

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMIR HUSSEIN BABAKHANLOU,) No.

Petitioner,)

v.)

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241
AND REQUEST FOR INJUNCTIVE
RELIEF**

PAMELA BONDI, Attorney General of
the United States; MARK WAYNE
MULLIN, Secretary, United States
Department of Homeland Security;
JULIO HERNANDEZ, Acting Seattle
Field Office Director, United States
Citizenship and Immigration Services;
BRUCE SCOTT, Warden of Immigration
Detention Facility; and the United States
Immigration and Customs Enforcement,

Respondents.

PRELIMINARY MATTERS

“Congress has clearly indicated that habeas petitioners are entitled to a prompt ruling” on their petition. *Mejia v. Hermosillo*, No. CV25-02196-TMC, 2025 WL 3173842, at *1 (W.D. Wash. Nov. 13, 2025).

Mr. Babakhanlou asks this Court to order Respondents not to remove him from this district while this case is pending, both “[b]ecause transfer of Petitioner to another district could interfere with his access to counsel and ability to participate in the proceedings,” *Tran v. Bondi, et al.*, No. CV25-1897-JLR-BAT, Dkt. 6 at 3 (W.D. Wash. Oct. 7, 2025) (*sua sponte* issuing such an order in a § 2241 case involving an ICE detainee), and “under the Court’s inherent power to preserve its ability to hear the case.” *Alves v. U.S. Dep’t of Just.*, No. EP-25-CV-306-KC, 2025 WL 2629763, at *5

(W.D. Tex. Sep. 12, 2025) (same). *See also M.M. v. Wamsley*, No. CV25-2074-TMC, 2025 WL 3053023, at *1 (W.D. Wash. Oct. 31, 2025) (same).¹

RECITATIONS TO SUBSTANTIALLY CONFORM TO AO 242

Personal Information

1. (a) Name: Amir Hussein Babakhanlou
- (b) Other names used: N/A
2. Place of confinement:
 - (a) Northwest Immigration Processing Center (“NWIPC”)
 - (b) 1623 East J Street, Tacoma, Washington 98241-1615, pursuant to a contractual arrangement with my custodian, the Immigration and Customs Enforcement Field Office Director at Seattle, Washington.
- (c) Case number or numbers [ICE file number, if known]:
Mr. Babakhanlou’s A# has been provided to the government with the filing of this petition.
3. Mr. Babakhanlou is currently being held on orders by federal authorities: United States Immigration and Customs Enforcement.
4. Mr. Babakhanlou is currently being held on an immigration charge.

Decision or Action You Are Challenging

5. What are you challenging in this petition: immigration detention.
6. Provide more information about the decision or action you are challenging:

¹ For just a few examples of other courts issuing such an order in § 2241 cases involving ICE detainees within the past few months (or reflecting the court had previously issued such an order), *see, e.g., Bustos v. Raycraft*, No. 25-13202, 2025 WL 3022294, at *2 (E.D. Mich. Oct. 29, 2025); *Ferro v. Hyde*, No. CV25-513-SDN, 2025 WL 3003708, at *1 (D. Me. Oct. 27, 2025) (order issued same day petition was filed); *Lopez Pop v. Noem*, No. CV25-2589-SSS-SSC, 2025 WL 3050095, at *7 (C.D. Cal. Oct. 3, 2025); *Singh v. Delaney Hall*, No. CV25-16018-GC, 2025 WL 2772644, at *1 (D.N.J. Sep. 29, 2025); *Hom v. Ceja*, No. CV25-2221-WJM-TPO, 2025 WL 2801449, at *2 (D. Colo. Sep. 17, 2025).

(a) Name and location of the agency or court: United States Immigration and Customs Enforcement.

(b) Docket number, case number, or opinion number: Mr. Babakhanlou's A# has been provided to the government with the filing of this petition.

(c) Decision or action you are challenging: Mr. Babakhanlou was initially granted Withholding of Removal through the Convention Against Torture ("CAT") on September 11, 2025. Mr. Babakhanlou was taken into custody by ICE in October 2024 and has remained in custody since. Mr. Babakhanlou has been detained in ICE custody for more than six months following the final removal order issued on September 11, 2025.

Your Earlier Challenges of the Decision or Action

7-9. First, second, and third appeals: N/A

10. Motion under 28 U.S.C. § 2255: N/A

11. Appeals of immigration proceedings:

Does this case concern immigration proceedings? Yes

(a) Date you were taken into immigration custody: August 2024

(b) Date of the removal or reinstatement order: September 11, 2025

(c) Did you file an appeal with the Board of Immigration Appeals? No

(d) Did you appeal the decision to the United States Court of Appeals? No

12. Other than the appeals listed above, have you filed any other petition, application, or motion about the issues raised in this petition? No.

Grounds for Your Challenge in This Petition

I. INTRODUCTION

Petitioner, Amir Hussein Babakhanlou, is presently detained at the Northwest ICE Processing Center ("NWIPC"). Mr. Babakhanlou has been held in immigration custody since his arrest in August 2024. On September 11, 2025, he was ordered

1 removed with a deferral of removal under the Convention Against Torture (“CAT”). He
2 has remained in custody for more than six months since the removal order. Removal to
3 the former country of residence is not reasonably foreseeable. Mr. Babakhanlou’s
4 continued detention is therefore in violation of *Zadvydas v. Davis*, 533 U.S. 678, 689
5 (2001). Mr. Babakhanlou seeks (a) release; (b) an order preventing re-detention unless
6 the government establishes by clear and convincing evidence at a hearing before a
7 neutral decisionmaker that Mr. Babakhanlou is a flight risk or a danger to the
8 community, based on changed circumstances after their most recent release by ICE;
9 (c) an order preventing removal to a third country without notice and meaningful
10 opportunity to respond in compliance with the statute and due process in reopened
11 removal proceedings; and (d) an order barring removal to any third country pursuant to
12 Respondents’ punitive removal policy.

13 **II. JURISDICTION AND VENUE**

14 This case arises under the Constitution of the United States and the Immigration
15 and Nationality Act (“INA”), 8 U.S.C. § 1101, *et seq.*

16 This Court has subject matter jurisdiction under 28 U.S.C. § 2241, *et seq.*
17 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States
18 as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived
19 sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

20 The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et*
21 *seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act, 28
22 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment; and the Court’s
23 inherent equitable powers.

24 Venue is proper in this district under 28 U.S.C. § 1391(e)(1) because
25 Respondents are agencies or officers of agencies of the United States; Respondents
26 Hernandez and Scott reside in this district; and Mr. Babakhanlou is detained in this

1 district. Venue is further proper under 28 U.S.C. § 1391(b)(2) because a substantial part
2 of the events or omissions giving rise to Mr. Babakhanlou's claims occurred in this
3 district.

4 Because Mr. Babakhanlou is seeking relief related only to his custody status,
5 which is not inconsistent with an order of removal, exhaustion of administrative
6 remedies, if any, is not required.

7 **III. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

8 Mr. Babakhanlou is "in custody" for the purpose of § 2241 because he has been
9 detained by Respondent ICE in Tacoma, Washington, since approximately November
10 2024.

11 **IV. PARTIES**

12 Amir Hussein Babakhanlou is a citizen of Iran. He has a final order of removal
13 to Iran and was granted deferral of removal under the Convention Against Torture on
14 September 11, 2025. Mr. Babakhanlou is detained in the control and custody of
15 Respondents at NWIPC. As such, Mr. Babakhanlou is a resident of Tacoma,
16 Washington.

17 Respondent Pamela Bondi is the Attorney General of the United States. In this
18 capacity, Respondent Bondi is the legal custodian of Mr. Babakhanlou. Respondent
19 Bondi is sued in her official capacity.

20 Respondent Markwayne Mullin is the Secretary of the Department of Homeland
21 Security ("DHS"). In this capacity, Respondent Mullin is the legal custodian of
22 Mr. Babakhanlou. Respondent Mullin is sued in his official capacity.

23 Respondent Julio Hernandez is the Acting Field Office Director for ICE
24 Enforcement and Removal Operations ("ERO") in Seattle, Washington. As the ERO
25 Seattle Field Office Director, he is Mr. Babakhanlou's immediate custodian, is
26

1 responsible for his detention at NWIPC, and is the person with the authority to
2 authorize detention or release. Respondent Hernandez is sued in his official capacity.

3 Respondent Bruce Scott is the Warden of the NWIPC, oversees the day-to-day
4 functioning of the NWIPC, and has immediate physical custody of Mr. Babakhanlou
5 pursuant to a contract with ICE to detain noncitizens. Respondent Scott is sued in his
6 official capacity as the Warden of a federal detention facility. *See Juarez v. Asher*, No.
7 CV20-700-JLR-MLP, 2021 WL 1946222, at *3–5 (W.D. Wash. May 14, 2021).

8 Respondent United States Immigration and Customs Enforcement (hereinafter
9 ICE) is the federal executive agency responsible for the enforcement of immigration
10 laws, including the arrest, detention, and removal of noncitizens. Respondent ICE is a
11 legal custodian of Mr. Babakhanlou.

12 **V. BACKGROUND**

13 Mr. Babakhanlou is 32 years old. He was born in Iran and brought to the
14 United States by his family in 2005 when he was eleven. His parents and siblings who
15 live in California are supportive of Mr. Babakhanlou. [REDACTED]
16 [REDACTED] applied for asylum. His asylum application was eventually denied after
17 he failed to appear for a hearing. Around that time, he started experiencing mental
18 health symptoms. He was diagnosed with schizophrenia in 2016.

19 In August 2024, Mr. Babakhanlou was arrested at the U.S. border near Mexico
20 and detained by ICE. A competency assessment was ordered and he was found not
21 competent to represent himself. On September 11, 2025, an immigration judge ordered
22 him removed to Iran but deferred removal under Article III of the Convention Against
23 Torture after finding that Mr. Babakhanlou demonstrated that it is more likely than not
24 he will be tortured if removed to Iran.

25 If released from ICE custody, his family is willing to bring him to California and
26 help him find supportive services for his mental health condition.

VI. PARTICULARIZED FACTS PERTAINING TO MR. BABAKHANLOU'S CONTINUED DETENTION

Mr. Babakhanlou cannot presently be returned to Iran, because the immigration judge granted deferral of removal under the Convention Against Torture. Furthermore, ICE considers Iran as one of only 15 “uncooperative” countries that does not facilitate return of its nationals. Ex. 1. Iran does not “conduct[] interviews, issu[e] travel documents in a timely manner, [or] accept[] the physical return of their nationals by scheduled commercial or charter flights consistent with ICE and/or foreign government removal guidelines.” *Id.* Finally, Iran and the United States are currently engaged in a military conflict. For each of these reasons, removal to Iran is not reasonably foreseeable.

VII. THE LEGAL FRAMEWORK REGARDING INDEFINITE DETENTION PENDING REMOVAL

A. Detention is unconstitutional when there is not a significant likelihood of removal in the reasonably foreseeable future.

Under 8 U.S.C. § 1231, detention of noncitizens who have been ordered removed is mandatory during the so-called 90-day “removal period.” 8 U.S.C. § 1231(a)(1)(A). This period begins on the “date the order of removal becomes administratively final.” 8 U.S.C. § 1231(a)(1)(B)(i). But the *Zadvydas* Court believed that a “serious constitutional threat” under the Fifth Amendment’s Due Process Clause was posed by the indefinite detention of noncitizens. 533 U.S. at 699. The Court therefore interpreted 8 U.S.C. 1231(a)(6) to permit only detention related to the statute’s “basic purpose [of] effectuating [a noncitizen]’s removal[.]” *Id.* at 696–99.

The Court further held that the presumptive period during which the detention is reasonably necessary to effectuate a noncitizen’s removal is six months. After that, the noncitizen is eligible for conditional release if there is “no significant likelihood of removal in the reasonably foreseeable future[.]” *Id.* at 701. After the “presumptively reasonable” period of six months, when the noncitizen can “provide[] good reason to

1 believe that there is no significant likelihood of removal in the reasonably foreseeable
2 future,” then “the Government must respond with evidence sufficient to rebut that
3 showing.” *Id.*

4 The issue is not whether Respondents have been able to remove some
5 individuals to a given country. Rather, the court must make an individualized analysis
6 as to a particular detainee. *See Nguyen v. Scott*, 796 F.Supp.3d 703, 726 (W.D. Wash.
7 Aug. 21, 2025) (stating increase in total number of removals to Vietnam, including
8 those who entered pre-1995, fails to rebut the evidence presented by Petitioner that “his
9 individual circumstances make removal unlikely”). Facts that are part of the analysis
10 here include the Convention Against Torture decision granting withholding of removal
11 to Iran.

12 **VIII. THE LAW PERTAINING TO A NONCITIZEN’S PROCEDURAL DUE**
13 **PROCESS RIGHT NOT TO BE RE-DETAINED ABSENT A HEARING**
14 **ESTABLISHING THAT THE INDIVIDUAL IS EITHER A FLIGHT RISK**
15 **OR A DANGER TO THE COMMUNITY**

16 Mr. Babakhanlou seeks an injunction against future re-detention without pre-
17 deprivation notice and a hearing. Mr. Babakhanlou therefore includes the following
18 discussion, even though he does not allege that his current detention was a result of an
19 illegal re-detention, because it is a necessary prerequisite to seeking that injunction.

20 Procedural due process requires notice and an opportunity to be heard. *Mathews*
21 *v. Eldridge*, 424 U.S. 319, 333–34 (1976). To state a claim for a violation of procedural
22 due process rights, a petitioner must establish (1) a protected property or liberty interest,
23 and (2) a denial of adequate procedural protections. *ASSE Int’l, Inc. v. Kerry*, 803 F.3d
24 1059, 1073 (9th Cir. 2015). The Court must also consider “the Government’s interest,
25 including the function involved and the fiscal and administrative burdens that the
26 additional or substitute procedural requirement would entail.” *Rodriguez Diaz v.*
Garland, 53 F.4th 1189, 1207 (9th Cir. 2022) (quoting *Mathews*, 424 U.S. at 335).

1 Mr. Babakhanlou's interest in not being detained is "the most elemental of
2 liberty interests[.]" *Acosta-Ginori v. Bondi*, No. CV25-02649-RAJ, 2026 WL 221509,
3 at *4 (W.D. Wash. Jan. 28, 2026) (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529
4 (2004)) (granting petition and, 2026 WL 221509, at *7, ordering immediate release
5 with no re-detention "unless and until providing at least 10 days' notice and an
6 opportunity to be heard before an immigration judge to determine whether re-detention
7 is appropriate").

8 Where there is a liberty interest, determining what procedures are due generally
9 requires examining the factors set forth in *Mathews*:

10 First, the private interest that will be affected by the official action;
11 second, the risk of an erroneous deprivation of such interest through the
12 procedures used, and the probable value, if any, of additional or substitute
13 procedural safeguards; and finally, the Government's interest, including
the function involved and the fiscal and administrative burdens that the
additional or substitute procedural requirement would entail.

14 *Id.* (quoting *Mathews*, 424 U.S. at 335).

15 Given that the liberty interest here is "the most elemental," this first factor
16 should weigh heavily in a petitioner's favor. Mr. Babakhanlou's status as a noncitizen
17 does not negate that interest. "While the temporary detention of non-citizens may
18 sometimes be justified by concerns about public safety or flight risk, the Government's
19 discretion to incarcerate non-citizens is always constrained by the requirements of due
20 process[.]" *Tzafir v. Bondi*, No. CV25-02126-JHC, 2026 WL 81759, at *4 (W.D. Wash.
21 Jan. 12, 2026) (quoting *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017)).

22 In fact, as an individual who was previously released by ICE, a petitioner has a
23 higher liberty interest than that of the normal ICE detainee. *See Lecky v. Bondi*,
24 No. CV25-02637-TLF, 2026 WL 266066, at *7 (W.D. Wash. Feb. 2, 2026) ("A
25 released individual had an opportunity to form the enduring attachments of normal life
26 and thus has a heightened liberty interest.") (citation modified).

1 The second factor, risk of an erroneous deprivation of liberty, also weighs in
2 Mr. Babakhanlou's favor. A detainee's prior release to the community on an OREC
3 "reflected ICE's determination that [he] was neither a flight risk nor a danger to the
4 community." *Francisco Lorenzo v. Bondi*, No. CV25-02660-LK, 2026 WL 237501, at
5 *5 (W.D. Wash. Jan. 29, 2026). "Petitioner's re-detention without any change in
6 circumstances or procedure establishes a high risk of erroneous deprivation of his
7 protected liberty interest." *Todd v. Bondi*, No. CV25-02519-JHC, 2026 WL 145725, at
8 *4 (W.D. Wash. Jan. 20, 2026).

9 The final factor, the government's interest in detaining a petitioner without
10 providing a pre-deprivation hearing, also weighs in the petitioner's favor. "[T]he
11 Government's interest in re-detaining non-citizens previously released without a
12 hearing is low[.]" *Lecky*, 2026 WL 266066, at *8 (citation omitted). "While a pre-
13 detention process would impose some administrative burden, that burden is minimal
14 when weighed against the fundamental liberty interest at stake and the high risk of
15 erroneous deprivation. Providing effectively no pre-deprivation process, as ICE did
16 here, is constitutionally insufficient." *Id.*

17 In this district, *see also, e.g., Huy Van Tran v. Bondi*, No. CV25-02335-DGE-
18 TLF, 2025 WL 3725677, at *5 (W.D. Wash. Dec. 24, 2025) (finding that detainee with
19 final order of removal has liberty interest and fact that detainee was allowed to remain
20 in community under order of supervision "only strengthens this interest"); *Khim v.*
21 *Bondi*, No. CV25-02383-RSL, 2025 WL 3653724, at *4 (W.D. Wash. Dec. 17, 2025)
22 (applying the *Mathews* analysis from *E.A. T.-B. v. Wamsley*, 795 F.Supp.3d 1316 (W.D.
23 Wash. 2025), to detainee with final order of removal); *Jimenez v. Bondi*, No. CV25-
24 2167-RSM, 2025 WL 3466925, at *2, *3 (W.D. Wash. Dec. 3, 2025) (finding that
25 petitioner with final order of removal "has a protected liberty interest in his continuing
26 release from custody, and that due process requires that Petitioner receive proper notice

1 and an opportunity to respond before he can be re-detained”; barring re-detention
 2 “without providing adequate notice of the reasons for his re-detention and a meaningful
 3 opportunity to respond”). *Cf. Lopez Dejesus v. Bostock*, No. CV25-01427-JHC-TLF,
 4 2025 WL 3268002 (W.D. Wash. Nov. 24, 2025) (applying *Mathews* factors to conclude
 5 that petitioner was entitled to pre-re-detention due process, even though his detention
 6 was pursuant to the mandatory detention provisions of 8 U.S.C. § 1226(c)).²

7 In any hearing held by the government to justify re-detention, the government
 8 bears the burden of establishing flight risk or danger by clear and convincing evidence.
 9 *See, e.g., Ahmed v. Bondi*, No. CV25-2718-JLR, 2026 WL 252078, at *5 (W.D. Wash.
 10 Jan. 30, 2026) (imposing that standard for any re-detention, citing *Sanchez v. Bondi*,
 11 No. CV25-2573-KKE, 2026 WL 160882, *6 (W.D. Wash. Jan. 21, 2026); *Toktosunov*
 12 *v. Wamsley*, CV25-1724-TL, 2025 WL 3492858, at *6 (W.D. Wash. Dec. 5, 2025)).

13 In addition, the government should be required to meet its burden based on
 14 changed circumstances subsequent to Mr. Babakhanlou’s previous release by ICE. *See,*
 15 *e.g., Hamedani v. Bondi*, No. CV25-02509-JNW, 2026 WL 452424, at *5 (W.D. Wash.
 16 Feb. 18, 2026) (“To the extent the Government seeks to revoke Hamedani’s release and
 17 re-detain him, any such decision must be supported by changed circumstances
 18 demonstrating a significant likelihood that he may be removed in the reasonably
 19 foreseeable future.”); *Kara v. Bondi*, No. CV26-00105-JHC, 2026 WL 322772, at *4
 20 (W.D. Wash. Feb. 6, 2026) (requiring “that the government not re-detain Petitioner
 21 without notice and a hearing and absent changed circumstances”).

22
 23
 24
 25 ² The *Lopez Dejesus* opinion does not mention that detention was pursuant to § 1226(c);
 26 that fact is shown in Respondents’ Return Memorandum, No. CV25-01427-JHC-TLF,
 Dkt. 16 at 1 (W.D. Wash. Oct. 6, 2025).

1 **IX. THE LAW PERTAINING TO A NONCITIZEN'S REGULATORY RIGHT**
2 **NOT TO BE RE-DETAINED ABSENT NOTICE, AN OPPORTUNITY TO**
3 **BE HEARD, AND FINDINGS THAT THE REGULATORY STANDARDS**
4 **FOR RE-DETENTION HAVE BEEN MET**

5 The revocation of a noncitizen's release is governed by 8 C.F.R. § 241.13(i),
6 which authorizes ICE to revoke a noncitizen's release under § 1231 for purposes of
7 removal or for violation of conditions of release. The government may revoke a
8 noncitizen's release and return them to ICE custody due to failure to comply with any
9 of the conditions of release, 8 C.F.R. § 241.13(i)(1), or if, "on account of changed
10 circumstances, the [Immigration] Service determines that there is a significant
11 likelihood that the [noncitizen] may be removed in the reasonably foreseeable future,"
12 *id.* § 241.13(i)(2).

13 Such revocation of release, even if justified by one of the reasons recognized by
14 regulation, requires notice and an opportunity for the noncitizen to be heard. Upon a
15 determination by the government (namely ICE) to re-detain a person previously
16 released following a removal order:

17 the [noncitizen] will be notified of the reasons for revocation of his or her
18 release. [ICE] will conduct an initial informal interview promptly after his
19 or her return to [ICE] custody to afford the [noncitizen] an opportunity to
20 respond to the reasons for revocation stated in the notification. The
21 [noncitizen] may submit any evidence or information that he or she
22 believes shows there is no significant likelihood he or she be removed in
23 the reasonably foreseeable future, or that he or she has not violated the
24 order of supervision. The revocation custody review will include an
25 evaluation of any contested facts relevant to the revocation and a
26 determination whether the facts as determined warrant revocation and
further denial of release.

Id. § 241.13(i)(3).

ICE's decision to re-detain also cannot be arbitrary, but instead is governed by
the factors laid out in 8 C.F.R. § 241.13(f), including:

the history of the [noncitizen's] efforts to comply with the order of
removal, the history of [ICE's] efforts to remove [noncitizens] to the

country in question or to third countries, including the ongoing nature of [ICE's] efforts to remove [the noncitizen] and the [noncitizen's] assistance with those efforts, the reasonably foreseeable results of those efforts, and the views of the Department of State regarding the prospects for removal of [noncitizens] to the country or countries in question.

Id. While courts do not make these determinations in the first instance, they may review them for compliance with the regulation. *See Tran v. Bondi*, No. CV25-01897-JLR, 2025 WL 3140462 (W.D. Wash. Nov. 10, 2025); *Nguyen v. Hyde*, 788 F.Supp.3d 144, 150 (D. Mass. June 20, 2025) (citing *Kong v. United States*, 62 F.4th 608, 620 (1st Cir. 2023)).

X. THE LEGAL FRAMEWORK FOR THIRD-COUNTRY REMOVALS

The immigration laws delineate the proper procedures by which a country may be designated for removal. *See* 8 U.S.C. § 1231(b). These procedures move in incremental steps.

First, an individual with a removal order may designate the country to which they want to be removed, and the government *shall* remove the individual to that country. 8 U.S.C. § 1231(b)(2)(A). The government may disregard that designation if (1) the individual fails to designate a country promptly; (2) the government of that country does not inform the U.S. government finally, within 30 days after the date the U.S. government first inquires, whether the government will accept the individual into that country; (3) the government of the country is not willing to accept the individual into the country; or (4) the government decides that removing the individual to that country is prejudicial to the United States. 8 U.S.C. § 1231(b)(2)(C).

Second, if the individual is not removed to the country they designated under § 1231(b)(2)(A), the government shall remove the individual to the country of which the individual is a “subject, national, or citizen” unless the government of that country does not inform the U.S. government or the individual within 30 days after first inquiry or within another reasonable period of time whether the government will accept the

1 individual into the country or the country is not willing to accept the individual into the
2 country. 8 U.S.C. § 1231(b)(2)(D).

3 Third, if the individual is not removed to either the country of their designation
4 or the country of which they are a subject, national, or citizen, then the government
5 shall remove them to any of the following options: (1) the country from which the
6 individual was admitted to the United States; (2) the country in which is located the
7 foreign port from which the individual left for the United States or for a foreign
8 territory contiguous to the United States; (3) the country in which the individual resided
9 before the individual entered the United States and from which the individual entered
10 the United States; (4) the country in which the individual was born; or (5) the country in
11 which the individual's birthplace is located when the individual was ordered removed.
12 8 U.S.C. § 1231(b)(2)(E). *Only* "[i]f impracticable, inadvisable, or impossible" to
13 remove the individual to any of these countries may the government remove the
14 individual to "another country whose government will accept [them] into that country."
15 8 U.S.C. § 1231(b)(2)(E)(vii).

16 Notwithstanding any of these procedures, the statute prohibits removal to a third
17 country where a person may be persecuted or tortured, a form of protection known as
18 withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A). The government "may not
19 remove [a noncitizen] to a country if the Attorney General decides that the
20 [noncitizen's] life or freedom would be threatened in that country because of the
21 [noncitizen's] race, religion, nationality, membership in a particular social group, or
22 political opinion." *Id.*; *see also* 8 C.F.R. §§ 208.16, 1208.16. Withholding of removal is
23 a mandatory protection.

24 Similarly, Congress codified protections enshrined in the Convention Against
25 Torture ("CAT") prohibiting the government from removing a person to a country
26 where they would be tortured. *See* Foreign Affairs Reform and Restructuring Act of

1 1998 (“FARRA”), Public Law 105–277, div. G, sec. 2242, 112 Stat. 2681, 2631–822 (8
2 U.S.C. § 1231 note) (“It shall be the policy of the United States not to expel, extradite,
3 or otherwise effect the involuntary return of any person to a country in which there are
4 substantial grounds for believing the person would be in danger of being subjected to
5 torture, regardless of whether the person is physically present in the United States.”);
6 28 C.F.R. §§ 200.1, 208.16–208.18, 1208.16–1208.18. CAT protection is also
7 mandatory.

8 To comport with the requirements of due process, the government must provide
9 notice of the third-country removal and an opportunity to respond. Due process requires
10 “written notice of the country being designated” and “the statutory basis for the
11 designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v. Nielsen*, 409
12 F.Supp.3d 998, 1019 (W.D. Wash. 2019); *see also D.V.D. v. U.S. Dep’t of Homeland*
13 *Sec.*, No. CV25-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025) (“All
14 removals to third countries, *i.e.*, removal to a country other than the country or
15 countries designated during immigration proceedings as the country of removal on the
16 non-citizen’s order of removal, must be preceded by written notice to both the non-
17 citizen and the non-citizen’s counsel in a language the non-citizen can understand.”
18 (citation omitted)); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (due process
19 requires notice to the noncitizen of the right to apply for asylum and withholding to the
20 country where they will be removed). The government must be able to show evidence
21 that the third country will accept the individual into that country. *See Himri v. Ashcroft*,
22 378 F.3d 932, 939 (9th Cir. 2004), *amended sub nom. El Himri v. Ashcroft*, No. 03-
23 71152, 2004 WL 1879255 (9th Cir. Aug. 24, 2004) (“[A]t the time the government
24 proposes a country of removal pursuant to § 1231(b)(2)(E)(vii), the government must
25 be able to show that the proposed country *will* accept the [individual].”).
26

1 Due process also demands that the government “ask the noncitizen whether he or
2 she fears persecution or harm upon removal to the designated country and memorialize
3 in writing the noncitizen’s response. This requirement ensures DHS will obtain the
4 necessary information from the noncitizen to comply with § (b)(3) and avoids [a dispute
5 about what the officer and noncitizen said].” *Aden*, 409 F.Supp.3d at 1019; *cf. D.V.D.*,
6 2025 WL 1453640, at *1 (“Following notice, the individual must be given a meaningful
7 opportunity, and a minimum of ten days, to raise a fear-based claim for CAT protection
8 prior to removal.”) (emphasis omitted).

9 If the noncitizen claims fear, measures must be taken to ensure that the
10 noncitizen can seek asylum, withholding, and relief under CAT before an immigration
11 judge in reopened removal proceedings. *Cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring
12 the government to move to reopen the noncitizen’s immigration proceedings if the
13 individual demonstrates “reasonable fear” and to provide “a meaningful opportunity,
14 and a minimum of fifteen days, for the non-citizen to seek reopening of their
15 immigration proceedings” if the noncitizen is found to not have demonstrated
16 “reasonable fear”); *Aden*, 409 F.Supp.3d at 1019 (requiring notice and time for a
17 respondent to file a motion to reopen and seek relief).

18 Finally, notice of the country to which the noncitizen will be removed must not
19 be “last minute” because that would deprive an individual of a meaningful opportunity
20 to apply for fear-based protection from removal. *Andriasian*, 180 F.3d at 1041. They
21 must have time to prepare and present relevant arguments and evidence and to seek
22 reopening of their removal case.

23 **XI. FACTS PERTAINING TO PUNITIVE BANISHMENT TO THIRD** 24 **COUNTRIES**

25 Since January 2025, Respondents have developed and implemented a policy and
26 practice of removing individuals to third countries, without first following the

1 procedures in the INA for designation and removal to a third country and without
2 providing fair notice and an opportunity to contest the removal in immigration court.

3 Respondents reportedly have negotiated with at least 58 countries to accept
4 deportees from other nations. On June 25, 2025, the *New York Times* reported that
5 seven countries—Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and
6 Rwanda—had agreed to accept deportees who are not their own citizens.³ Since then,
7 ICE has carried out highly publicized third-country deportations to South Sudan and
8 Eswatini. It also attempted—and completed—an “end-run” around the protections of
9 the Convention Against Torture by deporting a group of migrants to Ghana, which sent
10 them on to their countries of citizenship despite fears of persecution.

11 Punishment and deterrence appear to be the point of the Administration’s third-
12 country removal scheme. The Administration has reportedly negotiated with countries
13 to have deportees imprisoned in prisons, camps, or other facilities. The government
14 paid El Salvador about \$5 million to arbitrarily and indefinitely imprison more than 200
15 deported Venezuelans in a maximum-security prison notorious for gross human rights
16 abuses, known as CECOT. In February 2025, Panama and Costa Rica took in hundreds
17 of deportees from countries in Africa and Central Asia and imprisoned them in hotels, a
18 jungle camp, and a detention center. On July 4, 2025, ICE deported eight men,
19 including one pre-1995 Vietnamese refugee, to South Sudan. The men have been
20 detained incommunicado ever since. On July 15, 2025, ICE deported five men to the
21 tiny African nation of Eswatini, including one man from Vietnam, where they are
22 reportedly being held in solitary confinement.

23 The Administration has hand-selected countries known for human rights abuses
24 and instability for these third-country deportation agreements to frighten people in the

25 ³ Edward Wong, et al., *Inside the Global Deal-Making Behind Trump’s Mass*
26 *Deportations*, N.Y. Times (June 25, 2025), <https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html> [<https://perma.cc/64G9-XYGB>].

1 United States into self-deporting or to accept removal to their home countries. Indeed,
2 conditions in South Sudan are so extreme that the U.S. State Department website warns
3 Americans not to travel there, and, if they do, to prepare their will, make funeral
4 arrangements, and appoint a hostage-taker negotiator first.

5 On July 9, 2025, ICE issued a new memo stating that, when seeking to remove
6 an individual to a country not designated on the removal order, ICE may deport that
7 person without any procedures for notice or an opportunity to be heard if the State
8 Department confirms it has received diplomatic assurances that individuals will not be
9 persecuted or tortured. If no diplomatic assurances are received, the ICE memo
10 instructs officers to serve on the individual a Notice of Removal that includes the
11 intended country of removal. It instructs officers not to ask whether the individual is
12 afraid of removal to that country. It states that officers should “generally wait at least 24
13 hours following service of the Notice of Removal before effectuating removal” but that
14 “[i]n exigent circumstances, [ICE] may execute a removal order six (6) or more hours
15 after service of the Notice of Removal as long as the [noncitizen] is provided
16 reasonable means and opportunity to speak with an attorney prior to removal.”

17 The memo further instructs that if the noncitizen “does not affirmatively state a
18 fear of persecution or torture if removed to the country of removal listed on the Notice
19 of Removal within 24 hours, [ICE] may proceed with removal to the country identified
20 on the notice.” If the noncitizen “does affirmatively state a fear if removed to the
21 country of removal,” then ICE will refer the case to U.S. Citizenship and Immigration
22 Services (“USCIS”) for a screening for eligibility for withholding of removal and
23 protection under the Convention Against Torture. “USCIS will generally screen within
24 24 hours.” If USCIS determines that the noncitizen does not prove to the screener’s
25 satisfaction that it is more likely than not that the noncitizen will be tortured, the
26 individual will be removed. This imposes on the noncitizen a higher standard than the

1 “reasonable fear” and “credible fear” standards found in the INA. If USCIS determines
 2 that the noncitizen has met the standard, then the policy directs ICE to either move to
 3 reopen removal proceedings “for the sole purpose of determining eligibility for
 4 [withholding of removal protection] and CAT” or designate another country for
 5 removal.

6 The eight men who were ultimately deported to South Sudan all claimed fear of
 7 removal to South Sudan. None of those men were provided a fear screening by a
 8 USCIS officer or otherwise, despite the fact that they were held by ICE for six weeks
 9 on a U.S. military base in Djibouti before their final removal to South Sudan.

10 This practice and policy continues unabated. *See* Pranav Baskar and Hamed
 11 Aleaziz, *U.S. Deports Nine Migrants in Secret, Ignoring Legal Protections*, N.Y. Times
 12 (Feb. 14, 2026), [https://www.nytimes.com/2026/02/14/world/africa/us-secret-](https://www.nytimes.com/2026/02/14/world/africa/us-secret-deportation-cameroon.html?smid=nytcore-ios-share)
 13 [deportation-cameroon.html?smid=nytcore-ios-share](https://www.nytimes.com/2026/02/14/world/africa/us-secret-deportation-cameroon.html?smid=nytcore-ios-share) [<https://perma.cc/HX2S-MTZD>].
 14 The article details how the individuals—who had court orders preventing them from
 15 being returned to their home countries—did not know they were being sent to
 16 Cameroon “until they were handcuffed and chained on a Department of Homeland
 17 Security flight[.]” *Id.* Since arrival, they have been detained in a state-owned compound
 18 and told by authorities “they cannot leave the facility unless they agree to return to their
 19 home countries, from which they fled to escape war or persecution.”

20 **XII. THE LAW GOVERNING PUNITIVE REMOVAL PRACTICES**

21 It is bedrock law that the U.S. government may not impose or inflict an infamous
 22 punishment for violations of civil immigration law. In 1896, the U.S. Supreme Court
 23 ruled that while deportation itself was not a punishment, the government could not
 24 attach punitive conditions to deportation—in that case, imprisonment at hard labor—
 25 absent a criminal charge, trial in a court of law, and the protections of the Fifth, Sixth,
 26 and Eighth Amendments. *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).

1 Importantly, the Court distinguished deportation, which the Court reasoned is
 2 “not a ‘banishment,’ in the sense in which that word is often applied to the expulsion of
 3 a citizen from his country by way of punishment,” from government actions aimed at
 4 punishment, such as imprisonment at hard labor in addition to deportation. *Id.* at 236.
 5 The Court explained that deportation “is but a method of enforcing the return to his own
 6 country of [a noncitizen] who has not complied with the conditions upon the
 7 performance of which the government of the nation, acting within its constitutional
 8 authority and through the proper departments, has determined that his continuing to
 9 reside here shall depend.” *Id.* (quoting *Fong Yue Ting v. United States*, 149 U.S. 730
 10 (1893)). But the Court admonished that the government may not “declare unlawful
 11 residence within the country to be an infamous crime, punishable by deprivation of
 12 liberty and property . . . unless provision were made that the fact of guilt should first be
 13 established by a judicial trial.” *Id.* at 237.

14 Deportation of individuals to third countries to be imprisoned or harmed is
 15 unquestionably punishment.

16 **XIII. THE LAW GOVERNING INJUNCTIVE RELIEF**

17 “An injunction is appropriate when the party seeking relief demonstrates that:
 18 (1) it is likely to suffer irreparable injury that cannot be redressed by an award of
 19 damages; (2) that “considering the balance of hardships between the plaintiff and
 20 defendant, a remedy in equity is warranted”; and (3) “that the public interest would not
 21 be disserved by a permanent injunction.” *City & Cnty. of San Francisco v. Trump*, 897
 22 F.3d 1225, 1243 (9th Cir. 2018).

Grounds for Relief

Ground One: Mr. Babakhanlou's Continued Detention in Immigration Custody Violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution Because There Is No Significant Likelihood that Mr. Babakhanlou Will Be Removed in the Reasonably Foreseeable Future.

The allegations in the above paragraphs are realleged and incorporated herein.

Because Mr. Babakhanlou's removal order became final on September 11, 2025, the removal period has long since expired, and detention is no longer required under 8 U.S.C. § 1231. In addition, the presumptively reasonable period of six months has passed; Mr. Babakhanlou has remained in ICE for the six months since the immigration judge deferred the order of removal under the Convention Against Torture.

There is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future[.]" *Zadvydas*, 533 U.S. at 701. The immigration court granted deferral of removal under the Convention Against Torture; Iran has been designated an uncooperative country which does not accept removals; and the United States and Iran are currently engaged in a military conflict. There is no reason to believe Mr. Babakhanlou will be removed in the reasonably foreseeable future.

Therefore, the burden shifts to the government to rebut that showing. The government cannot meet that burden under the facts of this case. *See Nguyen*, 796 F.Supp.3d 703, 739 (granting preliminary injunction requiring release under *Zadvydas*); *Tang*, 2025 WL 2637750, at *6 (same).

Ground Two: Procedural Due Process

The allegations in the above paragraphs are realleged and incorporated herein.

Mr. Babakhanlou has a liberty interest in not being re-detained. Applying the three-factor test of *Mathews*, that interest is high. The risk of any erroneous deprivation is also high, given that Respondents have a policy to round up as many noncitizens as possible. *See, e.g.,* Jose Olivares, "Trump administration sets quota to arrest 3,000

1 people a day in anti-immigration agenda,” The Guardian (May 29, 2025),
2 <https://www.theguardian.com/us-news/2025/may/29/trump-ice-arrest-quota>
3 [<https://perma.cc/6P5L-NUDM>].

4 In addition, the cost to the government of providing a hearing is low, and
5 significantly outweighed by the other factors.

6 As to Mr. Babakhanlou’s prayer for injunctive relief barring a new re-detention
7 absent due process, the requirements for injunctive relief are met. His prospective
8 unlawful re-detention would constitute an irreparable injury that could not be redressed
9 by an award of damages. Second, the balance of hardships is completely in
10 Mr. Babakhanlou’s favor: Mr. Babakhanlou risks unlawful re-detention, while
11 Respondents suffer no hardship by being prevented from following their unlawful re-
12 detention practices. Finally, the public interest would affirmatively be served by barring
13 Respondents’ unlawful practice.

14 Furthermore, there is a significant likelihood that Respondents would seek to
15 again re-detain Mr. Babakhanlou unlawfully. Respondents have a policy to round up as
16 many noncitizens as possible. *See, e.g.*, Jose Olivares, “Trump administration sets quota
17 to arrest 3,000 people a day in anti-immigration agenda,” The Guardian (May 29,
18 2025), <https://www.theguardian.com/us-news/2025/may/29/trump-ice-arrest-quota>
19 [<https://perma.cc/6P5L-NUDM>].

20 **Ground Three: Violation of the Fifth Amendment, 8 U.S.C. § 1231,**
21 **Convention Against Torture, Implementing Regulations, and the**
22 **Administrative Procedure Act**

23 The allegations in the above paragraphs are realleged and incorporated herein.

24 The Fifth Amendment, the INA, the CAT, and implementing regulations
25 mandate meaningful notice and opportunity to respond to any attempt to remove
26 Mr. Babakhanlou to a third country in reopened removal proceedings. They also require
an opportunity for Mr. Babakhanlou to make a fear-based claim against removal to a

1 third country in reopened removal proceedings. Respondents' policy for third-country
2 removals violates all of these laws because it directs ICE agents to remove individuals
3 to third countries without any notice or process *at all* where diplomatic assurances are
4 received and, where no diplomatic assurances are received, to provide flagrantly
5 insufficient notice (6–24 hours) and opportunity to respond, in violation of the statute,
6 regulations, and Fifth Amendment.

7 Prior to any third-country removal, Mr. Babakhanlou must be provided with
8 constitutionally and statutorily compliant notice and an opportunity to respond and
9 contest that removal if he has a fear of persecution or torture in that country in reopened
10 removal proceedings. *See Nguyen*, 796 F.Supp.3d 703, 739 (granting preliminary
11 injunction against “removing Petitioner to a country other than [home country] without
12 notice and a meaningful opportunity to be heard in reopened removal proceedings with
13 a hearing before an immigration judge”).

14 Furthermore, the requirements for injunctive relief are met. Mr. Babakhanlou's
15 prospective unlawful re-detention would constitute an irreparable injury that could not
16 be redressed by an award of damages. Second, the balance of hardships is completely in
17 Mr. Babakhanlou's favor: Mr. Babakhanlou risks unlawful removal to a third country,
18 while Respondents suffer no hardship by being prevented from following their unlawful
19 re-detention practices. Finally, the public interest would affirmatively be served by
20 barring Respondents' unlawful practice.

21 In addition, the matter is ripe. The facts set forth above—including Respondents'
22 stated policy regarding third-country removals—make it reasonably likely that
23 Respondents would seek to remove Mr. Babakhanlou to a third country without
24 complying with their regulatory and constitutional obligations to provide
25 Mr. Babakhanlou with notice and an opportunity to be heard.

Ground Four: Punitive Third-Country Banishment; Violation of Fifth and Eighth Amendments

The allegations in the above paragraphs are realleged and incorporated herein.

Under the Fifth Amendment to the U.S. Constitution, no person shall “be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury”; “be subject for the same offence to be twice put in jeopardy of life or limb”; or “be deprived of life, liberty, or property, without due process of law.”

The Eighth Amendment provides that no “cruel and unusual punishments” may be inflicted.

The U.S. Supreme Court long ago held that the government may not inflict upon individuals an “infamous punishment” in addition to deportation as a penalty for an immigration violation, absent criminal charges, a judicial trial, and attendant constitutional protections. *Wong Wing*, 163 U.S. at 236–38.

Mr. Babakhanlou was convicted and completed any sentences for his criminal convictions. Mr. Babakhanlou’s convictions arguably made him removable from the United States, but the convictions do not authorize the government to inflict, as a matter of executive policy and discretion, additional punishment on Mr. Babakhanlou. Respondents’ third-country removal program is punitive in both its nature and its execution.

The government has arranged for third countries to receive deportees and imprison them on arrival, possibly indefinitely, and often in abhorrent conditions. It has selected countries notorious for human rights abuses and instability for third-country removal arrangements. It has targeted individuals with criminal convictions for third-country removals, where they will be imprisoned and harmed, and has publicly broadcast those removals to demonize and dehumanize the individuals subjected to

1 these practices and strike fear in the immigrant community to send a message of
2 retribution and deterrence.

3 Respondents' third-country removal program is more than a publicity stunt. The
4 hundreds of individuals who have already been subjected to it have been banished in
5 foreign prisons upon arrival without charge and often without communication with the
6 outside world, including their families and lawyers. Respondents may not subject
7 Mr. Babakhanlou to their third-country removal program which is designed to impose a
8 severe punishment on their subjects. Such conduct "shocks the conscience" under Fifth
9 Amendment substantive due process, is cruel and unusual punishment, and may not be
10 imposed without charge and a judicial trial.

11 Respondents may not seek to remove Mr. Babakhanlou to a third country under
12 their punitive banishment policy and practices. *See Nguyen*, 796 F.Supp.3d 703, 739
13 (granting preliminary injunction against "removing Petitioner to any country where he
14 is likely to face imprisonment upon arrival").

15 The criteria for an injunction in this case are met. First, unlawful removal to a
16 third country risks irreparable injury that could not be redressed by an award of
17 damages. Second, the balance of hardships is completely in Mr. Babakhanlou's favor:
18 Mr. Babakhanlou risks removal to a third country where unwarranted punishment may
19 result, and Respondents suffer no hardship by being prevented from following their
20 unlawful removal policies. Finally, the public interest would affirmatively be served by
21 barring Respondents' unlawful policies. Given the potential for Respondents to attempt
22 a rapid and unlawful removal, Mr. Babakhanlou would have no opportunity to seek
23 injunctive relief at that time.

24 Furthermore, the matter is ripe. The facts set forth above—including
25 Respondents' stated policy regarding third-country removals—make it reasonably
26

1 likely that Respondents would seek to remove Mr. Babakhanlou to a third country with
2 a punitive intent and punitive result.

3 **Prayer for Relief**

4 Mr. Babakhanlou respectfully requests that this Court:

5 (a) Assume jurisdiction over this action;

6 (b) Order Respondents to release Mr. Babakhanlou from custody. Given
7 Mr. Babakhanlou's mental health condition and prior finding of incompetency,
8 Mr. Babakhanlou requests the following:

9 (i) Rather than immediate release from custody, Mr. Babakhanlou asks
10 that ICE be ordered to release Mr. Babakhanlou from custody 72 hours after this Court
11 grants the Petition and require ICE to provide counsel 24 hours' notice of the date and
12 time of Mr. Babakhanlou's release so his family can meet him and travel with him back
13 to California; and

14 (ii) Mr. Babakhanlou requests an order that ICE not require
15 Mr. Babakhanlou to wear a GPS monitor as a condition of release. Mr. Babakhanlou's
16 significant mental health issues would make GPS monitoring difficult, if not
17 impossible, and GPS monitoring would exacerbate his mental health symptoms.

18 (c) Order Respondents to, within 24 hours of his release, provide the Court
19 with a declaration confirming that Mr. Babakhanlou has been released from custody;

20 (d) Order that Respondents may not re-detain Mr. Babakhanlou without first
21 holding a hearing before a neutral decisionmaker at which the government bears the
22 burden of establishing flight risk or danger to the community by clear and convincing
23 evidence based on changed circumstances since Mr. Babakhanlou was previously
24 released;

25 (e) Order that the government may not otherwise re-detain Mr. Babakhanlou
26 unless the government:

- (1) obtains a valid travel document to a third country for him,
- (2) provides the valid travel document to him and his counsel,
- (3) gives him opportunity to challenge the third country removal as detailed in other grounds.

(f) Order that Respondents may not remove or seek to remove Mr. Babakhanlou to a third country without notice and meaningful opportunity to respond in compliance with the statute and due process in reopened removal proceedings;

(g) Order that Respondents may not remove Mr. Babakhanlou to any third country where he is likely to face imprisonment or other punishment upon arrival; and

(h) Order all other relief that the Court deems just and proper.

Verification Pursuant to LCR 100(e)

Counsel verifies that this petition is authorized by Mr. Babakhanlou. It does not personally bear Mr. Babakhanlou's signature because of the significant difficulty for counsel in meeting with Mr. Babakhanlou in person and because mailing the petition to Mr. Babakhanlou and having it mailed back would cause delay that would only extend the period of his unlawful detention. Counsel knows the facts asserted above or alleges them on information and belief, based on information obtained from the government and/or Mr. Babakhanlou.

DATED this 25th day of March 2026.

Respectfully submitted,

s/ Dennis Carroll
Senior Litigator
Office of the Federal Public Defender
Attorney for Amir Hussein Babakhanlou