. 509, 519 (AG 2019) (“all aliens transferred from expedited to full  
9 [removal] proceedings after establishing a credible fear are ineligible for bond”).

10 Petitioner requests that the Court order him released from ICE custody. But the  
11 Supreme Court has rejected such contention, explaining: “Read most naturally,  
12 §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until  
13 certain proceedings have concluded. . . . Nothing in the statutory text imposes any limit  
14 on the length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything  
15 whatsoever about bond hearings.” *Jennings*, 583 U.S. at 297. Except for temporary  
16 parole granted at the discretion of the Attorney General “for urgent humanitarian  
17 reasons or significant public benefit” under 8 U.S.C. § 1182(d)(5), “there are no *other*  
18 circumstances under which aliens detained under § 1225(b) may be released.” *Id.* at 300  
19 (emphasis in original).

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

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

2           In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C.  
3 § 1225(b). The Supreme Court stated that, “[r]ead most naturally, [8 U.S.C.]  
4 §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission until certain  
5 proceedings have concluded.” *Id.* at 297. In other words, neither 8 U.S.C. § 1225(b)(1)  
6 nor § 1225(b)(2) “impose[] any limit on the length of detention” and “neither  
7 § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings.” *Id.* The  
8 Supreme Court added that the sole means of release for noncitizens detained pursuant  
9 to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary  
10 parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300  
11 (“That express exception to detention implies that there are no *other* circumstances  
12 under which aliens detained under [8 U.S.C.] § 1225(b) may be released.”) (emphasis  
13 in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens  
14 throughout the completion of applicable proceedings[.]” *Id.* at 302.

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

23           In *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–40  
24 (2020), the Supreme Court once again addressed the due process rights of inadmissible  
25 arriving noncitizens seeking initial entry into the United States. The Supreme Court  
26 stated that such individuals have no due process rights “other than those afforded by  
27 statute.” *Id.* at 107; *see also id.* at 140 (“[A]n alien in respondent’s position has only  
28

1 those rights regarding admission that Congress has provided by statute.”). The  
2 Supreme Court noted that its determination was supported by “more than a century of  
3 precedent.” *Id.* at 138 (citing *Nishimura Ekiu v. United States*, 142 U.S. 651, 660  
4 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950); *Mezei*, 345 U.S.  
5 at 212; *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)). Because the only process due  
6 Petitioner is that afforded under section 1225(b), the Court must reject his claim that  
7 his detention violates the Fifth Amendment’s Due Process Clause and deny his  
8 requested relief. *See Thuraissigiam*, 591 U.S. at 138–40; *Mendoza-Linares*, 51 F.4th at  
9 1167; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022) (“The  
10 recognized liberty interests of U.S. citizens and aliens are not coextensive: the Supreme  
11 Court has ‘firmly and repeatedly endorsed the proposition that Congress may make  
12 rules as to aliens that would be unacceptable if applied to citizens.’”) (quoting *Demore*  
13 *v. Kim*, 538 U.S. 510, 522 (2003)); *Zelaya-Gonzalez*, 2023 WL 3103811, at \*4  
14 (“Binding Ninth Circuit and Supreme Court precedents are clear that Petitioner lacks  
15 any rights beyond those conferred by statute, and no statute entitles Petitioner to a bond  
16 hearing.”).

17 Since the Supreme Court’s decision in *Thuraissigiam*, numerous published  
18 decisions have acknowledged *Thuraissigiam*’s impact on the precise Fifth Amendment  
19 Due Process Clause that Petitioner might have raised in this petition: Does an alien  
20 detained under 8 U.S.C. § 1225(b)(1) have a due process right to release or a bond  
21 hearing after being detained for a certain period of time? The answer is no. *See*  
22 *Mendoza-Linares v. Garland*, No. 21-cv-1169-BEN (AHG), 2024 WL 3316306, \*2  
23 (S.D. Cal. June 10, 2024) (“[T]he Court finds that Petitioner has no Fifth Amendment  
24 right to a bond hearing pending his removal proceedings.”); *Zelaya-Gonzalez*, 2023  
25 WL 3103811. \*3 (S.D. Cal. Apr. 25, 2023) (same); *Rodriguez Figueroa v. Garland*,  
26 535 F. Supp. 3d 122, 126–27 (W.D.N.Y. 2021); *Gonzales Garcia v. Rosen*, 513 F.  
27 Supp. 3d 329, 336 (W.D.N.Y. 2021); *St. Charles v. Barr*, 514 F. Supp. 3d 570, 579  
28 (W.D.N.Y. 2021); *Petgrave v. Aleman*, 529 F. Supp. 3d 665, 667 (S.D. Tex. 2021).

1 Even if the Court infers a constitutional right against prolonged mandatory  
2 detention, Petitioner’s claim still fails. “In general, as detention continues past a year,  
3 courts become extremely wary of permitting continued custody absent a bond hearing.”  
4 *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at \*4 (S.D. Cal.  
5 April 20, 2023) (citation omitted); *see also Durand v. Allen*, No. 3:23-cv-00279-RBM-  
6 BGS, 2024 WL 711607, at \*5 (S.D. Cal. Feb. 21, 2024) (detained over two-and-a-half  
7 years); *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL  
8 139801, at \*6 (S.D. Cal. Jan. 9, 2023) (three years); *Yagao v. Figueroa*,  
9 No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at \*2 (S.D. Cal. March 29, 2019) (two  
10 years). Petitioner’s detention falls significantly short of the length courts have found to  
11 raise due process concerns.

12 In similar cases, courts in this district have applied the test in *Lopez v. Garland*,  
13 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). *See, e.g., Sanchez-Rivera*, 2023 WL 139801,  
14 at \*5 (“[W]hile the *Mathews* [*v. Eldridge*, 424 U.S. 319 (1976)] factors may be well-  
15 suited to determining whether due process requires a second bond hearing, they are not  
16 particularly dispositive of whether prolonged mandatory detention has become  
17 unreasonable in a particular case.”); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-  
18 JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and finding  
19 “the three-factor balancing test from *Lopez* . . . provides an appropriate assessment of  
20 the possible constitutional implications of Petitioner’s ongoing detention without  
21 process.”).

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

26 First, Petitioner has been detained for about 10 months. Courts in this district  
27 have found detention for much longer periods to be unreasonably prolonged. *See*  
28 *Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at \*5 (S.D. Cal.

1 Feb. 21, 2024) (32 months); *Sibomana*, 2023 WL 3028093, at \*4 (19 months);  
2 *Sanchez-Rivera*, 2023 WL 139801 at \*6 (three years); *Kydyrali v. Wolf*, 499 F. Supp.  
3 3d 768, 773 (S.D. Cal. 2020) (27 months); *Yagao*, 2019 WL 1429582, at \*1 (42  
4 months). The length of detention “is the most important factor.” *Sanchez-Rivera*, 2023  
5 WL 139801, at \*6 (citation omitted). And Petitioner’s current detention does not fall  
6 within the range those courts have found to be unreasonable. Moreover, the length of  
7 Petitioner’s detention, by itself, does not favor granting habeas relief. *See Sadeqi v.*  
8 *LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520, at \*3 (S.D. Cal. Nov. 12,  
9 2025) (“The Court agrees with Respondents that the length of Petitioner’s detention to  
10 date—almost 12 months—does not by itself, without more, establish prolonged  
11 detention in violation of due process.”).

12 Moreover, the likely duration of future detention weighs against Petitioner.  
13 Petitioner’s individual merits hearing is scheduled for May 11, 2026 (*see* ECF No. 1 at  
14 8), at which point his path to release or removal should be clear. Balancing the above  
15 factors, the record does not support a finding that “detention has become so  
16 unreasonable as to require an initial bond hearing,” *Sanchez-Rivera*, 2023 WL 139801,  
17 at \*6, or an order requiring Petitioner’s release.

18 Accordingly, Petitioner is subject to mandatory detention, which does not violate  
19 due process. *See Markov v. LaRose*, No. 25-CV-3811 JLS (SBC), 2026 WL 92069 (S.D.  
20 Cal. Jan. 13, 2026) (“Petitioner’s length of detention, without more, does not render his  
21 detention unreasonable.”); *Duran Romero v. LaRose*, No. 25-cv-3567-AGS-VET, ECF  
22 No. 7 (S.D. Cal. Jan. 14, 2026); *Shahin v. Noem*, No. 25-cv-2496-AGS-KSC, ECF No.  
23 12 (S.D. Cal. Dec. 23, 2025); *Cordova Cordova*, No. 25-cv-2426-BAS-DDL, ECF No.  
24 9 (S.D. Cal. Nov. 14, 2025); *Mendez Ramirez*, 612 F. Supp. 3d at 221; *Gonzalez Aguilar*  
25 *v. Wolf*, 448 F. Supp. 3d at 1212; *de la Rosa Espinoza*, 2020 WL 3452967, at \*6-8.

1 **CONCLUSION**

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

4  
5 DATED: January 26, 2026

Respectfully submitted,

6 ADAM GORDON  
7 United States Attorney

8 s/ Cindy M. Cipriani  
9 CINDY M. CIPRIANI  
10 Assistant United States Attorney  
11 Attorney for Respondents  
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# Exhibit 1

U.S. Department of Homeland Security

Subject ID

Record of Deportable/Inadmissible Alien

Family Name (CAPS) <b>ZAREI, SAEID</b>		First	Middle	Sex <b>M</b>	Hair	Eyes	Complexion
Country of Citizenship <b>IRAN</b>	Passport Number and Country of Issue <b>IRAN</b>	File Number		Occupation <b>LABORER</b>			
U.S. Address <b>IN DHS CUSTODY</b>							
Date, Place, Time, and Manner of Last Entry <b>03/27/2025, 0230, 3.75 mile(s) W of ROM, PWAM (RAFT)</b>				Passenger Boarded at			
Number, Street, City, Province (State) and Country of Permanent Residence <b>IRAN, IRAN</b>							
Date of Birth 	Age: <b>34</b>	Date of Action <b>04/03/2025</b>	Location Code <b>RGV/RGC</b>	F.B.I. Number			
City, Province (State) and Country of Birth <b>IRAN, IRAN</b>		AR <input checked="" type="checkbox"/> Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>		None Indicated			
NIV Issuing Post and NIV Number		Social Security Account Name		F.B.I. Number <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date Visa Issued		Social Security Number		Method of Location/Apprehension <b>PB</b>			
Immigration Record <b>POSITIVE - See Narrative</b>		Criminal Record <b>None Known</b>		At/Near <b>ROMA, TX</b> Date/Hour <b>03/27/2025 0422</b>			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				By <b>JOSE M. TORRES JR.</b>			
Father's Name, Nationality, and Address, if Known <b>See Narrative</b>				Mother's Present and Maiden Names, Nationality, and Address, if Known <b>See Narrative</b>			
Monies Due/Property in U.S. Not in Immediate Possession <b>None Claimed</b>		Fingerprinted? <input type="checkbox"/> Yes <input type="checkbox"/> No		Systems Checks <b>See Narrative</b>		Charge Code Word(s) <b>I7A1</b>	
Name and Address of (Last/Current) U.S. Employer		Type of Employment		Salary		Employed from/to	
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.) <b>FINS #</b> <b>I77 #</b> <b>DNA Envelope #</b>							
<b>ARREST COORDINATES:</b> <b>Latitude: 26.426834</b> <b>Longitude: -99.09755</b>							
<b>CONSEQUENCE DELIVERY SYSTEM:</b> <b>Classification: FIRA</b> <b>Program: PRO</b>							
Alien has been advised of communication privileges		<b>04/03/2025</b>		<b>EDWARD B NOACK</b> Date: 2025.04.03 12:06:39 0770607258.CBP <b>Border Patrol Agent</b>			
Distribution:		Received: (Subject and Documents) (Report of Interview)					
<b>FILE</b> <b>SDC</b>		Officer: <b>JESSE GREGORY</b> on: <b>April 03, 2025 at 0930</b> (time) Disposition: <b>Expedited Removal - Per 212 (F)</b> Examining Officer: <b>(A) Supervisory Border Patrol Agent</b>					

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name <b>ZAREI, SAEID</b>	File Number _____ Event No: _____	Date <b>03/27/2025</b>
<p><b>FATHER NAME AND ADDRESS:</b> -----</p> <p>Nationality: <b>IRAN ZAREI, ZABIHULLAH</b>  <b>IRAN, IRAN</b></p> <p><b>MOTHER NAME AND ADDRESS:</b> -----</p> <p>Nationality: <b>IRAN KESHAVAR, MANZAR</b>  <b>IRAN, IRAN</b></p> <p><b>RECORDS CHECKED:</b> -----</p> <p>CIS Negative                  ABIS Positive                  EARM Negative                  NCIC Negative                  NGI Positive                  TECS Positive</p> <p><b>Other Family/Associates Not in Event:</b> -----</p> <p>Father, <b>ZAREI, ZABIHULLAH, IRAN</b>                  Mother, <b>KESHAVAR, MANZAR, IRAN</b></p> <p><b>CONSULATE NOTIFICATION:</b> -----</p> <p>THE SUBJECT WAS NOTIFIED OF THEIR RIGHT TO COMMUNICATE WITH A CONSULAR OFFICER FROM THEIR COUNTRY AS PER ARTICLE 36(1) (b) OF THE VIENNA CONVENTION ON CONSULAR RELATIONS. THE SUBJECT INDICATED THAT THEY UNDERSTOOD THIS RIGHT BUT DECLINED TO SPEAK WITH SOMEONE AT THIS TIME.</p> <p><b>NARRATIVE:</b> -----</p> <p>On March 27, 2025, Saeid ZARAI was encountered by Border Patrol Agent Jose M. Torres Jr. During this encounter, ZARAI was questioned in regards to his citizenship and nationality, and whether he was in possession of any legal documents allowing him to remain in the United States legally. ZARAI stated that he is a citizen and national of Iran without proper immigration documents allowing him to enter or remain in the United States legally. Border Patrol Agent Torres Jr. at approximately 04:22 AM, arrested ZARAI approximately 3.75 miles west of the Roma, TX Port of Entry and approximately 1,082 yards north of the United States/Mexico International Boundary. ZARAI was transported to the Chula Vista Border</p>		
Signature EDWARD B NOACK Date: 2025.04.03 12:07:35 -0700 0770607258.CBP	Title <b>Border Patrol Agent</b>	

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name ZAREI, SAEID	File Number  Event No.	Date 03/27/2025
<p>Patrol Station for further processing and disposition.</p> <p>At the station, as a routine step in processing, ZARAI's biographical and biometric information were entered into the Department of Homeland Security processing systems. The following numbers are associated with ZARAI:</p> <p>A#:                  FINS#:                  FBI#:</p> <p>As ZARAI was received at the processing station, protocols were observed in compliance with the CBP National Standards on Transport, Escort, Detention, and Search policy. A risk assessment was conducted prior to placing ZARAI in a holding room. ZARAI expressed no concerns about being held in the facility.</p> <p>ZARAI was informed that it is a crime to lie to federal agents, and that he is subject to criminal prosecution under 18 USC 1001 if it is determined that he gave false statements.</p> <p>On April 03, 2025, Border Patrol Agent Jesse Gregory advised ZARAI of his consulate communication rights. ZARAI stated that he understood his rights and did not want to exercise them.</p> <p>ZARAI again admitted to being a citizen and national of Iran without proper immigration documents allowing him to enter or remain in the United States legally. ZARAI further stated that he was not inspected by an Immigration Officer at a designated Port of Entry when he entered the United States illegally afoot on March 27, 2025.</p> <p>ZARAI was served with DHS forms I-860, and I-296, and a list of legal services.</p> <p>ZARAI is being held in the custody of the Department of Homeland Security pending Expedited Removal, under the Presidential Proclamation, Securing the Border.</p>		
Signature EDWARD B NOACK Date: 2025.04.03 12:07:41 -07:00 0770607258.CBP	Title Border Patrol Agent	

## Exhibit 2

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event No: \_\_\_\_\_

File No: \_\_\_\_\_

Date: March 27, 2025

In the Matter of: SAEID ZAREI

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);  (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.
4. On or about March 28, 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)

JESSE W GREGORY  
Date: 2025.04.03 11:51:54 -07:00  
0589104411.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)

JESSE W GREGORY  
Date: 2025.04.03 11:52:00 -07:00  
0589104411.CBP



Signature of immigration officer

(A) WATCH COMMANDER

Name and title of supervisor (Print)

RUBEN I ARROYO JR  
Date: 2025.04.03 11:49:11 -07:00  
0343525101.CBP



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 04/03/2025

JESSE W GREGORY  
Date: 2025.04.03 11:52:04 -07:00  
0589104411.CBP



Border Patrol Agent

Signature of immigration officer

(Date)

# Exhibit 3

DEPARTMENT OF HOMELAND SECURITY  
**NOTICE TO APPEAR**

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

File No: \_\_\_\_\_

In the Matter of:

Respondent: SAEID ZAREI currently residing at:

OTAY MESA DETENTION CENTER, 7488 CALZADA DE LA FUENTE, SAN DIEGO CA, 921540000

619-661-4071

(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:

You are not a citizen or national of the United States;  
You are a native of Iran and a citizen of IRAN;  
You entered the United States near Roma, TX on or about 2025-03-27;  
You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;  
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:

Section 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.

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

- 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, CA, 92154

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

on 10/30/2025 at 8:30 AM to show why you should not be removed from the United States based on the  
(Date) (Time)

charge(s) set forth above.

Christopher Fonte

Supervisory Asylum Officer

(Signature and Title of Issuing Officer)

Date: 10/19/2025

San Diego, CA

(City and State)

EOIR - 1 of 33

**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](http://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 **IRANIAN FARSI / PERSIAN**

**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 10-21-25, 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 ENGLISH 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)

\_\_\_\_\_  
(Signature and Title of officer)

EOIR - 2 of 33

**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-notice-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.