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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ALIREZA DEHGHAN,

Petitioner,

v.

KRISTI NOEM, Secretary of the Department of Homeland Security, PAMELA JO BONDI, Attorney General, TODD M. LYONS, Acting Director, Immigration and Customs Enforcement, JESUS ROCHA, Acting Field Office Director, San Diego Field Office, CHRISTOPHER LAROSE, Warden at Otay Mesa Detention Center,

Respondents.

Case No.: 26-cv-01573-BAS-AHG

First Amended Petition for Writ of Habeas Corpus

[Civil Immigration Habeas Petition Under 28 U.S.C. § 2241]

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I. Introduction

Mr. Dehghan was ordered removed to Iran almost six months ago. It is very hard to deport people to Iran. This is especially true now that there is war between the United States and Iran. It is also hard to deport Mr. Dehghan, specifically. Prior to the war, Mr. Dehghan has had multiple interviews with the Iranian consulate, and they have indicated that they will not issue travel documents for him.

Mr. Dehghan has been continuously detained for so long that his detention is no longer "presumptively reasonable." *Zadvydas v. Davis*, 533 U.S. 678 (2001). And he has "good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* Because the government cannot rebut this showing, this Court should grant this petition under 28 U.S.C. § 2241 and order Mr. Dehghan released on supervision until the government is able to coordinate his removal. *Id.*

Numerous courts have ordered Iranians released under *Zadvydas* for the same reasons in the recent months. *See, e.g.*, *Bunnell v. Noem*, No. 25-cv-2259-GMN-EJY, 2025 WL 3707588 (D. Nev. Dec. 22, 2025); *Asfetani v. Current or Acting Field Office*, No. 25-cv-1562-SCR, 2025 WL 3677321 (E.D. Cal. Dec. 18, 2025); *Ghadesi v. Wamsley*, No. 25-cv-1984-RSM-BAT, 2025 WL 3699705 (W.D. Wash. Dec. 1, 2025), *report and recommendation adopted in Ghadesi v. Wamsley*, 2025 WL 3697208 (Dec. 19, 2025) (each granting habeas petitions or preliminary injunctions ordering release in light of *Zadvydas* violations as to detained Iranian nationals ordered removed to Iran).

II. Statement of Facts

A. Mr. Dehghan is ordered removed yet is still detained pending removal.

Alireza Dehghan was born in Iran in 2003. Declaration of Alireza Dehghan ¶ 1 (Exhibit A). He came to the United States border to seek asylum on January

20, 2025. *Id.* at ¶ 2. He was arrested and detained, and has been in detention ever since. *Id.* He is currently held at the Otay Mesa Detention Center. *Id.*

An immigration judge ordered his removal on October 2, 2025. *Id.* at ¶ 3.

Mr. Dehghan has not received promising information about the government's ability to deport him to Iran. Mr. Dehghan talked to the Iranian consulate over the phone on two separate occasions. The consulate indicated that they could not get him travel documents without specific identification. *Id.* ¶ 4. Since his calls with the consulate, ICE has not spoken to Mr. Dehghan about his removal. *Id.* at ¶¶ 4-5.

B. It is extremely challenging to deport people to Iran.

This month, the United States launched strikes against Iran under Operation Epic Fury. *See* U.S. Department of War, *Operation Epic Fury;*[1] *See also,* U.S. Department of War, *This Week in DOW: U.S. Delivers 'Devastating Combat Power' to Iran*, March 20, 2026.[2]

Even before the war, the United States did not have normalized relations with Iran since the Islamic Revolution of 1979. *See generally* Council on Foreign Relations, *1953–2025: U.S. Relations With Iran.*[3] It currently lacks diplomatic and consular relations. U.S. Department of State, Bureau of Consular Affairs, *Iran Travel Advisory*, March 31, 2025.[4]

As President Trump found last year when banning the entry of Iranian nationals into the United States, Iran "has historically failed to accept back its removable nationals." Presidential Proclamation, *Restricting the Entry of Foreign*

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[1] Available at: https://www.war.gov/Spotlights/Operation-Epic-Fury/

[2] https://www.war.gov/News/News-Stories/Article/Article/4440215/this-week-in-dow-us-delivers-devastating-combat-power-to-iran/

[3] Available at https://www.cfr.org/timeline/us-relations-iran-1953-2025.

[4] Available at https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/iran-travel-advisory.html

Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats, June 4, 2025[5]; *accord* Presidential Proclamation, *Restricting and Limiting the Entry of Foreign Nationals to Protect the Security of the United States*, Dec. 16, 2025.[6]

Iran has long been among the top fifteen most uncooperative countries the United States faces when seeking to repatriate immigrants it has ordered deported, alongside other countries like Cuba. *See* Office of Inspector General, Department of Homeland Security, *ICE Faces Barriers in Timely Repatriation of Detained Aliens*, (March 11, 2019).[7]

III. This Court has jurisdiction and this amended petition is appropriate.

This Court has jurisdiction to consider Mr. Dehghan's claim of unlawful detention and unlawful third-country removal under 28 U.S.C. § 2241.

The government's recent argument otherwise, that 8 U.S.C. § 1252(g) strips this Court of jurisdiction, "has been repeatedly 'rejected as implausible' by the Supreme Court." *Soryadvongsa v. Noem*, No. 25-cv-2663-AGS, 2025 WL 316821, *1 (S.D. Cal. Nov. 8, 2025) (quoting *Department of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 19 (2020)). The government's argument "would eliminate judicial review of immigration [detainees'] claims of unlawful detention . . . inconsistent with *Jennings v. Rodriguez* and the history of judicial review of the detention of noncitizens under 28 U.S.C. § 2241." *Phan v. Noem*, No. 25-cv-2422-RBM, 2025 WL 2898977, *3 (S.D. Cal. Oct. 10, 2025).

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[5] Available at https://www.whitehouse.gov/presidential-actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/.

[6] Available at https://www.whitehouse.gov/presidential-actions/2025/12/restricting-and-limiting-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/.

[7] Available at: https://www.oig.dhs.gov/sites/default/files/assets/2019-03/OIG-19-28-Mar19.pdf

Further, Mr. Dehghan is filing this amended petition within 21 days of its appearance on the electronic docket, and thus he is filing this amended petition by right under Federal Rule of Civil Procedure 15(a)(1).

IV. Legal background: detention pending removal is not presumptively reasonable after six months and is only allowable if removal is significantly likely in the reasonably foreseeable future.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court considered a problem affecting people like Mr. Dehghan: Federal law requires ICE to detain an immigrant during the "removal period," which typically spans the first 90 days after the immigrant is ordered removed. 8 U.S.C. § 1231(a)(1)-(2). After that 90-day removal period expires, detention becomes discretionary—ICE may detain the immigrant while continuing to try to remove them. *Id.* § 1231(a)(6). Ordinarily, this scheme would not lead to excessive detention, as removal happens within days or weeks. But some detainees cannot be removed quickly. Perhaps their removal "simply require[s] more time for processing," or they are "ordered removed to countries with whom the United States does not have a repatriation agreement," or their countries "refuse to take them," or they are "effectively 'stateless' because of their race and/or place of birth." *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1104 (9th Cir. 2001). In these and other circumstances, detained immigrants can find themselves trapped in detention for months, years, decades, or even the rest of their lives.

If federal law were understood to allow for "indefinite, perhaps permanent, detention," it would pose "a serious constitutional threat." *Zadvydas*, 533 U.S. at 699. In *Zadvydas*, the Supreme Court avoided the constitutional concern by interpreting § 1231(a)(6) to incorporate implicit limits. *Id.* at 689.

Zadvydas held that detention is "presumptively reasonable" for six months. *Id.* at 701. This presumption is, in some circumstances, "rebuttable." *Zavvar v. Scott*, No. 25-2104-TDC, 2025 WL 2592543, *5–*6 (D. Md. Sept. 8, 2025).

After six months, courts use a burden-shifting framework. The petitioner must make a prima facie case for relief: He must prove that there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 689. If he does so, the burden shifts to "the Government [to] respond with evidence sufficient to rebut that showing." *Id.* Ultimately, then, the burden of proof rests with the government: The government must prove that there is a "significant likelihood of removal in the reasonably foreseeable future," or the immigrant must be released. *Id.*

To underline, good faith is beside the point. "[U]nder *Zadvydas*, the reasonableness of Petitioner's detention does not turn on the degree of the government's good faith efforts. Indeed, the *Zadvydas* court explicitly rejected such a standard. Rather, the reasonableness of Petitioner's detention turns on whether and to what extent the government's efforts are likely to bear fruit." *Hassoun v. Sessions*, No. 18-CV-586-FPG, 2019 WL 78984, at *5 (W.D.N.Y. Jan. 2, 2019). "[T]he Government is required to demonstrate the likelihood of not only the *existence* of untapped possibilities, but also of a probability of success in such possibilities." *Elashi v. Sabol*, 714 F. Supp. 2d 502, 506 (M.D. Pa. 2010).

Using this framework, Mr. Dehghan can make all the threshold showings needed to shift the burden to the government.

A. The six-month period of presumptively reasonable detention expires on April 2, 2026.

The six-month grace period has ended. The *Zadvydas* grace period is linked to the date the final order of removal is issued. It lasts for "six months after a final order of removal—that is, three months after the statutory removal period has ended." *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001). Indeed, the statute defining the beginning of the removal period is linked to the latest of

three dates, all of which relevant here are tied to when the removal order becomes final. 8 U.S.C. § 1231(a)(1)(B).[8]

Mr. Dehghan's order of removal was entered and became final on October 2, 2025. *See* Exhibit A ¶ 3. The six-month *Zadvydas* grace period thus expires on April 2, 2026.

B. There is good reason to believe that there is no significant likelihood of Mr. Dehghan's removal in the reasonably foreseeable future.

Because six months have passed, this Court must evaluate Mr. Dehghan's *Zadvydas* claim using the burden-shifting framework. At the first stage of the framework, there must be "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. This standard can be broken down into three parts.

"Good reason to believe." The "good reason to believe" standard is a relatively forgiving one. "A petitioner need not establish that there exists no possibility of removal." *Freeman v. Watkins*, No. CV B:09-160, 2009 WL 10714999, at *3 (S.D. Tex. Dec. 22, 2009). Nor does "'[g]ood reason to believe' . . . place a burden upon the detainee to demonstrate no reasonably foreseeable, significant likelihood of removal or show that his detention is indefinite; it is something less than that." *Rual v. Barr*, No. 6:20-CV-06215 EAW, 2020 WL 3972319, at *3 (W.D.N.Y. July 14, 2020) (quoting *Senor v. Barr*, 401 F. Supp. 3d 420, 430 (W.D.N.Y. 2019)). In short, the standard means what it says: Petitioners need only give a "good reason"—not prove anything to a certainty.

"No significant likelihood of removal." This component focuses on whether Mr. Dehghan will likely be removed: Continued detention is permissible

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[8] Those dates are, specifically, (1) "[t]he date the order of removal becomes administratively final;" (2) "[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order;" or (3) "[i]f the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement." *Id.*

only if it is "significant[ly] like[ly]" that ICE will be able to remove him. *Zadvydas*, 533 U.S. at 701. This inquiry targets "not only the *existence* of untapped possibilities, but also [the] probability of *success* in such possibilities." *Elashi v. Sabol*, 714 F. Supp. 2d 502, 506 (M.D. Pa. 2010) (second emphasis added). In other words, even if "there remains *some* possibility of removal," a petitioner can still meet its burden if there is good reason to believe that successful removal is not significantly likely. *Kacanic v. Elwood*, No. CIV.A. 02-8019, 2002 WL 31520362, at *4 (E.D. Pa. Nov. 8, 2002) (emphasis added).

"In the reasonably foreseeable future." This component of the test focuses on when Mr. Dehghan will likely be removed: Continued detention is permissible only if removal is likely to happen "in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. This inquiry places a time limit on ICE's removal efforts. If the Court 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." *Palma v. Gillis*, No. 5:19-CV-112-DCB-MTP, 2020 WL 4880158, at *3 (S.D. Miss. July 7, 2020), *report and recommendation adopted*, 2020 WL 4876859 (S.D. Miss. Aug. 19, 2020) (quoting *Singh v. Whitaker*, 362 F. Supp. 3d 93, 102 (W.D.N.Y. 2019)). Thus, even if this Court concludes that Mr. Dehghan "would *eventually* receive" a travel document, he can still meet his burden by giving good reason to anticipate sufficiently lengthy delays. *Younes v. Lynch*, 2016 WL 6679830, at *2 (E.D. Mich. Nov. 14, 2016).

Mr. Dehghan readily satisfies the above standards for three reasons.

First, the United States is currently at war with Iran. Ther are no flights operating out of Iran. https://ir.usembassy.gov/security-alert-iran-march-20-2026-update/.

Second, even before the war, despite Mr. Dehghan's significant efforts to move his case forward, he has no timeframe or indication that he will be removed

to Iran. The last time an ICE agent spoke to him was two to three months ago. Exhibit A ¶ 5. He does not have a travel document. In fact, all he knows is what a representative of the Iranian government told him about two to three months ago: That the government would not issue a travel document to him unless he had his original passport and other identification. Exhibit A ¶ 4. Mr. Dehghan does not have those documents. *Id.* Mr. Dehghan's current impasse provides good reason to shift the burden to the government to prove there is a significant likelihood of Mr. Dehghan's removal in the reasonably foreseeable future.

Third, the government has had six months to work with Iran to get travel documents for Mr. Dehghan. It has been unable to do so all that time. Exhibit A ¶¶ 3-5. This, too, shows there is a good reason to believe Mr. Dehghan will not be deported.

Fourth, even before the war, the historical experiences of Iranian nationals in the United States generally confirm that Mr. Dehghan will not be removed in the reasonably foreseeable future. President Trump concluded last year that Iran "has historically failed to accept back its removable nationals." Presidential Proclamation, June 4, 2025, *supra* page 4 n.5.

Mr. Dehghan is thus similarly situated to the Iranian national ordered released last month in *Ghasedi*, 2025 WL 3699705 at *3–*5. There, as here, "the government has failed to remove him for" years, "states no timeframe for removal, and has not yet obtained a travel document for him from Iran or another country." *Id.* at *3. There, as here, in light of Iran's status as "one of 15 'uncooperative' countries that does not facilitate deportations of its citizens," the habeas petitioner had met his burden under *Zadvydas*. *Id.* Similarly, in *Bunnell v. Noem*, 2025 WL 3707588 at *3–*4, an Iranian who was continuously detained for more than six months met his burden because he "identifie[d] a date and call during which Petitioner was informed by the Iranian consulate that Iran will not accept him" due to insufficient identification.

So too here: The burden shifts to the government. Unless the government can prove a "significant likelihood of removal in the reasonably foreseeable future," Mr. Dehghan must be released. *Zadvydas*, 533 U.S. at 701.

V. This Court must hold an evidentiary hearing on any disputed facts.

Resolution of a prolonged-detention habeas petition may require an evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009). Mr. Dehghan hereby requests such a hearing on any material, disputed facts.

VI. Prayer for relief

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Order and enjoin Respondents to immediately release Petitioner from custody;
2. Enjoin Respondents from re-detaining Petitioner under 8 U.S.C. § 1231(a)(6) unless and until Respondents obtain a travel document for his removal; and
3. Order all other relief that the Court deems just and proper.

Respectfully submitted,

Dated: March 22, 2026

s/ Zandra L. Lopez

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