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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 SADEGHIAN LOTFABADI SALEH,
13
14 Petitioner,

15 v.

16 MARKWAYNE MULLIN, Secretary of
17 the Department of Homeland Security,
18 TODD BLANCHE, Acting Attorney
19 General, TODD M. LYONS, Acting
20 Director, Immigration and Customs
21 Enforcement, JESUS ROCHA, Acting
22 Field Office Director, San Diego Field
23 Office, CHRISTOPHER LAROSE,
24 Warden at Otay Mesa Detention Center,

25 Respondents.

Civil Case No.: 26-cv-2132-BJC-JLB

**Amended Petition for Writ
of
Habeas Corpus**

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

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INTRODUCTION

Sadeghian Lotfabadi Saleh was born in Iran and [REDACTED]. An immigration judge granted him withholding of removal on December 15, 2025. Given this grant of withholding, the ongoing war in Iran, and the inability of Respondents to effectuate nearly any removal in the Middle East, Mr. Saleh has shown that “there is no significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678 (2001). Thus, this Court should order his release.

STATEMENT OF FACTS

Mr. Saleh was born in Iran. *See* Exhibit A, Declaration of Sadeghian Lotfabadi Saleh at ¶ 1. [REDACTED]. *Id.* at ¶ 1. Because of this, Mr. Saleh fled Iran in December 2024. *Id.* at ¶ 1.

Mr. Saleh crossed the border into the U.S. on January 9, 2025, and was immediately detained by a Border Patrol officer. *Id.* at ¶ 2. He was taken into custody and has remained incarcerated since then. *Id.* at ¶ 2.

Mr. Saleh applied for asylum, and the immigration judge granted him withholding of removal on December 15, 2025. *Id.* at ¶ 3. Neither Mr. Saleh nor the government reserved appeal. *Id.* at ¶ 3.

CLAIMS FOR RELIEF

This Court should grant this petition and order Mr. Saleh’s immediate release. *Zadvydas v. Davis* holds that immigration statutes do not authorize the government to detain immigrants for whom there is “no significant likelihood of removal in the reasonably foreseeable future.” 533 U.S. 678, 701 (2001). Because Mr. Saleh was granted withholding of removal to Iran and deportations to the Middle East have virtually ceased, he can make this showing.

1 **I. Count One: Petitioner’s detention violates *Zadvydas* and 8 U.S.C.**
2 **§ 1231.**

3 **A. Legal background**

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

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

24 As an initial matter, *Zadvydas* held that detention is “presumptively
25 reasonable” for at least six months. *Id.* at 701. This acts as a kind of grace period
26 for effectuating removals.

27 Following the six-month grace period, courts must use a burden-shifting
28 framework to decide whether detention remains authorized. First, the petitioner

1 must make a prima facie case for relief: She must prove that there is “good reason
2 to believe that there is no significant likelihood of removal in the reasonably
3 foreseeable future.” *Id.*

4 If she does so, the burden shifts to “the Government [to] respond with
5 evidence sufficient to rebut that showing.” *Id.* Ultimately, then, the burden of
6 proof rests with the government: The government must prove that there is a
7 “significant likelihood of removal in the reasonably foreseeable future,” or the
8 immigrant must be released. *Id.*

9 **B. There is good reason to believe there is no significant likelihood**
10 **of removal to Iran or other countries in the Middle East in the**
11 **reasonably foreseeable future.**

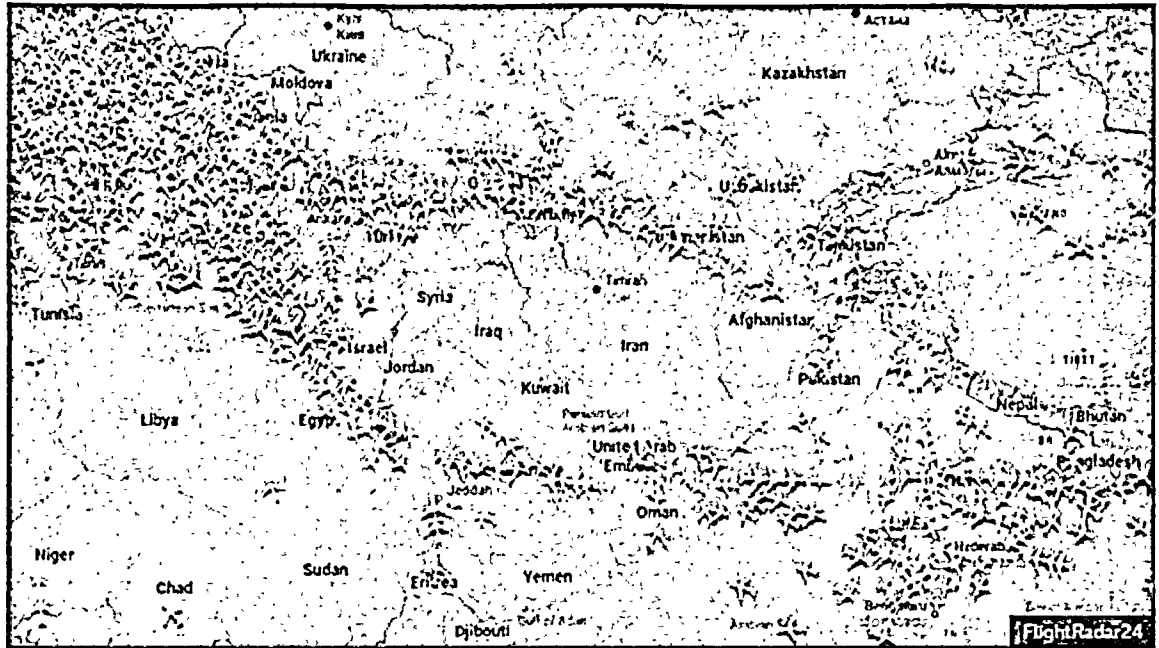
12 As an initial matter, the 90-day mandatory detention removal period for
13 Mr. Saleh expired on March 15, 2026. Thus, this Court must release Mr. Saleh if
14 he can show there is “good reason to believe that there is no significant likelihood
15 of removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701. He
16 can.

17 First, Mr. Saleh was granted withholding of removal and thus cannot be
18 deported to Iran. Exh. A at ¶ 3. Even if he could, the U.S. has been at war with
19 Iran since February 28, 2026. *See* Center for Preventative Action, *Global Conflict*
20 *Tracker: Iran’s War With Israel and the United States*, Council on Foreign
21 Relations (Mar. 13, 2026).¹ “The timeline for the duration of the war ‘could
22 change every day,’” according to White House aides and other sources. Gordon
23 Lubold, *Escalate or exit? Military’s menu of options for Trump’s next move in*
24 *Iran war*, NBC News (March 16, 2026).²

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26 _____
27 ¹ Available at <https://www.cfr.org/global-conflict-tracker/conflict/confrontation-between-united-states-and-iran>

28 ² Available at <https://www.nbcnews.com/politics/national-security/trump-presented-daily-options-end-war-iran-hasnt-taken-far-rcna263399>.

1 While the war is ongoing, non-military flights are not entering or exiting
2 Iran and nearby countries, as depicted by a recent flight tracker:



15 See George Sandeman, *How passenger planes keep flying during a war*, BBC
16 (Mar. 15, 2026).³

17 As a result, the government has been unable to deport people to Iran, Iraq,
18 and Afghanistan in the past month. See, e.g., *Zazai v. Noem*, No. 26-cv-841-BJC,
19 ECF No. 9 (Mar. 10, 2026) (granting *Zadvydas* petition to Afghani national
20 ordered removed on October 9, 2025, because of Respondent concession that
21 “under the ‘current geopolitical situation facing the region, ICE is unable to
22 currently remove Petitioner to Afghanistan”); *Jasim*, 2026 WL 712825 at*4
23 (granting *Zadvydas* petition as to Iraqi national).

24 Even before the war, it was extremely challenging for the U.S. to deport
25 people to Iran. The United States has not had normalized relations with Iran since
26 the Islamic Revolution of 1979. See generally Council on Foreign Relations,

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28 ³ Available at <https://www.bbc.com/news/articles/cn4gne35kvno>

1 *1953–2025: U.S. Relations With Iran.*⁴ It currently lacks diplomatic and consular
2 relations. U.S. Department of State, Bureau of Consular Affairs, *Iran Travel*
3 *Advisory*, March 31, 2025.⁵

4 As President Trump found last year when banning the entry of Iranian
5 nationals into the United States, Iran “has historically failed to accept back its
6 removable nationals.” Presidential Proclamation, *Restricting the Entry of Foreign*
7 *Nationals to Protect the United States from Foreign Terrorists and Other*
8 *National Security and Public Safety Threats*, June 4, 2025⁶; accord Presidential
9 Proclamation, *Restricting and Limiting the Entry of Foreign Nationals to Protect*
10 *the Security of the United States*, Dec. 16, 2025.⁷

11 Because Mr. Saleh has shown there is “good reason to believe that there is
12 no significant likelihood of removal in the reasonably foreseeable future.”
13 *Zadvydas*, 533 U.S. at 701, this Court should order Mr. Saleh released. But if this
14 Court believes he has not made this showing, it should continue his case until
15 June 15, 2026, when the burden will shift to the government to justify his
16 continued detention.

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22 ⁴ Available at <https://www.cfr.org/timeline/us-relations-iran-1953-2025>.

23 ⁵ Available at
24 [https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/iran-](https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/iran-travel-advisory.html)
25 [travel-advisory.html](https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/iran-travel-advisory.html)

26 ⁶ Available at [https://www.whitehouse.gov/presidential-](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/)
27 [actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-](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/)
28 [states-from-foreign-terrorists-and-other-national-security-and-public-safety-](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/)
29 [threats/](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/).

30 ⁷ Available at [https://www.whitehouse.gov/presidential-](https://www.whitehouse.gov/presidential-actions/2025/12/restricting-and-limiting-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/)
31 [actions/2025/12/restricting-and-limiting-the-entry-of-foreign-nationals-to-protect-](https://www.whitehouse.gov/presidential-actions/2025/12/restricting-and-limiting-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/)
32 [the-security-of-the-united-states/](https://www.whitehouse.gov/presidential-actions/2025/12/restricting-and-limiting-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/).

1 **II. This Court must hold an evidentiary hearing on any disputed facts.**

2 Resolution of a prolonged-detention habeas petition may require an
3 evidentiary hearing. *Ovino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009).

4 Petitioner hereby requests such a hearing on any material, disputed facts.

5 **III. Prayer for relief**

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

- 7 1. Order Respondents to immediately release Petitioner from custody;
- 8 2. Enjoin Respondents from re-detaining Petitioner unless and until ICE
9 obtains a travel document for his removal; and
- 10 3. Order all other relief that the Court deems just and proper.

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Respectfully submitted,

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Dated: April 15, 2026

/s/ Kara Hartzler

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