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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

Reza Ansari
A No. [REDACTED]
Eloy Detention Center
1705 E. Hanna Rd.
Eloy, Arizona 85131

PRO SE

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Case No. **CV26-02004-PHX-DJH--DMF**

Reza Ansari (A No. [REDACTED]),
Petitioner;

v.

Eric Rokowsky,
Warden, Eloy Detention Center;

Christopher McGregor,
United States Immigration and Customs
Enforcement Phoenix Field Office Director;

Todd Lyons,
Director, United States Immigration and
Customs Enforcement;

Kristi Noem,
Secretary, United States Department of
Homeland Security;

Pamela Bondi,
United States Attorney General
Respondents.

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

Petitioner, Reza Ansari (A No. [REDACTED]), petitions this Court for a writ of
habeas corpus to remedy Petitioner's indefinite detention by Respondents.

JURISDICTION AND VENUE

1
2 1. This Court has subject matter jurisdiction and may grant relief under 28
3 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 1331
4 (federal question). This Court also has jurisdiction to hear this case under the Suspension
5 Clause of Article I of the United States Constitution. *INS v. St. Cyr*, 533 U.S. 289 (2001).
6

7 2. Because Petitioner challenges his custody, jurisdiction is proper in this Court.
8 While the courts of appeals have jurisdiction to review removal orders through petitions for
9 review, *see* 8 U.S.C. §§ 1252(a)(1) and (b), the federal district courts have jurisdiction under
10 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness of their
11 detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001); *Nadarajah v.*
12 *Gonzales*, 443 F.3d 1069, 1075-76 (9th Cir. 2006).
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14

15 3. Petitioner has exhausted any and all administrative remedies to the extent
16 required by law.

17 4. Venue is proper in the District of Arizona pursuant to 28 U.S.C §§ 1391(b)
18 and (e) because a substantial part of the events or omissions giving rise to these claims
19 occurred in this district. All material decisions have been made by the Phoenix Field Office
20 of Immigration and Customs Enforcement (ICE), which is located in this judicial district,
21 and Petitioner is detained in this district.
22

23 **PARTIES**

24
25 5. Petitioner is a noncitizen who is currently detained by Immigration and
26 Customs Enforcement (ICE) at the Eloy Detention Center in Eloy, Arizona.

27 6. Respondent Christopher McGregor is the Field Office Director for the
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1 Phoenix Field Office of ICE. He has the authority to order Petitioner's release or continued
2 detention. As such, he is a legal custodian of Petitioner.

3 7. Respondent Todd Lyons is the Director of ICE. As the head of ICE, an agency
4 within the United States Department of Homeland Security that detains and removes certain
5 noncitizens, s/he is a legal custodian of Petitioner.

6 8. Respondent Kristi Noem is the outgoing Secretary of the United States
7 Department of Homeland Security. She is responsible for the implementation and
8 enforcement of the immigration laws and oversees ICE. As such, she has ultimate custodial
9 authority over Petitioner.

10 9. Respondent Pamela Bondi is the Attorney General of the United States. She
11 is named in her official capacity.

12 10. Respondent Eric Rokowsky is Warden of Eloy Detention Center and is also
13 a legal and physical custodian of Petitioner.

14 11. All Respondents are sued in their official capacities.

15 **FACTUAL ALLEGATIONS**

16 12. Petitioner Reza Ansari was born in Iran on 

17 13. Petitioner applied for admission to the United States using fraudulent
18 documents on or about April 15, 2008. Petitioner was then placed into expedited removal
19 and had a credible fear interview. On May 30, 2008, an immigration judge in El Paso, Texas
20 affirmed the Asylum Officer's negative credible fear determination and ordered Petitioner
21 removed to Iran. As a result, Petitioner's order of expedited removal under 8 U.S.C. §
22 1225(b)(1) became effective on May 30, 2008.
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1 14. Removal was thwarted because the Iranian Interests Section of the Embassy
2 of Pakistan declined to issue travel documents absent an original birth certificate, which
3 Petitioner does not possess. Consequently, Petitioner was released from DHS custody on
4 January 5, 2009 on an Order of Supervision.
5

6 15. Petitioner was convicted of "Attempted illegal entry by false and misleading
7 representation," 8 USC 1325(a)(3), on April 23, 2008 in the Western District Court of
8 Texas. In January of 2013, he was charged with vandalism of property in Massachusetts
9 and was placed on probation. The charge was dismissed on the recommendation of the
10 Massachusetts Probation Department following completion of his probation period and a
11 subsequent department hearing held in June 2014. Petitioner has no other known charges or
12 convictions.
13
14

15 16. Petitioner was detained by Immigration and Customs Enforcement on or
16 about June 3, 2025 after attending an ICE check-in in Jacksonville, Florida. Petitioner has
17 remained in ICE custody since that date.
18

19 17. Petitioner received a document titled "Decision to Continue Detention" from
20 ICE on or about October 27, 2025. Petitioner received a second "Decision to Continue
21 Detention" from ICE on or about November 10, 2025.
22

23 18. Petitioner has cooperated fully with all of ICE's efforts to remove Petitioner.
24 To the best of his knowledge, he has attended all ICE check-ins that were required of him
25 prior to his detention.

26 19. ICE has been unable to remove Petitioner from the United States for the past
27 18 years. Now, ICE is still unlikely to be able to remove Petitioner because of poor
28

1 diplomatic ties with Iran as well as an ongoing war.

2 LEGAL FRAMEWORK

3 **A. Zadvydas Prohibits Indefinite Detention**

4
5 20. In *Zadvydas v. Davis*, the Supreme Court held that the immigration statute 8
6 U.S.C. § 1231(a)(6) does not allow ICE to detain a noncitizen indefinitely while attempting
7 to carry out removal. 533 U.S. 678, 689 (2001). Because of the “serious constitutional
8 problem” posed by indefinite detention, the Court read the statute to limit a noncitizen’s
9 detention to “a period reasonably necessary to bring about that alien’s removal from the
10 United States.” *Id.*

11
12 21. The Court also recognized six months as the “presumptively reasonable
13 period” of post-removal order detention. *Id.* at 701. After six months, once the noncitizen
14 provides “good reason to believe that there is no significant likelihood of removal in the
15 reasonably foreseeable future,” the burden shifts to the government to rebut that showing.
16 *Id.* Moreover, “as the period of prior post-removal confinement grows, what counts as the
17 ‘reasonably foreseeable future’ conversely would have to shrink.” *Id.*

18
19
20 22. In *Clark v. Martinez*, the Supreme Court held that its ruling in *Zadvydas*
21 applies equally to noncitizens who have never been admitted to the United States. 543 U.S.
22 371 (2005).

23 **B. Due process requires notice and a meaningful opportunity to be heard before**

24 **Petitioner is removed to a third country not specified in the IJ’s order.**

25
26 23. Prior to any third country removal, ICE must provide Petitioner with sufficient
27 notice and an opportunity to respond and apply for fear-based relief as to that country, in
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1 compliance with 8 U.S.C. 1231(b)(3)(A), the Due Process Clause, and a binding
2 international treaty, the Convention Against Torture and Other Cruel, Inhuman or
3 Degrading Treatment or Punishment ("CAT"). See 8 C.F.R. § 208.18 (implementing
4 CAT).
5

6 24. The U.S. District Court for the District of Massachusetts previously issued a
7 nationwide preliminary injunction blocking such third country removals without notice and
8 a meaningful opportunity to apply for relief under CAT, in recognition that the
9 government's policy violates due process and the United States' obligations under
10 CAT. *D.V.D. v. U.S. Dep't of Homeland Security*, 778 F. Supp. 3d 355 (D. Mass. Apr. 18,
11 2025). The U.S. Supreme Court has since granted the government's motion to stay the
12 injunction on June 23, 2025, just before the Court issued *Trump v. Casa*, 606 U.S. ____
13 (2025) (June 27, 2025) limiting nationwide injunctions. The government has vehemently
14 argued that 8 U.S.C. § 1252(f)(1) precludes nationwide injunctive relief. Thus, the Supreme
15 Court's order, which is not accompanied by an opinion, signals likely disagreement with
16 the preliminary injunctive relief provided for the nationwide class, as opposed to any
17 disagreement as to the substance of the statutory rights determined by the district court
18 in *D.V.D.*
19
20
21

22 25. Thus, if Petitioner were to be removed to any third country, it would violate
23 Petitioner's statutory and due process rights unless Petitioner is first provided with
24 constitutionally adequate notice and a meaningful opportunity to apply for protection under
25 the INA and CAT. In the absence of any other injunction, intervention by this Court is
26 necessary to protect those rights.
27
28

1 **C. Regulations on Revocation of Release**

2 26. ICE may revoke the release of certain noncitizens released on an OSUP under two
3 categories of circumstances. First, a noncitizen's release can be revoked if they violate the
4 conditions of release. 8 C.F.R. § 241.4(l)(1). Alternately, the Executive Associate
5 Commissioner (or a District Director) can revoke release on conditions and re-detain a
6 noncitizen when (1) the purposes of release have been served, (2) the noncitizen violated
7 any condition of release, (3) "it is appropriate to enforce a removal order or to commence
8 removal proceedings," or (4) "release would no longer be appropriate" due to the
9 noncitizen's conduct. 8 C.F.R. § 241.4(l)(2).
10

11
12 27. In either case, the noncitizen is entitled to receive notice of the reasons for
13 revocation and a "prompt" informal interview to respond to the reasons for revocation. If
14 the noncitizen demonstrates that they did not violate the conditions of release, they can be
15 released following the interview. 8 C.F.R. § 241.4(l)(3).
16

17 **CLAIM FOR RELIEF**

18 **Count I – Violation of 8 U.S.C. § 1231(a) as interpreted *Zadvydas***

19
20 28. The foregoing allegations are realleged and incorporated herein.

21 29. Petitioner's continued detention is unlawful and violates 8 U.S.C. § 1231(a)(6) as
22 interpreted by the Supreme Court in *Zadvydas*. The six-month presumptively reasonable
23 period of detention has expired and Petitioner has provided good reason to believe that his
24 removal is not significantly likely to occur in the reasonably foreseeable future. Therefore,
25 Respondents lack authority to continue detaining Petitioner.
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Count II – Procedural Due Process
Unconstitutionally Indefinite Detention
U.S. Const. amend. V

30. Petitioner re-alleges and incorporates herein by reference, as if set forth fully herein, the allegations in all the preceding paragraphs.

31. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty “without due process of law.” U.S. Const. amend. V,

32. Other than as punishment for a crime, due process permits the government to take away liberty only “in certain special and narrow nonpunitive circumstances ... where a special justification ... outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690. Such special justification exists only where a restraint on liberty bears a “reasonable relation” to permissible purposes. *Jackson*, 406 U.S. at 738; *see also Foucha v. Louisiana*, 504 U.S. 71, 79 (1992). In the immigration context, those purposes are “ensuring the appearance of aliens at future immigration proceedings and preventing danger to the community.” *Zadvydas*, 533 U.S. at 690 (quotations omitted).

33. Those substantive limitations on detention are closely intertwined with procedural due process protections. *Foucha*, 504 U.S. at 78-80. Noncitizens have a right to adequate procedures to determine whether their detention in fact serves the purposes of ensuring their appearance or protecting the community. *Id.* at 79; *Zadvydas*, 533 U.S. at 692; *Casas-Castrillon v. Dep’t of Homeland Sec.*, 535 F.3d 942, 949 (9th Cir. 2008). Where laws and regulations fail to provide such procedures, the habeas court may assess whether the noncitizen’s immigration detention is reasonably related to the purposes of ensuring his

1 appearance or protecting the community, *Zadvydas*, 533 U.S. at 699, or require release.

2 34. Under this framework, Petitioner's release is required because his detention violates
3 his due process rights.
4

5 35. His continued detention without any reasonably foreseeable end point is thus
6 unconstitutionally prolonged in violation of clear Supreme Court precedent. *Zadvydas*, 533
7 U.S. at 701.
8

9 36. Moreover, because Petitioner poses no danger or flight risk, his detention is not
10 reasonably related to its claimed purpose and is unlawful.

11 **Count III – Procedural Due Process**

12 **Unconstitutionally Inadequate Procedures Regarding Third Country Removal**

13 **U.S. Const. amend. V**

14 37. Petitioner re-alleges and incorporates herein by reference, as if set forth fully
15 herein, the allegations in all preceding paragraphs.

16 38. The Due Process Clause of the Fifth Amendment requires sufficient notice and an
17 opportunity to be heard prior to the deprivation of any protected rights. U.S. Const. amend.
18 V; *see also Louisiana Pacific Corp. v. Beazer Materials & Services, Inc.*, 842 F. Supp.
19 1243, 1252 (E.D. Cal. 1994) (“[D]ue process requires that government action falling
20 within the clause's mandate may only be taken where there is notice and an opportunity
21 for hearing.”).
22

23 39. Petitioner has a protected interest in his life. Thus, prior to any third country
24 removal, Petitioner must be provided with constitutionally compliant notice and an
25 opportunity to respond and contest that removal if he has a fear of persecution or torture
26 in that country.
27
28

1 40. For these reasons, Petitioner's removal to any third country without adequate
2 notice and an opportunity to apply for relief under the Convention Against Torture would
3 violate his due process rights. The only remedy of this violation is for this Court to order
4 that he not be summarily removed to any third country unless and until he is provided
5 constitutionally adequate procedures.
6

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9 **Count IV – Procedural Due Process**
10 **Unconstitutional Revocation of Release**
11 **U.S. Const. amend. V**

12 41. Petitioner realleges and incorporates by reference all of the allegations in each and
13 every one of the above paragraphs, as though fully set forth herein.
14

15 42. Respondents have violated their own binding regulations at 8 C.F.R.
16 § 241.4 regarding the procedures for revocation of release by failing to notify Petitioner of
17 the reasons for revocation, provide Petitioner with notice of revocation signed by anyone
18 with authority to revoke Petitioner release, and provide Petitioner with an interview.
19

20 43. The Due Process Clause of the Fifth Amendment forbids the Government from
21 depriving any person of liberty without due process of law. U.S. Const. Amend. V.
22 Respondents were required to provide Petitioner with notice and a meaningful opportunity
23 to be heard prior to revoking Petitioner OSUP or detaining Petitioner, which they failed
24 to do.
25
26
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PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue an order pursuant to 28 U.S.C. § 2243 directing Respondents to show cause why the writ of habeas corpus should not be granted;
- c. Grant the writ of habeas corpus and order Petitioner's immediate release from custody;
- d. Enjoin Respondents from removing Petitioner to a third country without first providing Petitioner with 21 days' notice written in a language Petitioner can understand and a meaningful opportunity to contest such removal under the Convention Against Torture, including a reasonable fear interview before a DHS officer;
- e. Alternatively, declare that Respondents' failure to follow the procedural requirements of 8 C.F.R. § 241.4 violates the Administrative Procedure Act, 5 U.S.C. § 706 and/or the Due Process Clause of the Fifth Amendment;
- f. Prohibit Respondents from revoking Petitioner's OSUP or re-detaining Petitioner in the future without complying with 8 C.F.R. § 241.4;
- g. Grant any other and further relief as the Court deems just and proper.
- h. Return all personal property seized to Petitioner immediately.

Date: MARCH 24, 2026

Signature: 
Petitioner, *Pro Se*

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

I am submitting this verification on my own behalf. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Respectfully Submitted,

Date: MARCH 24, 2026

Signature: _____