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9 *Attorney for Petitioner,*
10 *Naeim Rabi-Varzali*

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

13 NAEIM RABI-VARZALI


14 *Petitioner,*

15 v.

16 GREGORY J. ARCHAMBEAULT, Field
17 Office Director, U.S. Immigration and
18 Customs Enforcement, Enforcement and
19 Removal Operations, San Diego; TODD M.
20 LYONS, Acting Director, U.S. Immigration
21 and Customs Enforcement; U.S.
22 IMMIGRATION AND CUSTOMS
23 ENFORCEMENT; MARKWAYNE
24 MULLIN, Secretary of the U.S. Department
25 of Homeland Security. CHRISTOPHER
26 LAROSE, Warden, Otay Mesa Detention
27 Center; PAM BONDI, Attorney General of the
28 United States,

Respondents.

Case No.: '26CV2604 JLS SBC

Agency No.: 

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

IMMIGRATION HABEAS CASE

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT
COURT:**

Petitioner NAEIM RABI-VARZALI respectfully submits this Verified Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his continued civil immigration detention at Otay Mesa Detention Center, and alleges as follows:

NATURE OF THE ACTION

1
2 This is a habeas corpus action challenging Petitioner’s unlawful civil immigration
3 detention under 28 U.S.C. § 2241. Petitioner seeks immediate release or, in the alternative, a
4 constitutionally adequate bond hearing at which the government bears the burden of justifying
5 continued detention by clear and convincing evidence.

6
INTRODUCTION

7
8 1. This case presents a fundamental constitutional question: whether the government
9 may re-detain a noncitizen after previously determining that he is neither a flight risk nor a
10 danger, and after that individual demonstrates over two years of complete compliance without
11 identifying any violation, changed circumstance, or new evidence.

12 2. ICE released Petitioner after determining he posed no danger or flight risk. For
13 approximately 26 months, Petitioner proved that determination correct. ICE then re-detained him
14 without explanation, without new evidence, and without changed circumstances.

15 3. The Constitution does not permit the government to grant liberty, observe perfect
16 compliance, and then revoke that liberty without explanation.

17 4. On January 12, 2024, ICE exercised its discretion to grant Petitioner parole
18 pursuant to 8 U.S.C. § 1182(d)(5)(A), necessarily determining that Petitioner was suitable for
19 release and did not pose a flight risk or danger to the community.

20 5. For approximately twenty-six (26) months, Petitioner validated that
21 determination. He complied fully with all conditions of release, appeared at all required
22 proceedings, remained in contact with immigration authorities, and maintained a completely
23 clean record with no criminal history whatsoever.

24 6. Despite this undisputed record of compliance, on March 19, 2026, ICE abruptly
25 re-detained Petitioner, without identifying any violation of release conditions, any material
26 change in circumstances, or any new evidence justifying detention. Petitioner was thereafter
27 transferred to Otay Mesa Detention Center.

28 7. The government's unexplained reversal violates the Fifth Amendment Due
Process Clause, which prohibits civil detention that is arbitrary or not reasonably related to a
legitimate regulatory purpose. See *Zadvydus v. Davis*, 533 U.S. 678 (2001); *Singh v. Holder*, 638
F.3d 1196 (9th Cir. 2011); *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017). Detention must

1 be justified by a current, individualized rationale, and where it is not, due process requires release
2 or a meaningful opportunity for release.

3 8. Where the government has already made an individualized custody determination
4 that a noncitizen is neither a flight risk nor a danger and that determination is subsequently
5 confirmed through sustained compliance due process prohibits the government from disregarding
6 its own findings absent materially changed circumstances supported by evidence.

7 9. ICE's prior grant of parole was not speculative or provisional; it was an
8 individualized determination grounded in an assessment of Petitioner's risk profile. That
9 determination was then affirmatively validated over more than two years of compliance. The
10 government's decision to reverse course without explanation is the hallmark of arbitrary
11 detention prohibited by the Fifth Amendment.

12 10. Petitioner's prolonged compliance also gave rise to a protected liberty interest in
13 remaining free from detention absent a legitimate, evidence-based justification for re-custody.
14 The government's failure to provide any such justification renders the current detention
15 constitutionally infirm.

16 11. Accordingly, Petitioner seeks immediate release under reasonable conditions. In
17 the alternative, Petitioner seeks a prompt bond hearing before a neutral decisionmaker at which
18 the government bears the burden of proving, by clear and convincing evidence, that continued
19 detention is justified.

20 12. Under Ninth Circuit precedent, due process requires that the government bears
21 the burden of justifying continued detention by **clear and convincing evidence** that a noncitizen
22 poses a danger or flight risk. See *Singh v. Holder*, 638 F.3d 1196; *Casas-Castrillon v. DHS*, 535
23 F.3d 942 (9th Cir. 2008).

24 STATUTORY FRAMEWORK

25 13. Petitioner is detained pursuant to 8 U.S.C. § 1226(a), which governs discretionary
26 civil immigration detention. Unlike mandatory detention provisions, § 1226(a) requires
27 individualized determinations regarding flight risk and danger and authorizes release on bond or
28 parole. Because detention under § 1226(a) is discretionary, it must be supported by a current,
rational, and individualized justification and may not be arbitrary or punitive.

CUSTODY

1
2 14. Petitioner NAEIM RABI-VARZALI is currently detained at the Otay Mesa
3 Detention Center in San Diego County, California. He is in immediate physical custody of
4 Respondent Warden Christopher LaRose and under the legal custody of the remaining
5 Respondents.

6
JURISDICTION

7 15. This Court has jurisdiction pursuant to 28 U.S.C. § 2241. Federal courts retain
8 jurisdiction under § 2241 to review the legality of immigration detention and to adjudicate
9 constitutional claims arising from such detention. *Trinidad y Garcia v. Thomas*, 683 F.3d 952,
10 956 (9th Cir. 2012).

11 16. Habeas jurisdiction under § 2241 extends to noncitizens challenging the fact or
12 duration of their detention, including claims that detention violates the Constitution. *Id.*

13 17. This Court further has jurisdiction to review constitutional challenges to
14 continued detention, including whether due process requires release or a constitutionally
15 adequate bond hearing. *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).

16
VENUE

17 18. Venue is proper in this District because Petitioner is detained within the Southern
18 District of California at the Otay Mesa Detention Center in San Diego County.

19 19. A petition under 28 U.S.C. § 2241 must be filed in the district where the petitioner
20 is confined and where the immediate custodian is located.

21 20. In addition, the material acts and omissions giving rise to Petitioner's claims
22 including the decision to re-detain him, occurred within this District. Accordingly, venue is
23 proper in the San Diego Division of this Court.

24
EXHAUSTION OF ADMINISTRATIVE REMEDIES

25
26 21. Although courts may require exhaustion of administrative remedies in § 2241
27 proceedings as a prudential matter, exhaustion is not jurisdictional and may be excused. *Ward v.*
28 *Chavez*, 678 F.3d 1042, 1045 (9th Cir. 2012).

22. Courts routinely waive exhaustion where (1) the claim raises purely constitutional

1 issues, (2) administrative remedies are inadequate or incapable of providing timely relief, or (3)
2 exhaustion would be futile. Id. Courts routinely waive exhaustion where (1) the claim raises
3 purely constitutional issues, (2) administrative remedies are inadequate or incapable of providing
4 timely relief, or (3) exhaustion would be futile. Id.

4 23. Exhaustion is excused here for multiple independent reasons.

5 24. First, Petitioner raises a pure constitutional challenge to his detention under the
6 Fifth Amendment. Specifically, Petitioner challenges his re-detention as arbitrary, where the
7 government previously determined he posed neither a flight risk nor a danger, and where that
8 determination was confirmed through approximately twenty-six (26) months of full compliance.
9 Such constitutional claims fall squarely within the core of habeas review and do not require
10 administrative exhaustion.

11 25. Second, no administrative remedy can provide timely or effective relief.
12 Petitioner's removal proceedings are not scheduled until November 16, 2026, leaving him
13 detained for months without any meaningful opportunity to challenge the legality of his custody.
14 The administrative process is therefore inadequate to address the ongoing deprivation of liberty.

15 26. Third, exhaustion would be futile. Requiring Petitioner to pursue administrative
16 remedies would subject him to prolonged detention while awaiting relief that may not address or
17 may come too late to remedy the constitutional violation at issue. Courts have consistently
18 recognized that prolonged civil detention, without adequate procedural safeguards, constitutes
19 irreparable harm. The continued deprivation of physical liberty without a prompt and meaningful
20 opportunity to challenge detention constitutes a paradigmatic form of irreparable injury
21 warranting immediate judicial intervention.

22 27. Finally, the circumstances of Petitioner's re-detention underscore the futility of
23 administrative review. Petitioner was granted parole on January 12, 2024, and complied fully
24 with all conditions for over two years. His re-detention without any identified violation, changed
25 circumstances, or new evidence demonstrates that existing administrative mechanisms have
26 failed to safeguard his liberty interests.

27 **PARTIES**

28 28. Petitioner NAEIM RABI-VARZALI is a native and citizen of Iran who has
resided in the United States since February 2023. He is currently detained by U.S. Immigration

1 212(d)(5)(A) to grant Petitioner parole and release him from custody. This determination
2 necessarily reflected ICE's conclusion that Petitioner did not pose a flight risk or danger to the
community warranting continued detention. Please see the attached **EXHIBIT "B."**

3 37. On January 17, 2024, an Immigration Judge transferred Petitioner's removal
4 proceedings to the Santa Ana Immigration Court. A Notice to Appear was issued on January 18,
5 2024. Please see the attached **EXHIBIT "C."**

6 38. From January 12, 2024, through March 19, 2026, a period of approximately 26
7 months, Petitioner demonstrated exemplary compliance with all conditions of his release.
8 Specifically, Petitioner fully complied with all conditions of release imposed by ICE, appeared
9 at all scheduled immigration proceedings without fail, maintained continuous compliance with
10 immigration authorities, remained entirely law-abiding and engaged in no criminal conduct, and
11 has no criminal history whatsoever.

12 39. This extended period of perfect compliance constitutes compelling evidence that
13 Petitioner poses neither a flight risk nor a danger to the community and demonstrates that release
14 continues to serve the legitimate regulatory purposes that justified the initial parole grant.

15 40. This sustained record of compliance affirmatively confirms ICE's prior
16 determination that Petitioner does not present a flight risk or danger and that release satisfies the
17 legitimate regulatory purposes of immigration detention.

18 41. Petitioner's individual removal hearing is currently scheduled for November 16,
19 2026, rendering removal not imminent.

20 42. On March 19, 2026, ICE re-detained Petitioner without providing any
21 explanation or justification for the reversal of its prior parole determination. Specifically, ICE
22 re-detained Petitioner without identifying any violation of his release conditions, without
23 identifying any material change in circumstances, without presenting any new evidence, and
24 without providing any rational, evidence-based basis for the reversal of its prior release
25 determination. Petitioner was transported to Otay Mesa Detention Center in San Diego County,
California. Please see the attached **EXHIBIT "D."**

26 43. ICE re-detained Petitioner without identifying any violation of release conditions,
27 any material change in circumstances, or any new evidence warranting detention.

28 44. ICE has not provided any rational, evidence-based explanation for reversing its
prior parole determination.

1 45. Petitioner has not been afforded a constitutionally adequate custody
2 determination explaining why detention is now necessary after more than two years of
3 demonstrated compliance.

4 46. Petitioner remains detained under the immediate physical custody of Warden
5 LaRose and the legal authority of Respondents.

6 47. As a result of his re-detention, Petitioner has lost his employment, been removed
7 from his community and support system, faced increasing difficulty in preparing for his
8 immigration proceedings while detained, and suffered ongoing deprivation of physical liberty.

9 48. Despite the passage of time since re-detention, Respondents have failed to
10 articulate any basis for Petitioner's continued detention.

11 49. There remains no identified violation, no changed circumstance, and no new
12 evidence to justify the government's decision to re-detain Petitioner.

13 50. The government's unexplained decision to re-detain Petitioner after affirmatively
14 determining he was suitable for release and after that determination was validated through
15 prolonged compliance demonstrates that Petitioner's current detention is arbitrary, punitive, and
16 not reasonably related to any legitimate regulatory purpose, in violation of the Fifth Amendment.

17 CLAIMS FOR RELIEF

18 **FIRST CLAIM FOR RELIEF**

19 **(Violation of the Immigration and Nationality Act - Arbitrary Exercise of Discretion)**

20 51. Petitioner realleges and incorporates by reference all preceding paragraphs as
21 though fully set forth herein.

22 52. Petitioner is detained pursuant to 8 U.S.C. § 1226(a), which authorizes
23 discretionary civil immigration detention based on individualized determinations of flight risk
24 and danger.

25 53. The discretionary authority conferred by § 1226(a) does not permit arbitrary,
26 irrational, or unsupported decision-making. Rather, it requires that detention be grounded in a
27 current, individualized assessment consistent with the statute's regulatory purpose.

28 54. Respondents previously exercised that discretion by granting Petitioner parole,
thereby determining that he did not pose a flight risk or danger warranting continued detention.

55. That determination was subsequently affirmed through approximately twenty-six

1 (26) months of complete compliance, during which Petitioner adhered to all conditions of release
2 and remained entirely law-abiding.

3 56. Respondents nevertheless re-detained Petitioner without identifying any violation
4 of release conditions, any material change in circumstances, or any new evidence justifying
5 detention.

6 57. By disregarding their prior individualized determination and re-detaining
7 Petitioner without a rational, evidence-based justification, Respondents have acted arbitrarily and
8 in excess of their statutory authority under 8 U.S.C. § 1226(a).

9 58. Accordingly, Petitioner's continued detention is unlawful under the INA and must
10 be terminated.

11 **SECOND CLAIM FOR RELIEF**

12 **(Violation of the Fifth Amendment – Due Process Clause)**

13 59. Petitioner realleges and incorporates by reference all preceding paragraphs as
14 though fully set forth herein.

15 60. The Fifth Amendment prohibits the government from depriving any person of
16 liberty without due process of law.

17 61. Civil immigration detention must bear a reasonable relationship to a legitimate
18 regulatory purpose and may not be arbitrary or punitive. *Zadvydas v. Davis*, 533 U.S. 678, 690
19 (2001).

20 62. Due process requires that continued detention be supported by a current,
21 individualized justification, and that a noncitizen be afforded a meaningful opportunity to
22 challenge detention. *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011); *Casas-Castrillon v. Dep't*
23 *of Homeland Sec.*, 535 F.3d 942 (9th Cir. 2008).

24 63. Where the government has already determined that a noncitizen is neither a flight
25 risk nor a danger—and that determination is subsequently confirmed through prolonged
26 compliance—due process prohibits re-detention absent materially changed circumstances
27 supported by evidence.

28 64. Here, Respondents previously determined that Petitioner was suitable for release
and did not pose a flight risk or danger. That determination was confirmed through more than
two years of full compliance.

1 65. Respondents nevertheless re-detained Petitioner without identifying any violation, any changed circumstance, or any new evidence justifying detention.

2 66. This unexplained reversal renders Petitioner's detention arbitrary and not
3 reasonably related to any legitimate regulatory purpose, in violation of the Fifth Amendment.

4 67. Petitioner has further been deprived of a constitutionally adequate custody
5 determination, as he has not been provided with a meaningful opportunity to challenge the basis
6 for his re-detention.

7 68. As a result, Petitioner's continued detention is unconstitutional, and he is entitled
8 to immediate release or, at minimum, a prompt bond hearing at which the government bears the
9 burden of justifying detention by clear and convincing evidence.

10 69. Detention under these circumstances—where the government has offered no
11 justification for reversing its prior release determination—serves no regulatory purpose and
12 instead operates as punitive confinement in violation of due process, which is impermissible in
13 the civil immigration context.

14 **LEGAL ARGUMENT**

15 70. This case does not present a routine challenge to prolonged detention. Petitioner
16 does not rely solely on the passage of time. Rather, he challenges the government's decision to
17 re-detain him after making an individualized determination that he was suitable for release and
18 after that determination was confirmed through more than two years of complete compliance.
19 This distinction underscores the arbitrary and unconstitutional nature of Respondents' conduct.

20 **I. ARBITRARY RE-DETENTION IN VIOLATION OF DUE PROCESS**

21
22 71. The Fifth Amendment prohibits civil detention that is arbitrary or not reasonably
23 related to a legitimate regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

24 72. Respondents previously determined that Petitioner did not pose a flight risk or
25 danger and released him on parole. That determination was not speculative it was affirmatively
26 validated through approximately twenty-six (26) months of complete compliance.

27 73. In the absence of any identified violation, materially changed circumstance, or
28 new evidence, Respondents' decision to re-detain Petitioner lacks any rational, evidence-based
justification.

74. Where the government has already made and confirmed an individualized release

determination, due process prohibits it from reversing that determination without explanation or evidentiary support.

75. Respondents' unexplained re-detention of Petitioner is therefore arbitrary, punitive, and unconstitutional.

II. DETENTION IN VIOLATION OF THE DUE PROCESS CLAUSE

A. The Mathews Framework Requires Robust Procedures

76. Procedural due process requires consideration of: (1) the private interest affected; (2) the risk of erroneous deprivation and the value of additional safeguards; and (3) the government's interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

77. Petitioner's interest in freedom from physical restraint is fundamental. *Zadydas*, 533 U.S. at 690.

78. The risk of erroneous deprivation is exceptionally high where, as here, the government has provided no explanation for re-detention and no opportunity to contest it.

79. Additional safeguards—specifically, a prompt hearing before a neutral decisionmaker—would have substantial value by requiring the government to articulate and support its justification.

80. The government's interest in administrative efficiency cannot outweigh the fundamental liberty interest at stake

81. Under *Mathews*, the absence of any meaningful procedure renders Petitioner's detention unconstitutional.

B. Ninth Circuit Authority Requires Bond Hearing with Clear and Convincing Evidence Standard

82. The Ninth Circuit has made clear that due process requires robust procedural protections in immigration detention proceedings.

83. At a constitutionally adequate bond hearing:

- the government must bear the burden of proof;
- that burden must be clear and convincing evidence; and
- the government must establish that the noncitizen is a flight risk or danger.

Singh v. Holder, 638 F.3d 1196, 1203–05 (9th Cir. 2011).

84. A neutral decisionmaker must evaluate whether less restrictive alternatives to

detention are sufficient. *Id.*

1 85. The government may not detain a noncitizen for a prolonged or indefinite period
2 without providing a meaningful opportunity to challenge detention. *Casas-Castrillon v. DHS*,
3 535 F.3d 942 (9th Cir. 2008).

4 86. Respondents have provided Petitioner no such hearing or process.

5 **C. Petitioner Has Not Received Constitutionally Adequate Process**

6 87. Since his re-detention on March 19, 2026, Petitioner has not been provided with
7 any meaningful custody determination.

8 88. Respondents have offered no explanation for reversing their prior release
9 decision..

10 89. Petitioner has had no opportunity to contest detention before a neutral
11 decisionmaker.

12 90. The complete absence of process violates procedural due process.

13 **III. UNLAWFUL REVOCATION OF CONDITIONAL LIBERTY**

14 **A. Distinction Between Initial Discretion and Constitutional Constraints on**
15 **Revocation**

16
17 91. Although the government has discretion to grant parole in the first instance, that
18 discretion does not permit unfettered revocation of liberty once granted and relied upon.

19 92. When an individual has been released and has complied with conditions for an
20 extended period, a protected liberty interest arises.

21 93. The government may not revoke that liberty without at least minimal procedural
22 safeguards and a rational basis.

23 **B. Absence of Any Stated Reason Violates Due Process**

24 94. Respondents re-detained Petitioner without identifying any violation, changed
25 circumstance, or new evidence.

26 95. The government cannot revoke conditional liberty without explanation and expect
27 that action to withstand constitutional scrutiny.

28 96. At minimum, due process requires:

- notice of the basis for detention;

- disclosure of the evidence relied upon; and
- an opportunity to be heard before a neutral decisionmaker.

97. Petitioner has received none of these protections.

C. Reliance Interests Heighten the Constitutional Violation

98. The constitutional violation is compounded by the substantial reliance interests Petitioner developed during his 26 months of lawful parole. He secured employment, reestablished community ties, and built a support network. By re-detaining Petitioner without explanation, ICE has destroyed these reliance interests.

99. Petitioner has lost employment and community stability. More significantly, the re-detention has impaired his ability to prepare for his individual hearing scheduled for November 16, 2026.

III. DETENTION NOT REASONABLY RELATED TO REMOVAL PROCEEDINGS

100. Petitioner's individual hearing is scheduled for November 16, 2026, and removal is not imminent.

101. Petitioner's 26-month record of compliance demonstrates that detention is not necessary to ensure appearance.

102. Continued detention under these circumstances is excessive and not reasonably related to any legitimate regulatory purpose.

103. As detention continues without justification or procedural safeguards, it becomes punitive rather than regulatory, in violation of due process.

IV. GOVERNMENT BEARS BURDEN

104. If the Court does not order Petitioner's immediate release, it should order a prompt bond hearing at which the government bears the burden of proving by clear and convincing evidence that Petitioner poses either a danger to the community or a flight risk, and that no less restrictive alternative to detention would reasonably address any such concern.

VI. ENTITLEMENT TO EMERGENCY RELIEF

A. Legal Standard

105. To obtain emergency relief, Petitioner satisfies the standard set forth in *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008), by demonstrating: (1) likelihood of success on the merits; (2) likelihood of irreparable harm; (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest.

B. Likelihood of Success on the Merits

106. Petitioner has demonstrated a substantial likelihood of success on the merits based on the arbitrary nature of re-detention without stated basis, the absence of individualized custody determination, and the government's burden to prove by clear and convincing evidence that detention is justified. The government has provided no stated basis for the re-detention, creating a substantial question whether executive action comports with due process requirements.

107. When an individual has demonstrated sustained compliance with release conditions over an extended period, re-detention without explanation or individualized assessment raises serious constitutional concerns. The government's authority to detain individuals is not unlimited. Due process requires that the government provides an individual with a meaningful opportunity to demonstrate that detention is not necessary.

C. Irreparable Harm

108. The deprivation of physical liberty constitutes irreparable harm. *Zadvydas*, 533 U.S. at 690.

109. Beyond the fundamental loss of liberty, Petitioner faces concrete, irreparable harms that flow directly from continued detention. Continued detention prevents Petitioner from maintaining employment, resulting in loss of income and damage to employment history and professional relationships that cannot be fully restored even if release is eventually granted. Detention severs Petitioner's connections to family, friends, and community support systems that are essential to successful reintegration and that may be permanently damaged by prolonged separation. Detention significantly hampers Petitioner's ability to gather evidence, locate witnesses, consult with counsel, and otherwise prepare adequately for the November 16, 2026 hearing and any subsequent proceedings. The longer detention continues without justification, the greater the risk of physical and mental health deterioration, loss of housing stability, and other

cascading harms that compound over time.

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110. These harms cannot be remedied after the fact.

D. Balance of Equities and Public Interest

111. The government has already determined that Petitioner is suitable for release, as demonstrated by his 26 months of successful parole.

112. Less restrictive alternatives to detention are available and sufficient.

113. The public interest is always served by preventing constitutional violations.

114. The balance of equities overwhelmingly favors Petitioner.


REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus;
3. Order Petitioner’s immediate release under reasonable conditions of supervision;
4. Alternatively, order Respondents to provide Petitioner with a bond hearing within seven (7) days before a neutral adjudicator, at which:
 - The government bears the burden of proof;
 - The standard is clear and convincing evidence;
 - The adjudicator must consider Petitioner’s ability to pay; and
 - The adjudicator must evaluate less restrictive alternatives to detention.
5. Alternatively, order Respondents to provide Petitioner with a prompt bond hearing with consideration of Petitioner’s ability to pay and less restrictive alternatives, before a neutral adjudicator, at which the government bears the burden of demonstrating that Petitioner’s continued detention is justified and that no less restrictive alternative would suffice.
6. Issue a temporary restraining order and/or order to show cause on an expedited basis;
7. Grant such other and further relief as the Court deems just and proper.

Dated: April 23, 2026

MHM LAW GROUP, APLC



Michael H. Moghtader, Esq.
Attorney for Petitioner,
Nacim Rabi-Varzali

EXHIBIT “A”

Allegations: Admits All; | Charges: Concedes All;
Designated Country: IRAN |

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: 

In the Matter of:

Respondent: NAEIM RABI-VARZALI currently residing at:

MONTGOMERY PROCESSING CTR, 806 HILBIG RD, CONROE TX, 77301

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of Iran and a citizen of IRAN;
3. You entered the United States at an unknown location on or about 2023/02/12 ;
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;
5. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General.

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

CONROE IMMIGRATION COURT, 806 HILBIG RD, STE 2-300, CONROE, TX, 77301

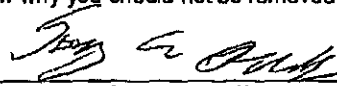
(Complete Address of Immigration Court, including Room Number, if any)

on January 18, 2024 at 8:00 am to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.



Supervisory Asylum Officer

(Signature and Title of Issuing Officer)

Date: 01/03/2024

Houston, TX

(City and State)

EOIR - 1 of 3

Allegations: Admits All; Charges: Concedes All;

Designated Country: IRAN

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the Immigration Judge. You will be advised by the Immigration Judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the Immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 1.5.24, in the following manner and in compliance with section 239(a)(1) of the Act.

[X] in person [] by certified mail, returned receipt # _____ requested [] by regular mail

[] Attached is a credible fear worksheet.

[] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Persian language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

DOCUMENT (Signature of Respondent if Personally Served)

Deportation Officer (Signature and Title of officer)

EOIR - 2 of 3

Allegations: Admits All; | Charges: Concedes All;

Designated Country: IRAN |

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:


Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EXHIBIT “B”

ALION COPY

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

Date: 01/12/2024

In Reference to: A 

INTERIM NOTICE AUTHORIZING PAROLE

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided to parole you from its custody pursuant to its authority under section 212(d)(5)(A) of the Immigration and Nationality Act. This notice is being issued to you in lieu of Form I-94, *Arrival-Departure Record*, see 8 C.F.R. § 235.1(h)(2), and you should maintain a copy of this letter in your possession at all times.

Your parole authorization is valid for one year beginning from the date on this notice and will automatically terminate upon your departure or removal from the United States or at the end of the one-year period unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Parole is conditioned on you complying with the terms and conditions of your release. You must notify ICE and the immigration judge of any address correction or address change. You must report for every scheduled hearing before the immigration court and every appointment as directed by ICE (including for removal from the United States should you become subject to a final removal order). You must not violate any local, State or Federal laws or ordinances. You must comply with any other specified conditions if identified separately.

I certify that I received a copy of this notice.

Rabi-Varzali, Naeim
Alien Name

Alien Signature

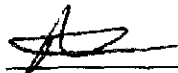
01/12/2024
Date

CERTIFICATE OF SERVICE

I certify that on today's date, I served the respondent a copy of this parole notice by the following method (as checked):

In person Other: _____

A. Machacek



ICE Official Signature

01/12/2024

ICE Official Name

Date

Notice Authorizing Parole
Page 2

Continuation Page for Interim Notice Authorizing Parole

To: Rabi-Varzali Naaim



Date: January 12, 2024

File:

Bond: (Parole with Reporting Requirements)

You have been released from service custody pending a final decision in your exclusion/deportation hearing. It is understood that you will be residing at the above address. As stated on the previous page, you are required to notify the Immigration Judge (at the address shown below) of any address correction or address change. When doing so, be sure to include your name and the File Number shown above in your written communication. The attached form, EOIR-33 can be used for this purpose.

Office of the Immigration Judge

1241 E. Dyer Rd. #200

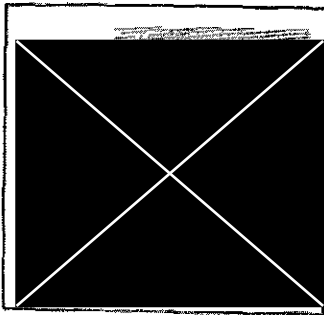
Santa Ana, CA 92705

You must report in person to: Non-Detained Office/ATD Office (213) 830-7911

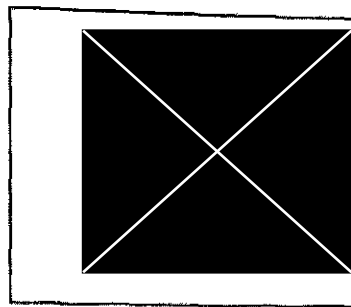
At: 300 North Los Angeles St. #7631A

On: 02/12/2024 at 10:00 a.m.

Los Angeles, CA 90012




PHOTO



RIGHT INDEX

EXHIBIT “C”

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
SANTA ANA IMMIGRATION COURT

LEAD FILE: 
IN REMOVAL PROCEEDINGS
DATE: Mar 11, 2026
EAD Clock: 505 days elapsed

TO: MHM LAW GROUP, APLC
Moghtader, Michael H.
16530 Ventura Blvd.,
Ste 606
Encino, CA 91436

RE:  RABI-VARZALI, NAEIM

Notice of In-Person Hearing

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

FILING DEADLINE: 30 DAYS PRIOR TO HEARING

Date: Nov 16, 2026
Time: 1:00 P.M. PT
Court Address: 1241 E. DYER ROAD, SUITE 200
2ND FL, COURTROOM 21, SANTA ANA, CA 92705

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:MAIL[M] PERSONAL SERVICE[P] ELECTRONIC SERVICE[E]
TO: [] Noncitizen | [] Noncitizen c/o Custodial Officer |
[E] Noncitizen ATT/REP | [E] DHS
DATE: MARCH 11, 2026 BY: COURT STAFF C.NEGRON
Attachments:[] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码，即可在线阅读该通知。

ਨੋਟਿਸ ਟੂ ਔਨਲਾਈਨ ਪੜ੍ਹਨ ਲਈ ਇਸ ਪੇਜ 'ਤੇ ਕੋਡ ਟੂ ਸਕੈਨ ਕਰਨ ਲਈ ਸਮਾਰਟਫੋਨ ਦੇ ਕੈਮਰੇ ਦੀ ਵਰਤੋਂ ਕਰੋ।

অনলাইনে নোটিশ পড়ার জন্য এই পজেরে কোডটি স্ক্যান করতে স্মার্টফোনের ক্যামেরা ব্যবহার করুন



सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entèlijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءه الإشعار على الإنترنت

Чтобы прочитать уведомление онлайн, отсканируйте код на этой странице с помощью камеры вашего смартфона.

Utilisez l'appareil photo d'un téléphone intelligent pour scanner le code sur cette page afin de lire l'avis en ligne.

EXHIBIT “D”

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

NOTICE TO EOIR: ALIEN ADDRESS


Event No: 

Date: March 19, 2026

To: Enter Name of BIA or Immigration Court I-830 SANTA ANA IMMIGRATION COURT
Enter BIA or Immigration Court Three Letter Code@usdoj.gov SNC

From: Enter Name of ICE Office ERO - Otay CCA Facility, CA Sub Office
Enter Street Address of ICE Office U.S. IMMIGRATION & CUSTOMS ENFORCEMENT DRO - OMDC, CA Sub Office 7488 Calzada DeLa Fuente

Enter City, State and Zip Code of ICE Office SAN DIEGO, CA 92154

Respondent: Enter Respondent's Name RABI VARZALI, NAEIM
Alien File No: Enter Respondent's Alien Number 

This is to notify you that this respondent is:

Currently incarcerated by federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:
Enter Name of Institution where Respondent is being detained _____
Enter Street Address of Institution where Respondent is being detained _____
Enter City, State and Zip code of Institution where Respondent is being detained _____
Enter Respondent's Inmate Number _____
His/her anticipated release date is Enter Respondent's Anticipated Release Date. _____

Detained by ICE on Enter Date Respondent was Detained by ICE at: March 19, 2026
Enter Name of ICE Detention Facility where Respondent is being detained OTAY MESA DETENTION CENTER
Enter Street Address of ICE Detention Facility where Respondent is being detained _____
7488 CALZADA DE LA FUENTE
Enter City, State and Zip Code of ICE Detention Facility where Respondent is being detained _____
SAN DIEGO CA 921540000

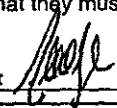
Detained by ICE and transferred on Enter Date Respondent was transferred to: _____
Enter Name of ICE Detention Facility where Respondent has been transferred _____
Enter Street Address of ICE Detention Facility where Respondent has been transferred _____
Enter City, State and Zip Code of ICE Detention Facility where Respondent has been transferred _____

Released from ICE custody on the following condition(s):
 Order of Supervision or Own Recognizance (Form I-220A)
 Bond in the amount of Enter Dollar Amount of Respondent's Bond _____
 Removed, Deported, or Excluded
 Other _____

Upon release from ICE custody, the respondent reported his/her address and telephone number would be:

Enter Respondent's Street Address _____
Enter Respondent's City, State and Zip Code _____
Enter Respondent's Telephone Number (including area code) _____

I hereby certify that the respondent was provided an EOIR-33 Form and notified that they must inform the Immigration Court of any further change of address.

ICE Official: Enter Your First, Last Name and Title Deportation Officer A. 7035 ZAIDI 

EOIR - 1 of 1

EXHIBIT “E”


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

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, 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.

Dated: April 23, 2026

MHM LAW GROUP, APLC



Michael H. Moghtader, Esq.
Attorney for Petitioner,
Naeim Rabi-Varzali