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7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 ALIAKBAR ROSTAMNE
12 JADCHARATI

13 A 

14 Petitioner,

Case No.: 3:26-cv-01578-DMS-VET

15 **MOTION FOR LEAVE TO**
16 **SUPPLEMENT PETITION FOR**
17 **WRIT OF HABEAS CORPUS**
18 **WITH NEW EVIDENCE JUST**
19 **ACQUIRED**

20 vs

21 Exhibit attached

22 JEREMY CASEY, et al

Honorable Judge: Dana M. Sabraw
United States District Court Judge

23 Respondents.
24

25
26 Petitioner, through counsel, seeks leave from this Court to supplement his
27 original Petition for Writ of Habeas Corpus [Dkt. No. 1] and his position as
28 identified in a Joint Statement/Status Report filed on April 24, 2026 [Dkt. No. 8]

1 pursuant to Federal Rule of Civil Procedure 15(a)(2)

2
3 Petitioner, through counsel, seeks leave from this Court to
4 supplement his original Petition for Writ of Habeas Corpus [Dkt. No. 1] and his
5 position as identified in a Joint Statement/Status Report filed on April 24, 2026
6 [Dkt. No. 8] pursuant to Federal Rule of Civil Procedure 15(a)(2)

7
8 **EVIDENCE SUBMITTED**

9 This motion is based upon the results of Petitioner's removal proceedings
10 held on April 28, 2026 at Imperial Immigration Court. In that hearing, Immigration
11 Judge Drew Nishiyama granted Petitioner's application for Withholding of
12 Removal. (Exhibit 1. Decision and Order of the Immigration Judge.) Obviously,
13 this evidence was unavailable until one day ago and therefore could not have been
14 discovered earlier.

15
16 **RELEVANCE**

17 The Respondent's position in the Joint statement was based the results of a
18 bond hearing on April 21, 2026 where Petitioner's bond was denied based on the
19 immigration judge's finding that Petitioner "poses a significant risk of flight." It
20 proposes the notion that now that Petitioner is found to be a flight risk. Clearly this
21 is one element for this Court to take into consideration when determining Petitioner's
22 eligibility for habeas corpus grant and should be considered along with the
23 constitutionality of detaining Petitioner for over 15 months before Respondents were
24 essentially forced to provide him with a bond hearing. Petitioner submits that his
25 current status as being granted withholding of removal gives him a legal permission
26 to remain in the United States and therefore removes any element of being a flight
27 risk.
28

1 The Ninth Circuit in *Rodriguez v. Robbins*, No. 13-56706 (9th Cir. 2018)
2 established the requirement for bond and custody hearings after six months of
3 detention and placed the burden of proving a detainee was a flight risk on the
4 government. The Board of Immigration Appeals in *Matter of Dobrotvorskii*, 29
5 I&N Dec.211 (BIA 2025) applied the Ninth Circuit *Rodriguez* precedent to affirm
6 that DHS must prove flight risk or danger by clear and convincing evidence for
7 detainees held in California for over six months.
8

9 As Petitioner has been held in custody for over 15 months and as the new
10 decision granting withholding of removal would place a new and substantial
11 element on the Government's burden of proving he is a flight risk, the Court
12 should accept for consideration the new evidence attached
13

14 Respectfully submitted

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16 Dated: April 29, 2026

/s/Ali M. Farahmand

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