

BACKGROUND

1. Petitioner Narges Mohammadian (“Petitioner”) is in the physical custody of Respondents at the Imperial Detention Facility.
2. Petitioner entered the United States around April 10, 2025, and has been detained since, more than 12 months. (Exhibit A, Notice to Appear))
3. Petitioner has been granted withholding of removal to Iran, her only country of nationality. 8 U.S.C. § 1231(b)(3)(A) (INA § 241(b)(3)). (Exhibit B, Immigration Judge’s Decision)
4. Petitioner or the Respondent’s did not Appeal the Immigration Judge’s decision. As a result, the case is administratively closed and removal to Iran is legally prohibited.
5. Despite this, Respondents continue to detain Petitioner indefinitely without any meaningful likelihood of effectuating removal to a third country.
6. Respondents have not identified any third country willing to accept Petitioner.
7. Respondents have not obtained travel documents. The Islamic Republic of Iran's Interests Section in Washington, D.C. offers limited consular services and is not a full embassy. There is no indication that removal is imminent or travel documents will be issued to the Petitioner soon.
8. There is no meaningful progress toward effectuating removal.
9. Petitioner has been in post-order-detention for over 90 days, and she challenges the legality of her continued detention under 8 U.S.C. § 1231(a)(6).

1 10. The Petitioner has now been in post-order- detention for over 90 days,
2 triggering the Zadvydas presumption of unlawfulness. Removal is not reasonably
3 foreseeable, making continued detention unconstitutional.
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5 11. Her continued detention violates the Due Process Clause of the Fifth
6 Amendment, 8 U.S.C. § 1231(a)(6) and mandates of *Zadvydas v. Davis*, 533 U.S.
7 678 (2001).
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9 12. Immigration detention is civil, not punitive. See *Zadvydas v. Davis*, 533 U.S. at
10 690. Accordingly, the government may not subject a detainee to conditions that
11 amount to punishment or that are not reasonably related to a legitimate governmental
12 purpose. See *Bell v. Wolfish*, 441 U.S. at 535.
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14 13. The Petitioner is about 45 years old and has been dealing with cysts and other
15 medical issues that the facility cannot adequately address. (See Exhibit C,
16 Declaration of Ms. Mohammadian)
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18 14. When the government detains an individual, it accepts an affirmative
19 responsibility to provide medical care that meets constitutional standards. Failure to
20 do so when detention is particularly prolonged, renders confinement punitive in
21 violation of the Fifth Amendment's Due Process Clause. See *Gordon v. County of*
22 *Orange*, 888 F.3d at 1124–25 (pretrial detainee medical claims arise under objective
23 deliberate indifference standard).
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1 15. Petitioner seeks a writ of habeas corpus ordering immediate release under
2 supervision, or in the alternative, an Order to Show Cause requiring Respondents to
3 justify her continued detention.
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5 16. ICE has indicated no immediate or viable plan to effectuate removal to a third
6 country, and the detention is now presumptively unconstitutional.
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8 17. Petitioner also seeks a Temporary Restraining Order preventing transfer to
9 another facility until this Court issue a decision.
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11 CUSTODY

12 18. Petitioner is detained in legal and physical custody of Respondents at the
13 Imperial Regional Detention Facility, where she is under direct control of
14 Respondents and their agents.
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16 JURISDICTION AND VENUE

17 19. This action arises under the Constitution of the United States and the
18 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.
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20 20. This court has subject matter jurisdiction under 28 U.S.C. § 1231 (habeas
21 corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act); U.S.
22 Const. Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
23

24 21. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
25 Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.
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27 VENUE

1 22. Venue is further proper because a substantial part of the events or omissions
2 giving rise to Petitioner's claims occurred in this District, where Petitioner is now in
3 Respondent's custody. 28 U.S.C. § 1391(e).
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5 EXHUSTION OF ADMINISTRATIVE REMEDIES

6 23. Petitioner is not required to exhaust administrative remedies. Exhaustion for
7 habeas corpus claim is prudential and not jurisdictional. See *Lasig v. Ashcroft*, 370
8 F.3d 994, 997 (9th Cir. 2004). The prudential exhaustion requirement maybe waived
9 if "administrative remedies are inadequate or not efficacious, pursuit of
10 administrative remedies would be a futile gesture, [or] irreparable injury will result."
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12 Id. At 1000.
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14 PARTIES

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16 24. Respondent, Ernesto Santacruz, as the Field Office Director, Immigration and
17 Customs Enforcement and Removal Operations ("ICE"), Los Angeles, California
18 Field Office, a part of the Department of Homeland Security ("DHS"), and maintains
19 his office in Los Angeles, California, within this judicial district. The Los Angeles
20 Field Office is responsible for carrying out immigration detention operation at the
21 Adelanto Processing Center. Respondent Santacruz is a legal custodian of Petitioner.
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23 He is sued in his official capacity.
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25 25. Respondent Jeremy Casey is the warden of the Imperial Regional Adult
26 Detention Facility in Calexico, California, responsible for carrying out immigration
27 detention operation at Adelanto. He is sued in his official capacity.
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1 26. Respondent Markwayne Mullin is the Secretary of Homeland Security. As
2 such he is responsible for the actions of that department, its subagencies, and its
3 officers and personnel. Respondent Markwayne Mullins sued in his official capacity.
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5 27. Respondent Todd Blanche, the Attorney General of the United States, and as
6 such has responsibility for the conduct and operations of the Department of Justice
7 and all of its officers and personnel, including the Executive Office for Immigration
8 Review. Todd Blanche is sued in his official capacity.
9

10 28. Respondent Todd Lyons is the Acting Director of ICE, and as such is
11 responsible for how the immigration laws of the United States are enforced. Todd
12 Lyons is sued in his official capacity.
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14 29. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY is an agency
15 of the United States with responsibility for the enforcement of the nation's
16 immigration laws. It is under the direction of respondent KRISTI NOEM.
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18 30. Respondent U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT is an
19 agency of respondent U.S. DEPARTMENT OF HOMELAND SECURITY and is
20 under the direction of respondent Todd Lyons.
21

22 31. Respondent U.S. DEPARTMENT OF JUSTICE is an agency of the United
23 States and is under the direction of respondent Pamela Bondi.
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25 32. Respondent DEPARTMENT OF JUSTICE maintains an adjudicatory body for
26 immigration cases called the Executive Office for Immigration Review ("EOIR").
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1 Part of EOIR includes the Office of the Immigration Judge, which is generally known
2 at the Immigration Court.
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4 **HABEAS CORPUS REQUIREMENTS OF 28 U.S.C. § 2243**

5 33. The Court must grant a petition for habeas corpus or order Respondents to
6 show cause “forthwith”, unless the petitioner is not entitled to relief. 28 U.S.C. §
7 2243
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9 34. If an order to show cause is issue, Respondents must file a return “within three
10 days unless for good cause additional time, not exceeding 21 days, is allowed. Id.
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12 35. Habeas corpus is “perhaps the most important writ known to the constitutional
13 law . . . affording as it does a swift and imperative remedy in all cases of illegal
14 restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).
15 “The application for the writ usurps the attention and displaces the calendar of the
16 judge or justice who entertains it and receives prompt action from him within the four
17 corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000)
18 (citation omitted).
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21 **STATEMENT OF THE CASE**

22 36. Petitioner is a native and citizen of Iran.
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24 37. She entered the United States on April 10, 2025, and detained since her entry
25 into the United States.
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1 38. On January 22, 2026, the Immigration Judge granted Petitioner withholding of
2 removal to Iran, prohibiting her removal to that country. 8 U.S.C. § 1231(b)(3)(A)
3 (INA § 241(b)(3)).
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5 39. Iran is Petitioner's only country of nationality.

6 40. Respondents have not presented any documents that provided any indication
7 that Petitioner will be removed to any other third country in the reasonably
8 foreseeable future.
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10 41. Petitioner has remained in ICE custody beyond the 90-day removal period
11 under 8 U.S.C. § 1231(a)(1).
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13 42. Petitioner has fully cooperated with all efforts by ICE to remove Petitioner
14 from the United States.
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16 **LEGAL FRAMEWORK**

17 43. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition
18 for writ of habeas corpus or issue an order to show cause to Respondents, unless
19 Petitioner is not entitled to relief. If the Court issues an order to show cause,
20 Respondents must file a response "within three days unless for good cause additional
21 time, not exceeding twenty days, is allowed." 28 U.S.C. § 2243 (emphasis added).
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24 44. "It is well established that the Fifth Amendment entitles [noncitizens] to due
25 process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523
26 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom from
27 imprisonment—from government custody, detention, or other forms of physical
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1 restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”

2 Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

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4 45. This fundamental due process protection applies to all noncitizens, including
5 both removable and inadmissible noncitizens. See *id.* at 721 (Kennedy, J., dissenting)
6 (“[B]oth removable and inadmissible [noncitizens] are entitled to be free from
7 detention that is arbitrary or capricious.”). It also protects noncitizens who have been
8 ordered removed from the United States and who face continuing detention. *Id.* at
9 690.
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12 46. Furthermore, 8 U.S.C. § 1231(a)(1)-(2) authorizes detention of noncitizens
13 during “the removal period,” which is defined as the 90-day period beginning on “the
14 latest” of either “[t]he date the order of removal becomes administratively final”; “[i]f
15 the removal order is judicially reviewed and if a court orders a stay of the removal of
16 the [noncitizen], the date of the court’s final order”; or “[i]f the [noncitizen] is
17 detained or confined (except under an immigration process), the date the [noncitizen]
18 is released from detention or confinement.”
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21 47. Although 8 U.S.C. § 1231(a)(6) permits detention “beyond the removal period”
22 of noncitizens who have been ordered removed and are deemed to be a risk of flight
23 or danger, the Supreme Court has recognized limits to such continued detention. In
24 *Zadvydas*, the Supreme Court held that “the statute, read in light of the Constitution’s
25 demands, limits [a noncitizen’s] post-removal-period detention to a period reasonably
26 necessary to bring about that [noncitizen’s] removal from the United States.” 533
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1 U.S. at 689. “[O]nce removal is no longer reasonably foreseeable, continued
2 detention is no longer authorized by statute.” Id. at 699.

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4 48. In determining the reasonableness of detention, the Supreme Court recognized
5 that, if a person has been detained for longer than six months following the initiation
6 of their removal period, their detention is presumptively unreasonable unless
7 deportation is reasonably foreseeable; otherwise, it violates that noncitizen’s due
8 process right to liberty. 533 U.S. at 701. In this circumstance, if the noncitizen
9 “provides good reason to believe that there is no significant likelihood of removal in
10 the reasonably foreseeable future, the Government must respond with evidence
11 sufficient to rebut that showing.” Id.

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14 49. The Court’s ruling in *Zadvydas* is rooted in due process’s requirement that
15 there be “adequate procedural protections” to ensure that the government’s asserted
16 justification for a noncitizen’s physical confinement “outweighs the ‘individual’s
17 constitutionally protected interest in avoiding physical restraint.’” Id. at 690 (quoting
18 *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration context, the
19 Supreme Court only recognizes two purposes for civil detention: preventing flight
20 and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690;
21 *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any
22 other justification.

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26 50. The first justification of preventing flight, however, is “by definition . . . weak
27 or nonexistent where Petitioner was granted withholding of removal and removal
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1 seems a remote possibility.” *Zadvydas*, 533 U.S. at 690. Thus, where removal is not
2 reasonably foreseeable and the flight prevention justification for detention
3 accordingly is “no longer practically attainable, detention no longer ‘bears [a]
4 reasonable relation to the purpose for which the individual [was] committed.’” *Id.*
5 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). As for the second
6 justification of protecting the community, “preventive detention based on
7 dangerousness” is permitted “only when limited to especially dangerous individuals
8 and subject to strong procedural protections.” *Zadvydas*, 533 U.S. at 690–91.

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12 51. At a minimum, detention is unconstitutional and not authorized by statute when
13 it exceeds six months and deportation is not reasonably foreseeable. See *Zadvydas*,
14 533 U.S. at 701 (stating that “Congress previously doubted the constitutionality of
15 detention for more than six months” and, therefore, requiring the opportunity for
16 release when deportation is not reasonably foreseeable and detention exceeds six
17 months); see also *Clark v. Martinez*, 543 U.S. 371, 386 (2005).

18 19 20 **FIRST CLAIM FOR RELIEF**

21 **(Violation of 8 U.S.C. § 1231(a)(6) and the Fifth Amendment)**

22 52. Petitioner re-states and re-alleges all paragraphs as if fully set forth here.

23
24 53. Petitioner’s continued detention by Respondents is unlawful and contravenes 8
25 U.S.C. §1231(a)(6) as interpreted by the U.S. Supreme Court in *Zadvydas*. Petitioner
26 shall not be removed to Iran and Petitioner’s removal to any other country is not
27 reasonably foreseeable. The Supreme Court held in *Zadvydas* that ICE’s continued
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1 detention of someone after six-months where deportation is not foreseeable is
2 unreasonable and violation of 8 U.S.C. §1231(a). 533 U.S. at 701.

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4 54. Petitioner has met her burden under *Zadvydas v. Davis* by demonstrating:

5 ICE has not presented any documents that provided any indication that Petitioner will
6 be removed to any other third country in the reasonably foreseeable future.

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8 55. Once this showing is made, the burden shifts to the Government to demonstrate
9 that removal is reasonably foreseeable. Respondents cannot meet this burden.

10 56. Unlike ordinary cases involving delay, this case presents a legal and practical
11 barrier to removal as removal to Iran is prohibited. No other alternative country
12 exists or has been identified.

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14 57. Accordingly, detention is no longer tied to its statutory purpose.

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16 **SECOND CLAIM FOR RELIEF**

17 **Procedural Due Process Violation**

18 58. Petitioner re-states and re-alleges all paragraphs as if fully set forth here.

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20 59. Under the APA, a court shall “hold unlawful and set aside agency action” that
21 is an abuse of discretion. 5 U.S.C. § 706(2)(A).

22 60. An action is an abuse of discretion if the agency “entirely failed to consider an
23 important aspect of the problem, offered an explanation for its decision that runs
24 counter to the evidence before the agency, or is so implausible that it could not be
25 ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of*
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28 *Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor*

1 Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43
2 (1983)).
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4 61. To survive an APA challenge, the agency must articulate “a satisfactory
5 explanation” for its action, “including a rational connection between the facts found
6 and the choice made.” Dep’t of Com. v. New York, 139 S. Ct. 2551, 2569 (2019)
7 (citation omitted).
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10 **THIRD CLAIM FOR RELIEF**

11 **Substantive Due Process Violation**

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13 62. Petitioner re-alleges and incorporates by reference all preceding paragraphs as
14 though fully set forth herein.
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16 63. The Due Process Clause of the Fifth Amendment prohibits the Government
17 from depriving any person of liberty without due process of law. U.S. Const. amend.
18 V. This protection extends to all persons within the United States, including
19 noncitizens, regardless of immigration status. See Zadvydas v. Davis, 533 U.S. at
20 693.
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22 64. Although the Government retains a legitimate interest in effectuating removal,
23 that interest is constitutionally limited. Detention pursuant to 8 U.S.C. § 1231(a) is
24 permissible only for a period reasonably necessary to secure removal. Id. at 689.
25 Once removal is no longer reasonably foreseeable, continued detention becomes
26 unconstitutional. Id. at 699.
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1 65. Under 8 U.S.C. § 1231(a)(1)(A), the Government must effectuate removal
2 within a 90-day “removal period,” which begins when the order of removal becomes
3 administratively final. Here, the removal period commenced on January 22, 2026.
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5 66. Petitioner has now been detained beyond the statutory removal period, and
6 Respondents cannot demonstrate a significant likelihood of removal in the reasonably
7 foreseeable future.
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9 67. Under these circumstances, continued detention is no longer reasonably related
10 to its purported purpose and has become indefinite and punitive in nature. Such
11 detention violates substantive due process. See *Zadvydas v. Davis*, 533 U.S. at 690.
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13 **FOURTH CLAIM FOR RELIEF**

14 **Due Process Clause of the Fifth Amendment**

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16 69. To date, ICE has indicated that a 90-day post-removal-period custody review
17 will occur or is forthcoming; however, Petitioner has not been provided a meaningful
18 or constitutionally adequate opportunity to challenge the reasonableness of continued
19 detention, in violation of the Fifth Amendment. To date, ICE has indicated that a 90-
20 day post-removal-period custody review will occur or is forthcoming; however,
21 Petitioner has not been provided a meaningful or constitutionally adequate
22 opportunity to challenge the reasonableness of continued detention, in violation of the
23 Fifth Amendment.
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26 70. Under 8 U.S.C. § 1231(a)(1)(A), the Government must effectuate removal
27 within a 90-day removal period following a final order of removal. During that
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1 period, detention is mandatory. 8 U.S.C. § 1231(a)(2). After the removal period
2 expires, continued detention is governed by 8 U.S.C. § 1231(a)(6), which must be
3 construed in light of constitutional limitations. The custody review process under 8
4 C.F.R. §§ 241.4 and 241.13 does not meet due process if it lacks a genuine chance to
5 present evidence, challenge the Government's claims, and secure an individualized
6 determination on continued detention.
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10 71. The Supreme Court has held that post-removal-period detention is limited to a
11 period reasonably necessary to effectuate removal. *Zadvydas v. Davis*, 533 U.S. at
12 689. After six months of detention, once a noncitizen provides good reason to believe
13 that there is no significant likelihood of removal in the reasonably foreseeable future,
14 the burden shifts to the Government to rebut that showing. *Id.* at 701.
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17 72. Here, the Government has failed to effectuate Petitioner's removal within the
18 statutory removal period and cannot meet its burden of demonstrating a significant
19 likelihood of removal in the reasonably foreseeable future. Under these
20 circumstances, continued detention no longer bears a reasonable relation to its
21 purported purpose and has become indefinite and arbitrary in violation of the Fifth
22 Amendment.
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25 73. Accordingly, due process requires Petitioner's release under appropriate
26 conditions of supervision pursuant to 8 U.S.C. § 1231(a)(3), or, at minimum, an order
27 requiring constitutionally adequate review of the necessity of continued detention.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court to:

- a. Maintain jurisdiction over this matter;
- b. Order Respondents to refrain from transferring Petitioner outside the jurisdiction ICE Los Angeles Filed Office during pendency of this proceeding and while Petitioner remains in Respondent's Custody;
- c. Grant the Petition for Writ of Habeas Corpus;
- d. Declare Petitioner's continued detention unlawful;
- e. Order Respondents to immediately release Petitioner under appropriate conditions of supervision;
- f. Grant any other relief this Court deems just and proper.

Respectfully submitted,

Date: April 24, 2026

//Neda Zaman//

Neda Zaman
Attorney for Petitioner

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