UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

KIUMARS TAHERI,

Petitioner

v.

Jason STREEVAL, Warden, Stewart Detention Center
Respondent

Civil Action No. _____

HEARING REQUESTED
Agency number: [redacted]

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

1. Petitioner Kiumars Taheri ("Petitioner" or "Mr. Taheri") is a citizen of the Iran who is currently detained at Stewart Detention Center ("Stewart").[1] He has been in the custody of U.S. Immigration & Customs Enforcement ("ICE") for more than six (6) months, since on or about August 14, 2025, after ICE detained him when he reported to the ICE office in Atlanta for his appointment.

2. Mr. Taheri has now been detained for more than six months post-order, awaiting deportation to Iran, and there is no significant likelihood that he will be removed in the reasonably foreseeable future. Mr. Taheri's detention, post-removal-order, has become unconstitutionally prolonged under the framework set out in *Zadvydas v. Davis*, 533 U.S. 678 (2001). He therefore challenges his prolonged and indefinite detention as a violation of the Immigration and Nationality

[1] Mr. Taheri's A number, per his former I-551 (LPR) card, does not have a zero ("0"). *See* Exh. 7. However, his Employment Authorization Documents, ICE Locator, and EOIR Automated Case Information include the zero in order for the A number to have nine digits. Exhs. 1-3.

Act ("INA") and the Due Process Clause.

3. Mr. Taheri respectfully requests that this Court grant him a Writ of Habeas Corpus, ordering Respondent to release him from custody.

JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and art. I. sec. 9, cl. 2 of the U.S. Constitution (Suspension Clause), as Mr. Taheri is presently in custody under or by color of the authority of the United States, and he challenges his custody as in violation of the Constitution, laws, or treaties of the United States.

5. The federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See, e.g.*, *Zadvydas*, 533 U.S. 678; *Demore v. Kim*, 538 U.S. 510 (2003). In *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018), the United States Supreme Court reiterated the federal courts' jurisdiction to review such claims.

6. Venue is proper in the Middle District of Georgia, Columbus Division, pursuant to 28 U.S.C. §§ 1391 and 2241(d) because Mr. Taheri is detained at the Stewart Detention Center in Lumpkin, Georgia.

PARTIES

7. Petitioner Mr. Taheri is a native and citizen of Iran who has lived in the U.S. for more than four decades. He was previously a Lawful Permanent Resident but received a removal order in 2006. He has been in ICE custody since on or about August 14, 2025, when he reported to the ICE office in Atlanta.

8. Respondent is sued in his official capacity as the Warden of Stewart Detention

Center. Pursuant to a contract with ICE, Warden Streeval is responsible for the operation of the Stewart Detention Center, where Mr. Taheri is detained. Thus, Warden Streeval has control over Mr. Taheri as his immediate custodian.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. "[W]here Congress does not say there is a jurisdictional bar, there is none." *Santiago-Lugo v. Warden*, 785 F.3d 467, 473 (11th Cir. 2015). "Congress knows how to limit courts' subject matter jurisdiction to decide § 2241 petitions when it wishes to do so. The fact that it did not limit courts' subject matter jurisdiction to decide unexhausted § 2241 claims compels the conclusion that any failure of [the respondent] to exhaust administrative remedies is not a jurisdictional defect." *Id.* at 474.

10. In the absence of a statutorily mandated exhaustion requirement, whether to apply a common law exhaustion requirement is a decision subject to sound judicial discretion, considering congressional intent and any applicable statutory scheme. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992); *see also Richardson v. Reno*, 162 F.3d 1338, 1374 (11th Cir. 1998); *Yahweh v. U.S. Parole Comm'n*, 158 F. Supp. 2d 1332, 1341 (S.D. Fla. 2001).

11. Here, Mr. Taheri's prolonged detention raises constitutional issues. "[A] petitioner need not exhaust [their] administrative remedies 'where the administrative remedy will not provide relief commensurate with the claim.'" *Boz v. United States*, 248 F.3d 1299, 1300 (11th Cir. 2001) (quoting *Haitian Refugee Ctr., Inc. v. Nelson*, 872 F.2d 1555, 1561 (11th Cir. 1989)). Thus, "[b]ecause the BIA does not have the power to decide constitutional claims—like the validity of a federal statute— . . . certain due process claims need not be administratively exhausted." *Warsame v. U.S. Att'y Gen.*, 796 F. App'x. 993, 1006 (11th Cir. 2020). *See also Haitian Refugee Ctr., Inc*, 872 F.2d at 1561, *aff'd sub nom. McNary v. Haitian Refugee Ctr., Inc.*, 498 U.S. 479 (1991)

(exhaustion had "no bearing" where petitioner made a constitutional challenge to procedures adopted by the INS); *Matter of G-K-*, 26 I&N Dec. 88, 96-97 (BIA 2013) ("Neither the [BIA] nor the Immigration Judges have the authority to rule on the constitutionality of the statutes we administer, so we lack jurisdiction to address [challenges to their constitutionality].").

12. Despite not having to engage in an administrative remedy, he did so and is only filing a habeas corpus petition after being detained with a final order of removal for more than six months. Here, Mr. Taheri filed a Stay of Removal application with ICE in October 2025. Exhs. 4-5. ICE informed Mr. Taheri in January 2026 the request was denied. Exh. 8. However, counsel for Mr. Taheri has not received an official answer.

13. Thus, this Court has jurisdiction over Mr. Taheri's § 2241 action because exhaustion of administrative remedies is not required, and his petition raises constitutional issues that cannot be addressed administratively.

STATEMENT OF FACTS

14. Mr. Taheri is a native and citizen of Iran. Exh. 8. He was born in Tehran, the capital and largest city. *Id.* He never naturalized or otherwise became a U.S. citizen. *Id.* He does not remember the exact date he entered the U.S., but he estimates that it was July of 1981, after he obtained a visa from the U.S. government while he was in Vienna, Austria. *Id.* Since then, he left the U.S. to visit Canada several times, but never had issues returning to the U.S. *Id.* He believes he last entered Canada around 2000. *Id.*

15. Mr. Taheri was previously a Lawful Permanent Resident ("LPR"). Exh. 7.[2] He was able to obtain this status by successfully completing an application for Adjustment of Status based

[2] Counsel for Petitioner notes that Exh. 7 is difficult to read and apologizes for not having a more legible copy. Counsel does not believe that Respondent will contest the fact Petitioner was previously a Lawful Permanent Resident but has not been one since he received a removal order.

on an Immediate Relative category. *Id.* However, following criminal history, he was detained by ICE and ordered removed on February 16, 2007. Exh. 2. However, he was released from ICE's detention and has been on an Order of Supervision. Exh. 3. As such, he has been able to apply for and received several Employment Authorization Documents, each under the (c)(18) category. *Id.* He filed a Motion to Reopen proceedings, which an Immigration Judge at the Atlanta Immigration Court denied on June 28, 2012. Exh. 2. Therefore, Mr. Taheri has not been an LPR since the removal order in 2007.

16. Since Mr. Taheri was released from ICE custody in the past, he developed further ties in the community and has turned his life around *See, e.g.* Exh. 9. He has also focused on his own health, such as dealing with several chronic conditions that require several medications. Exh. 10.

17. Since Mr. Taheri has been detained, he has been in compliance with ICE. Through counsel, he submitted a request for an administrative Stay of Removal (form I-246) with ICE at its Field Office in Atlanta in October 2025. Exh. 5. Counsel sent a courtesy copy via email, and then sent several follow up emails. *Id.* Counsel also sent Respondent documents from the Embassy of Pakistan, Interests Section of the Islamic Republic of Iran. *Id.; see also,* Exh. 6. One document from the Iranian government that states the country cannot verify his identity to issue a travel document is from 2017, and the other is from September 16, 2025, more than a month since Petitioner has been detained. *Id.* As it relates to the Stay of Removal, counsel last corresponded with Respondent on or about January 9, 2026. Exh. 4. As of the time of filing, counsel has not received an official response as to the Stay.

18. In addition to the Stay of Removal, Mr. Taheri has been cooperative with ICE. Exh. 8. ICE has met with him in person several times. *Id.* On or about January 30, 2026, an ICE officer

had him meet with an employee of the Iranian consulate or embassy. *Id.* Petitioner recalls the phone call lasted around twenty (20) minutes, and that the ICE officer had to call the number a couple of times when the line was accidentally disconnected. *Id.*

19. Mr. Taheri recognizes he has an outstanding removal order, and that there is no legal impediment for ICE to effectuate his removal and does not contest this fact. Mr. Taheri further acknowledges that the ICE has been able to remove some people to Iran, including this year. *See* Exh. 11. However, all three people mentioned in ICE's news release entered the U.S. sometime between 2021 and early 2025. *Id.* Mr. Taheri further recognizes there has been at least one other flight with some people removed to Iran. Exh. 12. However, upon information and belief, Mr. Taheri is not scheduled to be on any flight in the reasonably foreseeable future.

LEGAL FRAMEWORK

20. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas*, 533 U.S. at 690.

21. The Due Process Clause requires that the deprivation of Mr. Taheri's liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301-02 (1993) (holding that due process "forbids the government to infringe certain 'fundamental' liberty interests . . . unless the infringement is narrowly tailored to serve a compelling state interest"). As the Supreme Court held in *Zadvydas*, indefinite detention raises a "serious constitutional problem" and runs afoul of the Due Process Clause. 533 U.S. at 690.

22. 8 U.S.C. § 1231 governs the detention and removal of noncitizens, like Mr. Taheri, who have been ordered removed. Section 1231(a)(2) authorizes a 90-day period of mandatory post-final-removal-order detention, during which ICE is supposed to effectuate removal. This 90-

day period is known as the "removal period" and generally starts once a final order of removal has been entered or, as here, on the date of release from criminal custody. *See* § 1231(a)(1)(B).

23. Those who are not removed within the 90-day removal period should be released under conditions of supervision, such as periodic reporting and other reasonable restrictions. *See* § 1231(a)(3). The Government may continue to detain certain noncitizens beyond the 90-day removal period if they have been ordered removed on inadmissibility grounds after violating nonimmigrant status or conditions of entry, or on grounds stemming from criminal convictions, or security concerns, or if they have been determined to be a danger or flight risk. *See* § 1231(a)(6). If these groups of noncitizens are released, they are also subject to the supervision terms set forth in § 1231(a)(3). *Id.*

24. In *Zadvydas*, the Supreme Court held that § 1231(a)(6), when "read in light of the Constitution's demands, limits [a noncitizen]'s post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States." 533 U.S. at 689. A "habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal." *Id.* at 699. "[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized." *Id.* At that point, the individual must be released because his continued detention would violate both the statute and the Due Process Clause of the Constitution. *Id.*

25. In determining a period reasonably necessary to effectuate removal, the *Zadvydas* Court adopted a "presumptively reasonable period of detention" of six months, inclusive of the 90-day removal period. *Id.* at 701. "After this six-month period, once the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing."

Id. Thus, after six months, the Government bears the burden of disproving a detained person's "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Clark v. Martinez*, 543 U.S. 371, 386 (2005) (granting habeas relief to Cuban petitioners whose detention lasted beyond six months post-removal-order and whose removal to Cuba was not reasonably foreseeable); *see also Adu v. Bickham*, No. 7:18-cv-103-WLS-MSH, 2018 WL 6495068 (M.D. Ga. Dec. 10, 2018) (R&R recommending release under *Zadvydas*).

26. A noncitizen who has been detained beyond the presumptive six-month period should be released if the Government is unable to present documented confirmation that removal is likely to occur in the reasonably foreseeable future. *Clark*, 543 U.S. at 386; *see also McKenzie v. Gillis*, No. 5:19-cv-139, 2020 WL 5536510, at *3 (S.D. Miss. July 30, 2020) ("Six months have passed since [the ICE Deportation Officer] stated that Petitioner's removal was imminent. Yet, Petitioner remains in ICE custody, and nothing in [the Supervisory Detention and Deportation Officer's] declaration demonstrates that Petitioner will be removed anytime soon. Neither ICE's belief that Petitioner will be removed, nor the information provided by Respondent satisfy the Government's burden to rebut Petitioner's showing that he will not be removed in the foreseeable future."), *report and recommendation adopted*, 2020 WL 5535367 (S.D. Miss. Sept. 15, 2020).

27. Release is the proper remedy for unconstitutionally prolonged post-removal-order detention. *See Zadvydas*, 533 U.S. at 699–700 (explaining that supervised release is the appropriate relief when "the detention in question exceeds a period reasonably necessary to secure removal" because at that point, detention is "no longer authorized by statute").

28. Mr. Taheri's detention fits squarely within the *Zadvydas* framework. His removal order became final in February of 2007. Exh. 3. Despite later filing a Motion to Reopen while he was non-detained, a motion that was eventually denied, undersigned counsel is not aware of a Stay

of Removal that was granted while that motion was pending. *Id.* To Petitioner's knowledge, nothing suspended or tolled the removal period. Nothing has suspended or tolled the removal period since he has been detained in August 2025.

29. Therefore, Mr. Taheri is subject to permissive post-removal-order detention under 8 U.S.C. § 1231(a)(6) and his claim is ripe for court review.

30. "[F]or detention to remain reasonable, as the period of post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." *Zadvydas*, 533 U.S. at 701. ICE has had over eighteen (18) years to try to remove Mr. Taheri since his removal order became final, and it has failed to do so.

31. Removal "seems a remote possibility at best." *Zadvydas*, 533 U.S. at 690. Thus, Mr. Taheri's continued detention violates the implicit requirement in 8 U.S.C. § 1231(a)(6) that detention may not become unreasonably prolonged. In addition, his continued detention does not serve a legitimate government purpose and lacks sufficient procedural protections in violation of the Due Process Clause.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT,

8 U.S.C. § 1231(a)(6)

32. Mr. Taheri realleges and incorporates by reference each and every allegation contained above.

33. Mr. Taheri is detained pursuant to the discretionary, post-removal-order detention provision, § 1231(a)(6), because more than 90-days have elapsed since his removal order became administratively final and he has not done anything to impede his removal or toll the removal

period. See 8 U.S.C. § 1231(a); 8 C.F.R. § 1241.1.

34. Section 1231(a)(6) contains an implicit temporal limitation of six months, after which detention is no longer presumptively reasonable. *Zadvydas*, 533 U.S. at 701. After that point, if the habeas petitioner "provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing," and due process "requires ordering [the p]etitioner released." *Adu*, 2018 WL 6495068, at *2-3 (quoting *Zadvydas*, 533 U.S. at 701).

35. Mr. Taheri's detention under §1231 is no longer presumptively reasonable because he has been continuously detained pursuant to a final removal order for over six months.

36. Mr. Taheri's cooperation with ICE's removal efforts and ICE's inability to obtain travel documents weighs in favor of his release. The Iranian government has already stated at least twice, including since Mr. Taheri has been detained, that the government cannot issue a travel document since he is unable to provide identity documents. Exh. 6. This is despite the fact that Mr. Taheri has several identification documents issued by the U.S. government, including a photo ID with his name, date of birth, country of birth, and photo. *See* Exhs. 3, 6. Mr. Taheri spoke with someone with the Iranian government in late January and answered all of her questions. Exh. 8. Further, Mr. Taheri has sent messages to ICE and has proactively spoken with several ICE officers. *Id.*

37. ICE has made no indicating that it has made progress in effectuating Mr. Taheri's removal. *See, e.g.*, Exh. 8. Mr. Taheri could remain detained for several months or even years beyond the six months recognized as reasonably necessary to effectuate removal in *Zadvydas*.

38. Nor is there any "sufficiently strong special justification" for Mr. Taheri's prolonged detention beyond the six-month limit. *See Zadvydas*, 533 U.S. at 690-91 (requiring a

showing of dangerousness accompanied by some other "special circumstance" to justify continued detention when removal is not significantly likely in the reasonably foreseeable future).

39. Thus, Mr. Taheri's detention violates § 1231, and he is entitled to immediate release from custody.

SECOND CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE

OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

40. Mr. Taheri realleges and incorporates by reference each and every allegation contained above.

41. The Due Process Clause of the Fifth Amendment forbids the Government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690.

42. Civil immigration detention following issuance of a final removal order violates due process if it is not reasonably related to its statutory purpose of effectuating removal. *See id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)); *id.* at 697. When removal is not reasonably foreseeable, detention is no longer reasonably related to that purpose. *Id.* at 699.

43. Prolonged civil detention also violates procedural due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Id.* at 690-91; *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992); *Kansas v. Hendricks*, 521 U.S. 346, 364-69 (1997); *United States v. Salerno*, 481 U.S. 739, 750-752 (1987).

44. Mr. Taheri has been detained continuously for more than six months since he has been transferred to ICE custody in August 2025. He is likely to be detained indefinitely absent

intervention from this Court. His detention is no longer reasonably related to the primary statutory purpose of ensuring his imminent removal.

45. Moreover, any pro forma internal post-order custody reviews ICE conducted in Mr. Taheri's case do not meet the minimum procedural safeguards required by due process. *See Diouf v. Napolitano*, 634 F.3d 1081, 1092 (9th Cir. 2011).

46. Thus, Mr. Taheri's detention violates both substantive and procedural due process.

47. As a result, Mr. Taheri is entitled to immediate release from custody.

PRAYER FOR RELIEF

WHEREFORE Petitioner requests that the Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Order Respondent to show cause why a writ of habeas corpus should not be granted "within three (3) days unless for good cause additional time, not exceeding twenty (20) days, is allowed," that Petitioner be afforded one (1) week to file a response to Respondents' return, and set a hearing on this Petition within one (1) week after Petitioner's response is due, pursuant to 28 U.S.C. § 2243;

c. Order that as part of their filing showing cause why the Petition should not be granted, Respondents provide all documents relevant to efforts made to obtain travel documents for Mr. Taheri, which Mr. Taheri does not have access to;

d. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under Chapter 153 (habeas corpus) of Title 28;

e. In the event that this Court determines that a genuine dispute of material fact exists regarding the likelihood of removal to Iran in the reasonably foreseeable future, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243. *Singh v. U.S. Attorney Gen.*, 945 F.3d 1310, 1315-16 (11th Cir. 2019);

f. Grant a writ of habeas corpus ordering Respondent to immediately release Mr. Taheri from their custody;

g. Enter preliminary and permanent injunctive relief enjoining Respondent from further unlawful detention of Mr. Taheri;

h. Declare that Mr. Taheri's detention without a bond hearing violates the Immigration and Nationality Act;

i. Declare that Mr. Taheri's detention violates the Due Process Clause of the Fifth Amendment;

j. Enjoin Respondent from transferring Mr. Taheri outside of this judicial district pending litigation of this matter;

k. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

l. Grant such further relief as this Court deems just and proper.

Dated: February 20, 2026

Respectfully submitted,

/s/ Matthew O. Boles
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Counsel for Petitioner

Verification

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

/s/ Matthew O. Boles

Date: February 20, 2026