

7. Consequently, Petitioner remained detained, at various facilities, for a post-removal-detention period lasting **20-months**.
8. On January 15, 2021, Petitioner was finally released from his prolonged detention, but only after filing a *pro se* petition for writ of habeas corpus, dated January 16, 2020.
9. On December 15, 2020, a Writ of Habeas Corpus was granted, by a Mississippi federal court. See **Sharifi v. Gillis**, **5:20-CV-00005-DCB-MTP** (S.D. Miss. 2020) (attached as "**Exhibit A**").
10. From January 15, 2021 until September 5, 2025, Petitioner remained at liberty.
11. During that time, Petitioner regularly and faithfully reported to his DHS/ICE supervisory immigration officers in Atlanta, Georgia.
12. On September 5, 2025, however, he was detained once again, at his most recent DHS/ICE appointment. See **ICE Online Locator** (attached as "**Exhibit B**").
13. Petitioner is currently detained, at the Stewart Detention Center in Lumpkin, Georgia.
14. Petitioner can therefore credibly establish an *aggregate* period of **24-months** of post-Order detention – that is, the **20-months** from May 30, 2019 (when his Order of Removal became administratively final) until January 15, 2021 (when he was released under a Writ of Habeas Corpus in Mississippi), *plus* the more recent **4-months** from September 5, 2025 until present.
15. Absent another Writ of Habeas Corpus, this time from the Middle District of Georgia, the 68-year old Petitioner fears that he will remain detained for many more months, if not years.

16. Petitioner files the instant Petition for a Writ of Habeas Corpus, for two compelling reasons.
17. First, a period of 24-months in post-Order detention is *per se* constitutionally *unreasonable*.
18. Second, Petitioner's removal to Iran – a country with whom the United States has not had diplomatic relations since 1980 and is currently at war with – is not reasonably foreseeable.
19. Therefore, and for all the reasons that shall now follow, this Court should use its authority under 28 U.S.C. § 2243 in order to grant his Petition for a Writ of Habeas Corpus.

PARTIES

20. Petitioner Hossein SHARIFI is a 68-year old native of Iran, and a former Lawful Permanent Resident, who is unlawfully detained at the Stewart Detention Center in Lumpkin, Georgia.
21. Jason Streeval ("Respondent") is the Warden of the Stewart Detention Center. Pursuant to a contract with DHS/ICE, Respondent is the Petitioner's legal custodian, with immediate physical custody over him.


JURISDICTION

22. This honorable Court has jurisdiction, under 28 U.S.C. § 2241 (habeas corpus), under 28 U.S.C. § 1651 (All Writs Act), under 28 U.S.C. § 1331 (federal question), and under Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause).

VENUE

23. Venue is proper, because Petitioner is detained at the Stewart Detention Center in Lumpkin, Georgia, which falls within the geographic responsibility of the U.S. District Court for the Middle District of Georgia – Columbus Division.

FACTS

24. Petitioner (A# ) is a 68-year old native of Iran.
25. On November 14, 1979 – at the approximate age of 21-years – Petitioner was lawfully-admitted into the U.S., on an F-1 non-immigrant student visa.
26. On July 22, 1982, he adjusted status, becoming a Lawful Permanent Resident.
27. On February 6, 2014, Petitioner was convicted in Fulton County, Georgia of sex-related offenses, and was sentenced to a term of 10-years, with 5-years to serve in custody.
28. On January 4, 2019, Petitioner completed his state custodial sentence, and was transferred to the custody of DHS/ICE for the initiation of removal proceedings.
29. On May 30, 2019, a final Order of Removal was entered against him.
30. Petitioner was thus ordered removed to Iran.
31. However, DHS/ICE was unable to “execute” the Order of Removal; that is, was unable to deport Petitioner to Iran.
32. On June 10, 2019, DHS/ICE submitted a *first* request for travel documents, to the Embassy of Pakistan / The Interests Section of the Islamic Republic of Iran.
33. On July 3, 2019, DHS/ICE received a letter from Iran, explaining that it would need Petitioner’s original birth certificate and passport, to further process the request.
34. On December 4, 2019, DHS/ICE submitted a *second* request for travel documents to Iran.

35. On January 30, 2020, Petitioner was flown to New York City, for an in-person interview with Irani officials, who nevertheless advised that they would not issue a travel document.
36. On February 28, 2020, DHS/ICE submitted a *third* request for travel documents, along with a copy of Petitioner's passport, but did not receive any reply from Irani officials.
37. Petitioner remained detained nonetheless, for a post-Order period of 20-months – that is, from May 30, 2019 until January 15, 2021.
38. During this “first” bout of detention, Petitioner was detained at various DHS/ICE facilities including, but not limited to, detention centers in Irwin, GA, Washington, MS, Olla, LA, and New York, NY.
39. On January 15, 2021, Petitioner was finally released from his prolonged detention, but only after filing a *pro se* petition for writ of habeas corpus, dated January 16, 2020.
40. On December 15, 2020, a Writ of Habeas Corpus was granted, by a Mississippi federal court. See Sharifi v. Gillis, *supra*, 5:20-CV-00005-DCB-MTP (attached as “Exhibit A”).
41. In his final Order, U.S. District Court Judge David Bramlette specifically ordered DHS/ICE to *either* deport Petitioner to Iran within 30-days, *or* to release him under the appropriate conditions of supervision. See id.
42. From 2021 until 2025, Petitioner remained at liberty, by regularly and faithfully reporting to his DHS/ICE supervisory officers, pursuant to an Order of Supervision (“OSUP”).

43. On September 5, 2025, at his most recent OSUP check-in, however, **Petitioner was once again detained by DHS/ICE officers in Atlanta, Georgia.**
44. From September 5, 2025 to present, or for the past 4-months, Petitioner has remained continuously detained, at the Stewart Detention Center in Lumpkin, Georgia.
45. Altogether, then, **Petitioner has accrued 24-months of post-Order detention** – to wit, the **20-months** from May 30, 2019 until January 15, 2021, and the **4-months** from September 5, 2025 until present day.
46. The 68-year old Petitioner suffers from a host of health ailments, including hernia requiring surgery, testicular stones, heart murmurs, and hip problems.
47. Petitioner now files the instant Petition for a Writ of Habeas Corpus, in order to vindicate his statutory and constitutional rights, in hopes of putting an end to his arbitrary, seemingly infinite, and constitutionally-suspect detention.

LEGAL FRAMEWORK

48. The legal framework for aliens, with an administratively final Order of Removal, is found in section 1231 of the U.S. Code. *See generally* 8 U.S.C. § 1231; *also see* INA § 241.
49. Under that statute, once an Order of Removal has become administratively final, “the Attorney General *shall* remove the alien from the United States within a period of 90 days (...referred to as the ‘removal period’).” 8 U.S.C. § 1231(a)(1)(A).

50. During this initial 90-day removal period, detention of the removable alien is mandatory. 8 U.S.C. § 1231(a)(2)(A).
51. *After* the initial 90-day period, however, detention is no longer mandatory.
52. Instead, after the initial 90-day removal period, aliens will generally be released under conditions of *supervision*, such as periodic reporting. *See* 8 U.S.C. § 1231(a)(3) (“if the alien...is not removed within the [90-day] removal period, the alien, pending removal, *shall* be subject to supervision”).
53. However, there are two broad classes of aliens, who *may* be detained even beyond the initial 90-day removal period.
54. First, aliens found “deportable” *or* “determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal *may* be detained *beyond* the removal period”. 8 U.S.C. § 1231(a)(6).
55. Second, detention is permitted if the 90-day removal period has been *extended*, as when the individual “fails or refuses to make timely application in good faith for travel or other documents necessary to [his] departure or conspires or acts to prevent [his] removal.” 8 U.S.C. § 1231(a)(1)(C).¹
56. On the other hand, *if* DHS/ICE opts to release anyway, both classes of aliens “shall be subject to the terms *supervision*” just mentioned above. Id.

¹ Under these circumstances, DHS/ICE is required to serve the individual with a Notice of Failure to Comply. *See* 8 C.F.R. § 241.4(g)(5)(ii).

57. In 2001, the U.S. Supreme Court considered the question of whether the statute – at 8 U.S.C. § 1231(a)(6) – authorized the “indefinite” definition of aliens. *See Zadvydas v. Davis*, 533 U.S. 678 (2001).
58. The U.S. Supreme Court obviously answered that question in the negative, as the statute at 8 U.S.C. § 1231(a)(6) has an “implicit limitation” for reasons of Due Process. *Id.* at 690.
59. As the *Zadvydas* court explained, “the [8 U.S.C. § 1231(a)(6)] statute, read in light of the Constitution’s demands, *limits* an alien’s post-removal-period detention to a period *reasonably necessary* to bring about that alien’s removal from the United States.” *Id.* at 689.
60. Simply put, the statute “does not permit *indefinite* detention.” *Id.*
61. Indeed, a contrary interpretation “would raise a serious constitutional problem” under the Due Process clause of the Fifth Amendment. *Id.* at 690.
62. After all, “freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the *liberty* that the Clause protects.” *Id.*
63. Therefore, the *Zadvydas* court held that, “**once removal is no longer *reasonably foreseeable*, continued detention is no longer authorized by statute.**” *Id.* at 699.
64. The U.S. Supreme Court further stated: “The basic federal habeas corpus statute grants the federal courts authority to answer that question”. *Id.*
65. In plain English, it is the duty of the habeas court to determine whether or not removal is *reasonably foreseeable*.

66. That is, “the habeas court must ask whether the detention in question *exceeds* a period *reasonably necessary* to secure removal.” *Id.*

67. If a habeas court finds that “removal is not reasonably *foreseeable*, the court should hold continued detention *unreasonable* and no longer authorized by statute.” *Id.* at 699-700.

68. In such cases, as a fashioned remedy, “of course, the alien’s release may and should be conditioned on any of the various forms of *supervised* release that are appropriate in the circumstances, and the alien may be no doubt be returned to custody upon a violation of those conditions.” *Id.* at 700.

69. In order to prevent indefinite bouts of detention, the *Zadvydas* court adopted a “presumptively reasonable period of detention” of six (6) months, inclusive of the 90-day removal period.

70. Accordingly, for the *first* 6-months after a final Order of Removal, most courts will *presume* that the continued detention of an unremovable alien is constitutionally valid. *Id.* at 701.

71. The *Zadvydas* court chose this number, because “Congress previously doubted the constitutionality of detention for more than six months.” *Id.*

72. By contrast, *after* the 6-month period has ended, the opposite presumption will apply.

73. After 6-months of post-removal-detention, any continued efforts to detain the alien must be viewed as presumptively *unreasonable*. *Id.*

74. At that critical point, “once the alien 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.
75. An unremovable alien is not required prove that removal is “impossible”, but only that it is unlikely. Id. at 702.
76. Conversely, the Government’s mere protestations that it is engaged in “good faith” negotiations with the foreign country is insufficient to detain the unremovable alien, beyond 6-months. Id.
77. Thus, *unless* the Government can show some “sufficiently strong special justification” for continued detention, it is incumbent for the Government to release the alien under conditions of supervision. Id. at 690-691.
78. To summarize, by statute, an alien must be detained for 90-days after a final Order of Removal.
79. Between the initial 90-day removal period, but before the 180-days have elapsed, an alien *may* be detained, under certain circumstances laid out by statute. *See* 8 U.S.C. § 1231(a)(6); *also see* 8 U.S.C. § 1231(a)(1)(C).
80. After 180-days (or 6-months) of prolonged detention, however, any continued detention will become constitutionally-suspect.
81. Under Zadvydas, the core inquiry is whether or not there is a “**significant likelihood of removal in the reasonably foreseeable future.**” Zadvydas v. Davis, *supra*, 533 U.S. at 701.

82. A mere “theoretical possibility of eventually being removed does not satisfy the government’s burden once the removal period has expired and the petitioner establishes good reason to believe his removal is not significantly likely in the reasonably foreseeable future...If ICE has no idea of when it might reasonably expect Petitioner to be repatriated, this Court certainly cannot conclude that his removal is likely to occur – or even that it *might* occur – in the reasonably foreseeable future.” **Sharifi v. Gillis**, *supra*, 5:20-CV-00005-DCB-MTP at **p. 5** (attached as “**Exhibit A**”).
83. Finally, as a matter of sheer logic, **Petitioner’s prior periods of detention should be considered by the Court in its post-removal-detention analysis, for “otherwise, the government could detain, release, and re-detain non-ciizens *ad nauseam* without technically violating Zadvydas.”** Kazemzadeh v. U.S., 2:25-CV-01941-JAD-NJK at p. 6, *fn. 22* (D. Nev., January 16, 2026).

CLAIMS FOR RELIEF

COUNT 1

Violation of 8 U.S.C. § 1231(a)

84. Petitioner re-alleges and incorporates by reference the paragraphs above, as though fully set forth herein.
85. Although federal law authorizes the detention of certain aliens “beyond the [90-day] removal period”, 8 U.S.C. § 1231(a)(6), that statute contains an “implicit limitation” for Due Process reasons. Zadvydas v. Davis, *supra*, 533 U.S. at 689.

86. “The statute, read in light of the Constitution’s demands, *limits* an alien’s post-removal-period detention to a period *reasonably necessary* to bring about that alien’s removal from the United States”. Id. at 689.
87. The key inquiry under Zadvydas will be always be whether or not there is a “**significant likelihood of removal in the reasonably foreseeable future.**” Id. at 701.
88. “Once removal is no longer *reasonably foreseeable*, continued detention is no longer authorized by [the 8 U.S.C. § 1231(a)(6)] statute.” Id. at 699.
89. Here, Petitioner’s removal to Iran – a country with whom the United States has not had diplomatic relations since 1980 – is *not* reasonably foreseeable.
90. As was previously established during the 2020 *habeas corpus* litigation, in a Mississippi federal court, DHS/ICE has made at least *three* different attempts -- in June 2019, December 2019, and February 2020 – to obtain travel documents from the Embassy of Pakistan / The Interests Section of the Islamic Republic of Iran.
91. All three requests by DHS/ICE to Iran were either declined or ignored. See Sharifi v. Gillis, *supra*, 5:20-CV-00005-DCB-MTP, at pp. 3-4 (attached as “Exhibit A”).
92. Indeed, DHS/ICE has been unable to “execute” the Order of Removal for nearly 7-years now.
93. Therefore, since Petitioner’s removal to Iran is not reasonably foreseeable, his prolonged detention at Stewart Detention Center is “no longer authorized by statute.” Id.

94. Finally, absent a Writ of Habeas Corpus from this honorable Court, the 68-year old Petitioner fears that he will remain detained for many more months, if not years.

COUNT TWO
Violation of Right to Due Process

95. Petitioner re-alleges and incorporates by reference the paragraphs above, as though fully set forth herein.

96. The Fifth Amendment to the U.S. Constitution provides that “no person shall...be deprived of life, liberty, or property, without due process of law.” U.S. Const., Amend. V.

97. Petitioner has been forced to endure an *aggregate post-removal-detention period of 24-months*, after his Order of Removal became administratively final.

98. This is well in excess of the 6-month post-Order period, which our U.S. Supreme Court found to be constitutionally tolerable, such period having lapsed on November 5, 2019.

99. Petitioner’s detention is therefore *presumptively unreasonable*, not to mention unusually prolonged. See Zadvydas v. Davis, *supra*, 533 U.S. at 699-701.

100. Petitioner’s continued detention by DHS/ICE authorities, therefore, violates his fundamental Due Process rights, under the U.S. Constitution. Id. at 699-701.

PRAYER FOR RELIEF

WHEREFORE Hossein SHARIFI, the Petitioner in the above-styled matter and through the undersigned counsel of record, respectfully prays that this honorable Court will:

- (1) Assume jurisdiction over the matter;
- (2) Enjoin Respondent from transferring Petitioner outside of this judicial district, pending litigation of this matter;
- (3) Issue an Order to Show Cause that, pursuant to 28 U.S.C. § 2243, orders Respondent to file a Return within three (3) days, unless good cause is shown for additional time;
- (4) To the extent that Respondent relies on a declaration in support of his Return, order him to produce the Petitioner's alien file, at the time of filing;
- (5) Declare that Petitioner's detention violates 8 U.S.C. § 1231(a);
- (6) Declare that Petitioner's detention violates the Due Process clause of the Fifth Amendment to the U.S. Constitution;
- (7) Grant a Writ of Habeas Corpus, ordering Respondent to immediately release Petitioner from his unlawful confinement;
- (8) Award the Petitioner attorney's fees and costs, under the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412, or on any other proper basis;

(9) Grant any other relief that this honorable Court may deem to be fair, reasonable, just, and proper under the circumstances.

This is the 5th day of March, 2026.

Respectfully submitted,

/s/ CARLOS M. POLANCO III

Carlos M. Polanco, Esq.
Counsel for the Petitioner

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**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner, because I am the attorney for Petitioner. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for a Writ of Habeas Corpus are true and correct, to the best of our knowledge.

This is the 10th day of January, 2026.

Respectfully submitted,

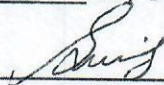
/s/ CARLOS M. POLANCO III

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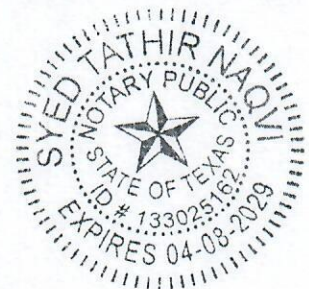
SWORN & SUBSCRIBED

before me this 10th day of JANUARY, 2026.



NOTARY PUBLIC

My commission expires: on 04-08-2026



CERTIFICATE OF SERVICE

I hereby certify that on this date, I filed this **Petition for a Writ of Habeas Corpus** and all attachments using the CM/ECF system. I further hereby certify that I have mailed a copy thereof, via **USPS Certified Mail with Electronic Return Receipt Requested**, to the following:

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Warden
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P.O. Box 248
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Veronica Jones
Civil Process Clerk
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Middle District of Georgia
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This is the 5th day of March, 2026.

Respectfully submitted,

/s/ CARLOS M. POLANCO III

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