

Thomas Evans
GA Bar Number: 305649
Kuck Baxter LLC
365 Northridge Road, Suite 300
Atlanta, GA 30350
Phone: 404-949-8176
Fax: 404-816-8615
tevens@immigration.net

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Behrouz Salamat RAVANDI,

Petitioner,

v.


Todd LYONS, in his official capacity
as Acting Director of U.S.
Immigration and Customs
Enforcement, Markwayne MULLIN,
in his official capacity as Secretary of
the U.S. Department of Homeland
Security, Todd BLANCHE, in his
official capacity as Acting U.S.
Attorney General, and LaDeon
FRANCIS, in his official capacity as
Director of the Atlanta ICE Field
Office,

Respondents.

Case No.:

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28
U.S.C. § 2241 AND COMPLAINT FOR DECLARATIVE AND
INJUNCTIVE RELIEF**

INTRODUCTION

1. Behrouz Salamat Ravandi () is a native and citizen of Iran who faces certain and unlawful re-detention by Respondents. In 2010, Mr. Ravandi was granted deferral of removal under the Convention Against Torture (“CAT”) due to the certain torture he would experience if forced to return to Iran. Mr. Ravandi has resided and worked in the United States ever since on an Order of Supervision (“OSUP”) issued by Immigration and Customs Enforcement (“ICE”). While released on his OSUP, Mr. Ravandi has made his life in this country. He has two U.S. citizen children, ages 13 and 10.

2. Despite Mr. Ravandi’s relief from removal, his faithful attendance of all immigration appointments, and his strong connections to the United States, Mr. Ravandi faces almost certain unlawful re-detention when he attends his next OSUP appointment on May 26, 2026. Indeed, Respondents have re-detained many such individuals under the current presidential administration, alleging, without proof, that they may be deported to third countries such as South Sudan or Eswatini. District courts across the country have rejected Respondents’ speculative assertions that such individuals face a significant likelihood of removal in the reasonably foreseeable future, and Mr. Ravandi will almost certainly face unnecessary detention as Respondents seek to find pretextual reasons to justify his prolonged and unlawful re-detention.

3. Petitioner brings this action to prevent his unlawful re-detention and seeks injunctive, habeas corpus, and declaratory relief ordering Respondents not to re-detain him or revoke his order of supervision without any lawful justification and in compliance with due process.

JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. § 2241 (*habeas corpus*), 28 U.S.C. § 1331 (*federal question*), 28 U.S.C. § 1651 (*All Writs Act*), 28 U.S.C. §§ 2201–2202 (*Declaratory Judgment Act*), 5 U.S.C. § 702 (*APA*), and Article I, Section 9, Clause 2 of the United States Constitution (*Suspension Clause*).

5. Federal district courts have jurisdiction under § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). The Supreme Court has repeatedly upheld such jurisdiction, most recently in *Jennings v. Rodriguez*, 583 U.S. 281, 292–96 (2018).

6. Venue is proper in the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C. §§ 1391 and 2241(d), because Petitioner resides within the district in Marietta, Georgia, under the supervision and authority of the Atlanta ICE Field Office, and Respondents maintain an active presence within this district. No real property is involved in this action.

PARTIES

7. Petitioner Behrouz Salamat Ravandi is a native and citizen of

Iran. In 2010, an immigration judge granted him deferral of removal under the CAT, and he has been faithfully attending ICE check-ins since that date. He is the father of two U.S. citizen children, and he currently resides in Marietta, Georgia.

8. Respondent Todd Lyons is the Acting Director of ICE. He is responsible for the overall administration of ICE and for the implementation and enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a legal custodian of Petitioner. He is sued in his official capacity.

9. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS). DHS is responsible for the administration of ICE, a component agency, and for the implementation and enforcement of the immigration laws. As such, Secretary Mullin is a legal custodian of Petitioner. He is sued in his official capacity.

10. Respondent Todd Blanche is the Acting Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeals (BIA) and the Immigration Courts. The Attorney General shares responsibility for the implementation and enforcement of the immigration laws with Respondents Lyons and Mullin. Acting Attorney General Blanche is a legal custodian of Petitioner and is sued in his official capacity.

11. Respondent LaDeon Francis is the Acting Director of ICE's Atlanta Field Office, which has jurisdiction over ICE detention facilities in Georgia. He exercises authority over Petitioner's OSUP and is sued in his official capacity.

FACTS

12. Petitioner Behrouz Salamat Ravandi is a native and citizen of Iran. He previously entered the United States as a refugee. Exhibit A: I-94. In October 2010, an immigration judge ordered Mr. Ravandi removed to Iran, denying his applications for asylum and withholding of removal. However, the immigration judge granted Mr. Ravandi deferral of removal under the CAT. Exhibit B: Immigration Judge Decision.

13. Since that date, Mr. Ravandi has had routine check-ins with ICE pursuant to an OSUP. Exhibit C: OSUP. The OSUP imposes significant restrictions on Mr. Ravandi's freedom to move, such as restrictions from travelling out of state for more than 48 without advance permission. Mr. Ravandi's next appointment date is May 26, 2026.

14. Since being granted CAT deferral, Mr. Ravandi has made his life in this country. He has two U.S. citizen children, D [REDACTED], age 13, and D [REDACTED] age 10. Exhibit D: Children's Birth Certificates. Mr. Ravandi's [REDACTED]

[REDACTED] has been recognized for [REDACTED]

[REDACTED] Exhibit E: Exact Rankings Article.

15. Despite Mr. Ravandi's significant connections to this country, ICE is routinely revoking OSUPs for individuals like him without following the proper legal procedures and without any indication that there is a significant likelihood that these individuals can be removed from the United States. These individuals have been attending routine appointments for years without issue and with no change in circumstances. Exhibit F: Affidavit of Attorney Charles Kuck.

16. Petitioner's removal to Iran or a third country is not reasonably foreseeable. ICE previously found that Mr. Ravandi is not a flight risk or danger to the community, which is why he has been released on an OSUP for almost two decades. He has faithfully followed all requirements and is a loving father to his two U.S. citizen children. Nevertheless, Mr. Ravandi faces a real and imminent threat of being taken into custody upon unlawful revocation of his OSUP. Facing no other recourse, Mr. Ravandi files this petition with this Court.

LEGAL FRAMEWORK

17. Habeas relief is available to individuals "in custody under or by color of the authority of the United States" if the individual is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c). This extends to immigration-related detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

18. “[T]he ‘in custody’ requirement should be construed ‘very liberally.’” *Clements v. Florida*, 59 F.4th 1204, 1213 (11th Cir. 2023). As judges in this Court have found, “[t]his is because the ‘custody requirement’ of the habeas corpus statute is designed to preserve the writ of habeas corpus as a remedy for severe restraints on individual liberty.” *Acosta de Mata v. Sullivan*, Case No. 1:26-cv-1827, 2026 WL 927380 at *2, n.4 (N.D. Ga. April 6, 2026) (quoting *Hensley v. Mun. Ct., San Jose Milpitas Jud. Dist.*, 411 U.S. 345, 351-52 (1973)). The Eleventh Circuit has recognized that individuals released on supervision while awaiting a final decision of their immigration proceedings are “in custody” for purposes of habeas petitions. *Id.* (quoting *Clements*, 49 F.4th at 1214). Thus, while Mr. Ravandi is not currently in immigration detention, his order of supervision, which significantly restricts his movement, and the imminent detention he will face without this Court’s intervention, are “a significant restraint” on individual liberty that is not shared by the general public,” so that he meets the “in custody requirement.” *Whitfield v. U.S. Sec’y of State*, 853 F. App’x 327, 329 (11th Cir. 2021) (quoting *Howard v. Warden*, 776 F.3d 772, 775 (11th Cir. 2015)). Indeed, this Court in a similar case found that such a petitioner seeking similar relief was “in custody” so that the Court had jurisdiction. Exhibit G: Nguyen Order.

19. Further, while federal courts lack jurisdiction concerning the Attorney General’s discretionary decision to commence proceedings, adjudicate

cases, or execute removal orders, 8 U.S.C. § 1252(g), Mr. Ravandi does not challenge those actions or any decision to re-detain him. Instead, he is challenging the basis of his re-detention and any unlawful basis for removing him to a third country, which would be a violation of federal law, regulations, and the Constitution, for which this Court would have jurisdiction to review. *See H.F.S.R. v. Francis*, --- F. Supp. 3d ----, 2026 WL 160542, at *2 (N.D. Ga. Jan. 20, 2026) (“Petitioner’s requested relief would prevent his unlawful detention” for which “[t]his Court thus retains its jurisdiction.”); *Grigorian v. Bondi*, 2025 WL 1895479, at *4-5 (S.D. Fla. July 8, 2025) (finding that § 1252(g) does not bar review where the petitioner seeks review of the underlying bases of his detention instead of the discretionary decision to detain him); *Ibarra-Perez v. United States*, 154 F.4th 989, 997 (9th Cir. 2025) (holding that claim based on third-country removal without notice “raise[d] purely legal arguments in challenging [the] removal,” including whether the plaintiff “had a right to meaningful notice and an opportunity to present a fear-based claim,” and thus that the action was not barred by § 1252(g)).

20. Commonly known as “CAT deferral,” an individual who has been ordered removed “shall be granted deferral of removal to the country where he or she is more likely than not to be tortured” pursuant to the Convention Against Torture. 8 C.F.R. § 1208.17(a). Such deferral remains in effect unless terminated by an immigration judge. *Id.* § 1208.17(b)(1). While CAT deferral

prevents removal to the country that an individual is likely to be tortured, that individual “may be removed at any time to another country where he or she is not likely to be tortured.” *Id.* § 1208.17(b)(2).

21. In a re-detention case involving an Iranian national, a district court judge in the U.S. District Court for the Southern District of California recently found that there was no significant likelihood that the individual would be removed to a third country. *Kazemi v. Casey*, Case No. 25-cv-1926, 2025 WL 3179746 (S.D. Cal. Oct. 7, 2025). The district court there did not accept the Respondents’ vague assertions that they were “in the process of finding a third country willing to accept Petitioner” as proof that there was a significant likelihood that the petitioner would be removed in the reasonably foreseeable future and failed to show any evidence of progress. *Id.* at *1. In a second case in the U.S. District Court for the Southern District of California, a district court similarly found that the government failed to show that there was a significant likelihood of a petitioner’s removal to Iran. *Khachikian v. Casey*, Case No. 25-cv-3737, 2026 WL 63633, at *7 (S.D. Cal. Jan. 8, 2026).

22. In a case involving a Cuban granted CAT deferral, a federal judge in this Circuit recently granted a habeas petition and ordered that a detained respondent be immediately released. *Hernandez Menendez*, Case No. 2:26-cv-00754, 2026 WL 872584 (M.D. Fla. March 31, 2026). There, the court found that the government could not remove the petitioner to Cuba because of his

CAT deferral, the government had not moved to terminate his CAT deferral, and there was no evidence that a third country was likely to accept him. *Id.* at *2. ICE presented no evidence that there was a plan for removal or that there were any plans made to remove him to a third country. *Id.*

Due Process Governs Decisions to Revoke an Order of Supervision

23. “The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

24. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Id.* at 690 (2001).

25. The Supreme Court has only recognized two legitimate objectives of immigration detention; preventing danger to the community or preventing flight prior to removal. *See id.* at 690-92 (discussing constitutional limitations on civil detention).

26. “Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty,” like the decision to revoke a non-citizen’s order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). “The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a

meaningful manner.” *Id.* at 333 (citation modified).

27. To determine whether civil detention violates a detainee’s due process rights, courts apply the three-part test in *Mathews v. Eldridge*, 424 U.S. 319 (1976). Courts will weigh: (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.* at 335. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

**Procedure for Revoking an Order of Supervision And Removal To
Third Countries Without Due Process**

28. A noncitizen with a final order of removal “who is not removed within the [90-day] removal period . . . shall be subject to [an order of] supervision under regulations prescribed by the Attorney General.” 8 U.S.C. § 1231(a)(3) (titled “Supervision after 90-day period”).

29. A noncitizen may only be detained past the 90-day removal period following a removal order if found to be “a risk to the community or unlikely to comply with the order of removal” or if the order of removal was on specified

grounds. *Id.* § 1231(a)(6).

30. But even where initial detention past the 90-day removal period is authorized, if “removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien’s release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances” *Zadvydas*, 533 U.S. at 699-700.

31. Regulations provide the following additional circumstances, beyond those listed at § 1231(a)(6), that allow for the revocation of an order of supervision and re-detention of a non-citizen: “(1) the purposes of release have been served; (2) the alien violates any condition of release; (3) it is appropriate to enforce a removal order . . . ; or (4) the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.” 8 C.F.R. § 241.4(1)(2); *see also id.* § 241.13(i) (permitting revocation of an order of supervision only if a non-citizen “violates any of the conditions of release”).

32. Because “[r]egulations cannot circumvent the plain text of the statute[,]” these regulations are ultra vires of statutory authority. *See, e.g., You v. Nielsen*, 321 F. Supp. 3d. 451, 463 (S.D.N.Y. 2018) (comparing regulations to 8 U.S.C. § 1231(a)(6), which authorizes detention past the removal period only if person is a risk to the community, unlikely to comply with the order of removal, or was ordered removed on specified grounds).

33. The governing regulations permit only certain officials to revoke an order of supervision: the ICE Executive Associate Director, a field office director, or an official “delegated the function or authority . . . for a particular geographic district, region, or area.” *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the Homeland Security Act of 2002 renamed the position titles listed in § 241.4). If the field office director or a delegated official intends to revoke an order of supervision, they must first make findings that “revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director].” 8 C.F.R. § 241.4(l)(2). For a delegated official to have authority to revoke an order of supervision, the delegation order must explicitly say so. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (finding a delegation order that “refers only to a limited set of powers under part 241 that do not include the power to revoke release” insufficient to grant authority to revoke an order of supervision).

34. Upon revocation of an order of supervision, ICE must give a noncitizen notice of the reasons for revocation and a prompt interview to respond. 8 C.F.R. § 241.4(l)(1). Specifically, “[a]ny alien . . . who has been released under an [OSUP] who violates the conditions of release may be returned to custody.” *Id.* “Upon revocation, the alien will be notified of the reasons for revocation of his or her release or parole.” *Id.* “The alien will be

afforded an initial informal interview promptly after her or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” *Id.* “The Service will conduct an initial informal interview promptly after his or her return to Service custody” *Id.* § 241.13(i)(3).

35. In *Khachikian*, a district court found that the government illegally revoked an Iranian citizen’s OSUP by failing to follow 8 C.F.R. § 241.13(i)(3). Case No. 25-cv-3737, 2026 WL 63633, at *7. The court found that the government “did not inform Petitioner of the reasons for the revocation of his release and “[m]erely stated] that the purpose of [the Petitioner’s] release has been served.” *Id.* (quotation marks omitted). The court found that the petitioner “must be told *what* circumstances had changed or *why* there was now a significant likelihood of removal in order to meaningfully response to the reasons and submit evidence in opposition.” *Id.* (quotation marks omitted) (emphasis in original). The court thus found that ICE violated § 241.13(i)(2) and (3) and ordered the immediate release of the petitioner subject to the previous conditions of his release. *Id.* at *8.

36. To remove a foreign national to a third country, the INA requires that the Attorney General—by an through a delegate, such as an immigration judge—first determine that it is “impracticable, inadvisable, or impossible” to remove a petitioner to his country of citizenship and that the designated third

country “will accept [Petitioner] into that country.” 8 U.S.C. § 1231(b)(2)(E)(vii); *see Himri v. Ashcroft*, 378 F.3d 932, 939 n. 4 (9th Cir. 2004) (8 U.S.C. § 1231(b)(E)(vii) “indisputably requires the Attorney General to prove that the proposed country of removal is willing to accept the alien”); *see also Jama v. Immigr. & Customs Enft.*, 543 U.S. 335, 344 (2005).

37. The statute delegates the authority to the Attorney General, not DHS. 8 U.S.C. § 1231(b)(2)(E)(vii) (“the Attorney General shall remove the alien to. . .”); *see also* 8 C.F.R. § 1240.10(f) (in removal proceedings the immigration judge “shall. . . identify for the record a country, or countries in the alternative, to which the alien’s removal may be made”).

38. To remove a foreign national to a third country, the Attorney General would need to move to reopen removal proceedings to designate a third country for removal under the statutory process. *See, e.g., Sadychov v. Holder*, 565 F. App’x 648, 651 (9th Cir. 2014) (holding that should a new country of removal be designated, “the agency must provide [the noncitizen] with notice and an opportunity to reopen his case for full adjudication of his claim of withholding of removal from” the third country); *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1009, 1011 (W.D. Wash. 2019) (finding that removal proceedings “shall be reopened and a hearing shall be held before the immigration judge so that petitioner may apply for relief from removal” as to a country not designated in prior proceedings).

39. Adherence to that process is necessary to ensure the individual has a statutory right to claim protection in immigration court against removal to a third country where he may be persecuted or tortured, a form of protection known as withholding of removal, 8 U.S.C. § 1231(b)(3)(A); *see also* 8 C.F.R. §§ 208.16, 1208.16, as well as his right to claim deferral of removal under CAT. *See* 28 C.F.R. § 200.1 (“A removal order. . . shall not be executed in circumstances that would violate [the CAT]”); 8 C.F.R. §§ 208.17-18, 1208.17-1208.18.

40. At a minimum, Due Process guarantees the noncitizen meaningful notice of the third country designated for removal and an opportunity to respond. *See D.V.D.*, 145 S. Ct. at 2163 (Sotomayor, J., dissenting) (“[t]he Fifth Amendment unambiguously guarantees that right” to notice of a third country removal so that a noncitizen “learn[s] about it in time to seek an immigration judge’s review”). Notice cannot be “last minute” because that would deprive an individual of a meaningful opportunity to apply for fear-based protection from removal. *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999).

41. Individuals must have time to prepare and present relevant arguments and evidence, and to seek reopening of their removal case. “[W]ritten notice of the country being designated” is required and “the statutory basis for the designation, i.e., the applicable subsection of § 1231(b)(2)” must be specified. *Aden*, 409 F. Supp. 3d at 1019; *see also D.V.D.*

v. U.S. Dep't of Homeland Sec., No. 25-cv-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025) (“All removals to third countries, i.e., removal to a country other than the country or countries designated during immigration proceedings as the country of removal on the non-citizen’s order of removal, must be preceded by written notice to both the non-citizen and the non-citizen’s counsel in a language the non-citizen can understand.”) (internal citation omitted); *Andriasian*, 180 F.3d at 1041 (due process requires notice to the noncitizen of the right to apply for asylum and withholding to the country where they will be removed).

42. Due process also demands that the government “ask the noncitizen whether he or she fears persecution or harm upon removal to the designated country and memorialize in writing the noncitizen’s response. This requirement ensures DHS will obtain the necessary information from the noncitizen to comply with § 1231(b)(3) and avoids [a dispute about what the officer and noncitizen said].” *Aden*, 409 F. Supp. 3d at 1019.

43. Any unannounced attempt at a third country removal would violate these statutory and constitutional procedural protections.

44. According to ICE’s memo issued July 9th, individuals can be removed to third countries “without the need for further procedures,” so long as “the [U.S.] has received diplomatic assurances.”

45. The policy instructs officers to violate their statutory and

constitutional obligations to noncitizens.

46. The same is true of the minimal procedures ICE offers when no diplomatic assurances are present that a noncitizen will not be tortured upon arrival in a third country.

47. The policy provides no meaningful notice (6-24 hours), instructs officers not to ask about fear, and provides no actual opportunity for noncitizens to seek counsel and prepare a fear-based claim (6-24 hours), let alone reopen removal proceedings.

48. In sum, the policy directs ICE officers to violate the rights of noncitizens whom they seek to subject to the third country removal program.

49. Several courts have recently ordered the government not to remove a noncitizen to a third country under similar circumstances. *See generally J.R. v. Bostock*, 25-cv-01161-JNW, 2025 WL 1810210 (W.D. Wash. Jun. 30, 2025) (immediately enjoining removal to “Cuba, Libya, or any third country in the world absent prior approval from this Court”); *Phan*, 2025 WL 1993735, at *7 (enjoining Respondents from “re-detaining or removing Petitioner to a third country without notice and an opportunity to be heard”); *Hoac*, 2025 WL 1993771, at *7 (same); *Vaskanyan v. Janecka*, 25-cv-01475-MRA-AS, 2025 WL 2014208 (C.D. Cal. Jun. 25, 2025); *Ortega v. Kaiser*, 25-cv-05259-JST, 2025 WL 1771438 (N.D. Cal. June 26, 2025).

The APA Sets Minimum Standards for Final Agency Action

57. The Administrative Procedure Act authorizes judicial review of final agency action. 5 U.S.C. § 704.

58. Final agency actions are those (1) that “mark the consummation of the agency’s decision making process[,]” and (2) “by which rights or obligations have been determined, or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 178 (1997) (citation modified).

59. ICE’s decision to re-detain Mr. Ravandi, without revoking his OSUP and without any notice, is a final agency action subject to this Court’s review.

60. Here, Mr. Ravandi’s re-detention would mark the consummation of ICE’s decision making process regarding Mr. Ravandi’s custody.

61. Mr. Ravandi’s re-detention would be an action by which rights or obligations have been determined or from which legal consequences flowed, as ICE would detain Mr. Ravandi in violation of his rights under the Constitution, statute, and regulations.

Agencies Must Follow Lawful Rules and Policy

62. Under the *Accardi* doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings); *see also Morton v.*

Ruiz, 415 U.S. 199, 235 (1974) (“Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.”).

63. Where a release notification issued alongside an order of supervision instructs that a noncitizen with a final order of removal will be given an opportunity to prepare for an “orderly departure,” ICE’s failure to follow that instruction is an *Accardi* violation. See *Ceesay*, 781 F. Supp. 3d at 169; *Ragbir v. Sessions*, 2018 WL 623557 (S.D.N.Y. Jan. 29, 2018), *vacated and remanded on other grounds sub nom. Ragbir v. Barr*, 2019 WL 6826008 (2d Cir. July 30, 2019); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017) (ordering release of petitioners to give an opportunity to prepare for orderly departure).

64. Many district courts have confronted the same question presented here -- that is, whether ICE’s violation of the procedural requirements set forth in § 241.13 may be overlooked in a habeas action challenging the legality of a noncitizen’s detention -- and concluded that habeas relief was warranted. See, e.g., *Phan v. Noem*, 2025 WL 2898977, *5 (S.D. Cal. 2025) (“The Court’s research indicates that every district court, except one, to consider the issue has determined that where ICE fails to follow its own regulations in revoking release, the detention is unlawful, and the petitioner’s release must be ordered. This Court reaches the same conclusion. ICE’s failure to comply with both §

C.F.R. § 241.4 and 8 C.F.R. § 241.13 violated Petitioner’s due process rights.”); *Nguyen v. Archambeault*, 2025 WL 3250922, *1-2 (D. Ariz. 2025) (“Respondents implicitly acknowledge their noncompliance with the regulation that required ICE to provide notice and conduct the informal interview promptly after Petitioner’s redetention. That requirement is not an abstract procedural technicality Respondents’ failure to comply with the governing regulation is prejudicial in that, if the regulation had been followed, Petitioner would have had a meaningful timely opportunity to no longer be detained. The delay of over four months deprived Petitioner of the opportunity to challenge the reasons for his redetention. Petitioner’s immediate release is required to return him to the status quo ante—the last uncontested status which preceded the pending controversy. This decision is in accord with myriad other district courts to address this issue.”) (citations omitted); *accord see also Grigorian v. Bondi*, 2025 WL 2604573, *9-10 (S.D. Fla. 2025).

CLAIMS FOR RELIEF

COUNT I

**Violation of the Fifth Amendment
Due Process**

50. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

51. Under the Fifth Amendment of the Constitution, no person shall be deprived of liberty without due process of law. Freedom from imprisonment and government custody lies at the core of the liberty protected by the Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The protections of the Due Process Clause extend to all persons within the United States, regardless of immigration status. *Id.* at 693. The Supreme Court has only recognized two legitimate objectives of immigration detention; preventing danger to the community or preventing flight prior to removal. *See id.* at 690-92 (discussing constitutional limitations on civil detention).

52. Despite Petitioner's full compliance with every condition of his Order of Supervision and previous findings that Mr. Ravandi is not a danger to the community or a flight risk, he is likely to be re-detained with no notice of any change in circumstances that would warrant revocation. There are no new criminal issues, and there is no significant likelihood that Mr. Ravandi will be removed to Iran or any other country.

53. Respondents' likely revocation of Petitioner's order of supervision and his imminent re-detention therefore violate substantive due process under the Fifth Amendment.

COUNT II

Violation of Fifth Amendment Procedural Due Process

54. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

55. Pursuant to *Mathews v. Eldridge*, Petitioner has a private interest in freedom from imprisonment. *Zadvydas*, 533 U.S. at 690. He faces a significant probability of erroneous deprivation of his freedom from detention through Respondents' failure to follow the relevant laws and regulations that govern revocation of OSUPs that Respondents have committed for many similarly situated individuals. Requiring the government to follow the relevant law and regulations would not create an undue burden and instead would prevent the need for further litigation that continues to clog federal courts because of Respondents' continuous and excessive unlawful behavior.

56. Thus, revoking Petitioner's OSUP without prior notice, findings, or an opportunity to be heard, would violate procedural due process under the Fifth Amendment.

57. Further, Petitioner has a due process interest in meaningful notice and an opportunity to respond to third-country designation for removal and provide him an opportunity to state why he fears persecution or harm upon

removal to that country. Any unannounced attempt to remove him to a third country without these protections would violate Petitioner's due process rights.

COUNT III

Violation of the Administrative Procedure Act Contrary to Law and Arbitrary and Capricious Agency Policy

58. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

59. Respondents' almost assured revocation of Petitioner's order of supervision and the policies and practices giving rise to his imminent detention are contrary to the agency's power under the Fifth Amendment. Any such revocation would be in violation of federal law and regulations.

60. There is no indication that there is any legal authority to revoke Petitioner's OSUP or that authority has been properly delegated to revoke his OSUP. Respondents have not made any findings that Petitioner is a danger to the community or unlikely to comply with his OSUP or removal order. Respondents have not and cannot show that there is a significant likelihood that Mr. Ravandi will be removed to Iran or any third country.

61. Respondents have not provided any notice of intent to revoke Mr. Ravandi's supervision or an opportunity to respond as contemplated in the relevant federal regulations.

62. Thus, any attempt to revoke Petitioner's OSUP or detain him as Respondents have been doing to similar individuals would be unlawful and arbitrary and capricious and must be set aside because it would be contrary to the agency's power delegated to it by the constitution and in violation of federal laws and regulations.

63. Further, pursuant to regulation, to be removed, Mr. Ravandi's CAT deferral must be terminated by a judge, or he must be given the opportunity to show that he may be persecuted or harmed upon removal to that third country. 8 C.F.R. § 1208.17(a), (b). Any effort to remove Petitioner to a third country without following federal regulations would be unlawful, arbitrary, and capricious.

COUNT IV

Violation of the *Accardi* Doctrine

64. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

65. Respondents' anticipated actions to revoke Petitioner's OSUP or detain him would violate agency regulations. Respondents have routinely failed to follow internal agency instructions, including giving lack of evidence for changed circumstances and lack of notice and an opportunity to respond as required by regulation. *See, e.g., Khachikian, 2026 WL 63633*, at *7-8 (finding that the government violated 8 C.F.R. § 241.13(i)(2) and (3) on

these exact grounds for an Iranian petitioner and ordering immediate release).

66. Under *Accardi*, any actions taken by Respondents to revoke Petitioner's OSUP or disregard the applicable regulations should be set aside. Further, any actions to remove Mr. Ravandi to a third country without terminating his CAT deferral or providing him an opportunity to show that he would be persecuted or harmed in a third country should be set aside.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Order Respondents to file a response within 3 days of the filing of this petition;
3. Grant Petitioner a writ of habeas corpus;
4. Enjoin Petitioner's removal or transfer outside the jurisdiction of this Court and the United States pending adjudication of this action;
5. Order that Petitioner remain under the current OSUP and not be taken into ICE custody absent full compliance with statutory and regulatory due process protections;
6. Order that Petitioner may not be removed or processed for removal to a

- third country absent full compliance with statutory, regulatory, and due process protections;
7. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, federal law, and implementing regulations, the APA, and the *Accardi* doctrine;
 8. Declare that Petitioner's removal or processing for removal to a third country violates the Due Process Clause of the Fifth Amendment, federal law, and implementing regulations, the APA, and the *Accardi* doctrine;
 9. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;
 10. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
 11. Grant such further relief as this Court deems just and proper.

Dated: April 22, 2026

Respectfully submitted,

/s/ Thomas Evans

Thomas Evans

KUCK BAXTER LLC

P.O. Box 501359

Atlanta, Georgia 31150

Tel.: (404) 949-8176

tevans@immigration.net

/s/ Charles H. Kuck

Charles H. Kuck

KUCK BAXTER LLC

P.O. Box 501359

Atlanta, Georgia 31150

Tel.: (404) 816-8611

ckuck@immigration.net

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner 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 and belief.

Dated: April 22, 2026

s/ Thomas Evans
GA Bar No. 305649

CERTIFICATE OF COMPLIANCE

I hereby certify that the document to which this certificate is attached has been prepared with one of the fonts and point selections approved by the Northern District of Georgia in Local Rule 5.1 for electronic filing.

/s/ Thomas Evans
Thomas Evans
Georgia Bar No. 305649
Kuck Baxter, LLC
365 Northridge Road, Suite 300
Atlanta, Georgia 30350
Tel: (404) 949-8176
Fax: (404) 816-8615
tevens@immigration.net

CERTIFICATE OF SERVICE

I, Thomas Evans, hereby certify that on April 22, 2026, I filed the foregoing with the Clerk of Court using the CM/ECF system. Service has been made of all documents required to be served by Fed.R.Civ.P. 5(a) in a manner authorized by Fed.R.Civ.P. 5(b) and (c). I hereby certify that I have mailed a hard copy of the document to the above individual pursuant to Fed.R.Civ.P. 4 via first-class mail to:

Todd Lyons
Acting Director
U.S. Immigration and Customs Enforcement
Office of the General Counsel
245 Murray Lane, SW, Mail Stop 0485
Washington, DC 20528-0485

Markwayne Mullin
Secretary, Department of Homeland Security
425 I Street
Washington, D.C. 20536

Todd Blanche
Acting U.S. Attorney General
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

LaDeon Francis
Director of Atlanta ICE Field Office
Office of the General Counsel
245 Murray Lane, SW, Mail Stop 0485
Washington, DC 20528-0485

Theodore S. Hertzberg
c/o Civil Process Clerk
Acting U.S. Attorney, Northern District of Georgia

Richard B. Russell Federal Building
75 Ted Turner Dr. SW
Suite 600
Atlanta, GA 30303-3309

Respectfully submitted,

/s/ Thomas Evans

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Behrouz Salamat RAVANDI,

Petitioner,

v.

Todd LYONS, in his official capacity
as Acting Director of U.S.
Immigration and Customs
Enforcement, Markwayne MULLIN,
in his official capacity as Secretary of
the U.S. Department of Homeland
Security, Todd BLANCHE, in his
official capacity as Acting U.S.
Attorney General, and LaDeon
FRANCIS, in his official capacity as
Director of the Atlanta ICE Field
Office,

Respondents.

Case No.:

LIST OF EXHIBITS

Exhibit A	I-94
Exhibit B	Immigration Judge Decision
Exhibit C	OSUP
Exhibit D	Children's Birth Certificates

Exhibit E	Exact Rankings Article
Exhibit F	Affidavit of Attorney Charles Kuck
Exhibit G	Nguyen Order