

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

Siamak Meshkooty,

Petitioner,

v.

Markwayne Mullin, Secretary, U.S. Department  
of Homeland Security; U.S. Department of  
Homeland Security; Todd Lyons, Acting  
Director of ICE; Todd Blanche, Acting U.S.  
Attorney General; Joshua Johnson, Field Office  
Director of Enforcement and Removal  
Operations, Dallas Field Office, Immigration  
and Customs Enforcement; Warden of  
Bluebonnet Detention Center,

Respondents.

Case No. 1:26-cv-179

PETITION FOR A WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241, BY A  
PERSON SUBJECT TO UNLAWFUL  
DETENTION

**PETITION FOR WRIT OF HABEAS CORPUS**

RESPECTFULLY SUBMITTED,

/s/ Jered Dobbs

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### **INTRODUCTION**

1. Petitioner, Siamak Meshkooty, is a forty-one-year-old male, native and citizen of Iran.<sup>1</sup>

2. Petitioner entered the United States on February 5, 2012.<sup>2</sup>

3. While in the United States, Petitioner filed an application for asylum.

4. On May 17, 2018, Petitioner was convicted in Collin County, Texas on a charge of assault on family/household member (impeding breath/circulation) under Texas Penal Code § 22.01(b)(2)(B). He received a ten-year suspended sentence with seven years of probation. He was also placed in removal proceedings by immigration authorities and held in the custody of Immigration and Customs Enforcement (ICE) for the duration of his removal proceedings.

5. On October 25, 2018, Petitioner was granted deferral of removal under the Convention Against Torture (DCAT) by an immigration judge in Dallas, Texas pursuant to 8 CFR § 1208.17(a).<sup>3</sup>

6. Petitioner remained in ICE custody for 90 more days, until his statutory “removal period” was complete, and was then released by ICE under an Order of Supervision on or about January 18, 2019.<sup>4</sup>

7. Petitioner remained at liberty in the U.S. for the next six-and-a-half years, complying with the terms of his Order of Supervision and working lawfully with a work permit associated with the supervision order.

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<sup>1</sup> Exhibit 1.

<sup>2</sup> Exhibit 2.

<sup>3</sup> Exhibit 3.

<sup>4</sup> Exhibit 4.



8. On October 10, 2025, Petitioner was detained by ICE at his annual ICE check-in. He was transferred to the Bluebonnet Detention Center and has remained in custody there ever since.<sup>5</sup>

9. The Petitioner's continued detention is in violation of the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), as well as his constitutional rights to substantive and procedural due process, because he is being held beyond the presumptively reasonable six-month post-removal order detention period established in *Zadvydas*, and there is no significant likelihood of removal in the reasonably foreseeable future. The Petitioner seeks an order for his immediate release from ICE custody.

#### **JURISDICTION & VENUE**

10. This case arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.*, and the Administrative Procedures Act ("APA"), 5 U.S.C. §§ 500-596, 701-706.

11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, *et seq.* (habeas corpus), U.S. Const. art. I, § 9, cl. 2 (Suspension Clause), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

12. The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act, 28 U.S.C. § 1651; and the Court's inherent equitable powers.

13. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e)(1) because Respondents are agencies or officers of agencies of the United States, Respondents and

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<sup>5</sup> Exhibit 5.



Petitioner reside in this District, Petitioner is detained in this District at the Bluebonnet Detention Center, and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District.<sup>6</sup>

**THE NEED FOR IMMEDIATE CONSIDERATION IN ACCORDANCE WITH HABEAS CORPUS PURPOSE AND REQUIREMENTS**

14. The writ of habeas corpus is “available to every individual detained within the United States.”<sup>7</sup> “The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and ... the traditional function of the writ is to secure release from illegal custody.”<sup>8</sup> “Historically, ‘the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.’”<sup>9</sup> “A district court's habeas jurisdiction,” therefore, “includes challenges to immigration-related detention.”<sup>10</sup>

15. Pursuant to 28 U.S.C. § 2243, a court may grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to the respondents “forthwith.”<sup>11</sup> If an order to show cause is issued, respondents should generally be required to file a return “within *three* days unless for good cause additional time . . . is allowed.”<sup>12</sup>

**PARTIES**

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<sup>6</sup> Exhibit 1.

<sup>7</sup> *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2).

<sup>8</sup> *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

<sup>9</sup> *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082, at \*3–6 (D. Nev. Sept. 17, 2025) (quoting *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001)).

<sup>10</sup> *Id.* (citing *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) and *Demore v. Kim*, 538 U.S. 510, 517 (2003)).

<sup>11</sup> 28 U.S.C. § 2243.

<sup>12</sup> *Id.* (emphasis added).



16. Petitioner Siamak Meshkooty is a citizen of Iran subject to an order of removal. He is being held unlawfully beyond the six-month presumptively reasonable post-removal order detention period established in *Zadvydas*.<sup>13</sup>

17. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

18. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

19. Respondent Todd Blanche is the Acting Attorney General of the United States. He is responsible for the Department of Justice and is the chief law enforcement officer of the United States. He is sued in his official capacity.

20. Respondent Todd Lyons is Acting Director and Senior Official Performing the Duties of the Director of ICE. Respondent Lyons is responsible for ICE's policies, practices, and procedures, including those relating to removal procedures and the detention of immigrants during their removal procedures. Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons is sued in his official capacity.

21. Respondent Joshua Johnson is the Director of the Dallas Field Office of ICE's Enforcement and Removal Operations division. As such, Mr. Johnson is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

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<sup>13</sup> *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001)



22. Respondent Warden of the Bluebonnet Detention Center is who has immediate physical custody of Petitioner. The Warden is sued in their official capacity.

### **LEGAL FRAMEWORK**

#### **A. Post-Removal Order Detention under 8 U.S.C. § 1231.**

23. Petitioner is detained pursuant to 8 U.S.C. § 1231 because he is an alien subject to an order of removal.<sup>14</sup>

24. The statute authorizes the Government to detain aliens ordered to be removed and gives the Government ninety days to remove them from the United States—the “removal period.”<sup>15</sup> After the removal period expires, the Government can either continue to detain these aliens or release them under supervision.<sup>16</sup> The Government may detain these aliens beyond the removal period so long as the district director conducts a post-order custody review (“POCR”) before the ninety-day removal period expires and the aliens' removal will not be accomplished during the removal period.<sup>17</sup> If the district director decides that the aliens should remain in custody pending removal, DHS must continue to provide periodic reviews for as long as the aliens remain in custody pending removal.<sup>18</sup>

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<sup>14</sup> Although Petitioner was granted DCAT by an immigration judge, he is still subject to an order of removal. 8 CFR § 1208.17(a). Additionally, DCAT only shields him from removal to Iran. Exhibit 3. It does not shield him from removal to any other country to which he may be deported. 8 CFR § 1208.17(b)(2) (“The immigration judge shall also inform the alien that removal has been deferred only to the country in which it has been determined that the alien is likely to be tortured, and that the alien may be removed at any time to another country where he or she is not likely to be tortured.”).

<sup>15</sup> 8 U.S.C. § 1231(a)(1)–(2).

<sup>16</sup> See *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing 8 U.S.C. § 1231(a)(6)).

<sup>17</sup> See 8 C.F.R. § 241.4(k)(1)(i).

<sup>18</sup> See *id.* § 241.4(k).



25. While the Government may continue to detain aliens under § 1231 after the removal period expires pursuant to the above-mentioned procedures, the aliens can still challenge their detention under the framework established by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001). In *Zadvydas*, the Supreme Court concluded that indefinite detention under § 1231 presents a “serious constitutional problem” when the statute’s goal—“assuring the alien’s presence at the moment of removal”—no longer bears a “reasonable relation” to the alien’s detention, i.e. when removal was “a remote possibility at best.”<sup>19</sup> Therefore, the Supreme Court held that the Government’s authority to detain an alien under § 1231 ends “once removal is no longer reasonably foreseeable.”<sup>20</sup> But even in such cases where the Government cannot continue to detain the alien, the alien is still subject to supervision under § 1231(a)(3).<sup>21</sup>

26. Accordingly, the Supreme Court recognized that a six-month post-removal order detention was “presumptively reasonable” under the statute.<sup>22</sup> For the detention to remain reasonable, “as the period of prior postremoval confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.”<sup>23</sup> This presumption applies uniformly to all categories of aliens covered by § 1231.<sup>24</sup> However, the Supreme Court noted that this presumption does not mean that every alien must be released after six months.<sup>25</sup>

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<sup>19</sup> *Zadvydas*, 533 U.S. at 690.

<sup>20</sup> *Id.* at 699.

<sup>21</sup> *See id.* at 696.

<sup>22</sup> *Id.* at 701.

<sup>23</sup> *Id.*

<sup>24</sup> *See Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008) (citing *Clark v. Martinez*, 543 U.S. 371, 378 (2005)).

<sup>25</sup> *See Zadvydas*, 533 U.S. at 689.



27. After the presumptively reasonable six-month period expires, aliens can attack the reasonableness of their detention by providing “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.”<sup>26</sup> As such, aliens bear the initial burden of proof.<sup>27</sup> To meet this burden, aliens must allege sufficient evidence establishing “that there is no significant likelihood of removal in the reasonably foreseeable future,” and not merely offer conclusory statements suggesting that removal will not occur immediately following the resolution of their appeals.<sup>28</sup> Once the alien makes that showing, “the Government must respond with evidence sufficient to rebut [it].”<sup>29</sup>

#### **APPLICATION OF THE RELEVANT LEGAL FRAMEWORK**

28. Petitioner has been detained since October 10, 2025. This is in addition to his previous 90-day period of post-removal order detention which concluded on or about January 18, 2019.<sup>30</sup> Consequently, both in the aggregate and in his current detention period, Petitioner has spent more than six months in post-removal order ICE detention. Therefore, he need only provide “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.”<sup>31</sup>

29. There are several good reasons to believe that there is no significant likelihood of Petitioner being removed in the reasonably foreseeable future. First, as noted above, the Petitioner

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<sup>26</sup> *Id.*; *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006).

<sup>27</sup> *See Andrade*, 459 F.3d at 543–44.

<sup>28</sup> *Id.* (citing *Zadvydas*, 553 U.S. at 701).

<sup>29</sup> *Zadvydas*, 553 U.S. at 701.

<sup>30</sup> Exhibit 4.

<sup>31</sup> *See Zadvydas*, 553 U.S. at 689; *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006).



cannot be deported to Iran due to having been granted DCAT specifically in relation to Iran.<sup>32</sup> Therefore, the only relevant question is whether Petitioner can show good reason to believe that there is no significant likelihood of removal to a third country in the reasonably foreseeable future.<sup>33</sup>

30. To that point, it must first be considered that third country removal still requires the affirmative assent of the receiving country.<sup>34</sup> To the extent the Respondents may assert the Petitioner could be deported to some other country aside from Iran, it is important to note that “foreign governments ‘routinely deny’ requests to receive people who lack a connection to the would-be receiving country.”<sup>35</sup>

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<sup>32</sup> Exhibit 3.

<sup>33</sup> See *Zadvydas*, 533 U.S. at 689.

<sup>34</sup> 8 U.S.C. § 1231(b)(2)(E)(vii).

<sup>35</sup> *Puertas-Mendoza v. Bondi*, 2025 WL 3142089, at \*3 (W.D. Tex. Oct. 22, 2025).



31. Second, publicly available news reports indicate that removals to third countries, while occurring, are occurring in very small numbers, sometimes in just single-digit groups of deportees.<sup>36, 37, 38, 39</sup>

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<sup>36</sup> See, e.g., Immigrants seeking asylum are ordered to countries they've never been to, but end up stuck in limbo, AP News, April 2, 2026, *available at* <https://apnews.com/article/trump-immigration-deportation-57084b48328548fbfda3355aa933913b> ("They are among more than 13,000 immigrants who were living legally in the U.S., waiting for rulings on asylum claims, when they suddenly faced so-called third-country deportation orders, destined for countries where most had no ties, according to the nonprofit group Mobile Pathways, which pushes for transparency in immigration proceedings. Yet few have been deported, even as the White House pushes for ever more immigrant expulsions[....] Immigration authorities have released little information about the third-country agreements, known as Asylum Cooperative Agreements, or the deportees, and it's unclear exactly how many have been deported to third countries as part of asylum removals. According to Third Country Deportation Watch, a tracker run by the rights groups Refugees International and Human Rights First, fewer than 100 of them are thought to have been deported[....] But deportations clearly turned out to be far more complicated than the government expected, restricted by a variety of legal challenges, the scope of the international agreements and a limited number of airplanes. Mobile Pathways data, for example, shows that thousands of people have been ordered deported to Honduras — despite a diplomatic agreement that allows the country to take a total of just 10 such deportees per month for 24 months[....]").

<sup>37</sup> See also, e.g., Democrats demand DHS, State Department watchdogs investigate third-country deportations, NBC News, April 8, 2026, *available at* <https://www.nbcnews.com/news/us-news/third-country-deportations-trump-democrats-rcna267098> ("DHS declined to comment on how many people it has sent to third countries. The Migration Policy Institute, a nonpartisan think tank, estimates there were 15,000 third-country deportations from Jan. 20, 2025, to Dec. 31, with 13,000 of the people being sent to Mexico. 'Very little is known about what has happened to the 15,000 or so individuals sent to third countries, nor is there systematic monitoring of compliance by partner countries,' MPI wrote in an analysis last month[....][MPI president Andrew Selee] said that while there have not been huge numbers of people sent to third countries so far, another major consequence of the policy was deterrence."). Of note, Petitioner is unaware of any efforts to deport him to Mexico in the six months he has been detained most recently.

<sup>38</sup> See also, e.g., Why the Trump administration is struggling to deport migrants to unfamiliar countries, CNN, April 12, 2026, *available at* <https://edition.cnn.com/2026/04/12/politics/trump-deportations-third-countries-stephen-miller> ("Aside from Mexico, other countries have accepted, at most, a few hundred deportees — such as El Salvador, Panama, Costa Rica and Uzbekistan, according to the tally from Refugees International and Human Rights First. Countries like Eswatini, Guatemala and Equatorial Guinea have each accepted a handful to several dozen migrants, while fewer than 10 appear to have been sent to Rwanda, South Sudan and Kosovo.").

<sup>39</sup> See also, e.g., U.S. Third-Country Deportation Agreements are More About Fear than Numbers, Migration Policy Institute, March 2026, *available at* <https://www.migrationpolicy.org/news/us-third-country-deportation-agreements> ("The number of people deported under these agreements has so far been a fraction of the total deportations conducted by the Trump administration because, except for Mexico, most countries have agreed to accept at most a few hundred deportees. The Migration Policy Institute (MPI) estimates about 15,000 third-country deportations (13,000 of them to Mexico) occurred between January 20, 2025, and December 31, 2025—a tiny share of the 1 million annual deportations the administration has said it intends to achieve. As a result, it appears the focus on expanding deportations to third countries is less about achieving numbers than it is incentivizing people to 'self-deport' or deterring would-be irregular arrivals by making clear their future could be completely out of their hands if they are sent to countries such as Ecuador, Eswatini, or Uzbekistan, where they have no ties.").



32. Third, with a conviction for a violent offense, the Petitioner is less likely to be accepted by many of the countries with which the U.S. has third-country removal agreements, because many of those agreements specifically exclude those with criminal history.<sup>40</sup>

33. Additionally, there is little public information indicating the current administration has had success in deporting Iranians, in particular, to third countries. The online tracker Third Country Deportation Watch documented Iranians being deported to only two countries, Panama and Costa Rica, and only under very limited circumstances.<sup>41</sup>

34. Further, to the extent that the terms of the extant third-country agreements with the U.S. are even publicly available, they are nearly universally subject to limitations, exceptions, yet-to-be-implemented clarifying agreements, and (most importantly) the case-by-case discretion of the receiving countries. In so many words, there are no blanket acceptances. Essentially every third-country deportation is subject to individual case review and acceptance by the receiving country.<sup>42</sup> As such, simply because *some* Iranians have been deported to third countries does not mean the Petitioner will be.

35. Finally, although Petitioner has been making efforts to obtain his travel document in order to facilitate his deportation,<sup>43</sup> it has not been issued yet. Additionally, just five days after

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<sup>40</sup> See, e.g., Third Country Deportation Watch – Antigua and Barbuda, *available at* <https://www.thirdcountrydeportationwatch.org/antigua-and-barbuda> (“In March 2026, the MOU between Antigua and Barbuda and the United States was made public. It includes no details about the number of people and nationalities eligible for transfer, though the Prime Minister commented that no person with a criminal record would be accepted.”); see also Third Country Deportation Watch – Palau, *available at* <https://www.thirdcountrydeportationwatch.org/palau> (“In the Memorandum of Understanding, Palau agreed to consider accepting people – both single adults and families – without criminal records (beyond immigration violations), not undergoing medical treatment, and from nations with diplomatic relations with Palau.”).

<sup>41</sup> Exhibit 6.

<sup>42</sup> See *id.*

<sup>43</sup> Exhibit 7.



the Iranian interests section of the Pakistani Embassy in New York issued Petitioner a letter regarding his travel document request, the joint U.S.-Israeli military campaign against Iran began.<sup>44</sup> Given that the U.S. and Iran are presently engaged in open hostilities, it is highly unlikely the government of Iran will take any actions that would assist the United States in deporting an Iranian national, such as issuing that national a travel document necessary for deportation.

36. In summary, the Petitioner cannot be deported to Iran. Third country deportations in general are occurring only in very limited numbers. There is no clearly established pipeline for deportation of Iranians specifically to any particular third country. Even anecdotal evidence of deportation of Iranians to third countries is extremely limited. The extant third country removal agreements between the U.S. and other countries are, variously, ill-defined, informal, ad hoc, tentative, speculative, and almost universally subject to the case-by-case discretion of the receiving country. Petitioner's criminal history makes him less likely to be accepted by a third-country, and his ability to procure a travel document necessary for deportation to a third-country is in doubt due to open war between the U.S. and Iran. In short, there is no significant likelihood of Petitioner's removal to any country in the reasonably foreseeable future.

### **CLAIMS FOR RELIEF**

#### **COUNT I: VIOLATION OF DUE PROCESS**

37. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

38. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody,

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<sup>44</sup> See, e.g., Iran's War with Israel and the United States, Council on Foreign Relations, *available at* <https://www.cfr.org/global-conflict-tracker/conflict/confrontation-between-united-states-and-iran> (noting hostilities began on February 28, 2026).



detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.”<sup>45</sup>

39. Petitioner has a fundamental interest in liberty and being free from official restraint.

40. The government’s detention of Petitioner beyond the presumptively reasonable six-month timeframe set forth in *Zadvydas* violates his right to due process.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter and issue a writ of habeas corpus requiring that Respondents release Petitioner immediately;
- b. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- c. Grant any other and further relief that this Court deems just and proper.

RESPECTFULLY SUBMITTED,

/s/ Jered Dobbs

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<sup>45</sup> *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).



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

I represent Petitioner, Siamak Meshkooty, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: April 13, 2026

Respectfully submitted,  
/s/ Jered Dobbs