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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF
CALIFORNIA**

Narges Mohammadian

Petitioner,

VS.

**Ernest Santacruz, in his official capacity as
Filed Office Director, ICE, Los Angeles
Filed Office; et al**

Defendants

Petitioner's Traverse to Respondents' Return to Petition for Writ of Habeas Corpus

1 TO THE HONORABLE COURT:

2 Prolonged Detention Violates the Fifth Amendment Regardless of the Date of
3
4 Administrative Finality

5 Petitioner disputes that the Immigration Judge's decision became administratively
6 final on January 22, 2026. Petitioner did not reserve appeal. Nonetheless,
7
8 Respondents' reliance on the finality of the removal order does not extinguish this
9 Court's jurisdiction under 28 U.S.C. § 2241, nor does it authorize indefinite or
10 unreviewed detention.
11

12 **I. The Constitution Independently Limits the Duration of Immigration**
13 **Detention**

14 The Supreme Court has made clear that immigration detention, although civil, is
15 subject to constitutional limitations grounded in due process. In *Zadvydas v. Davis*,
16 the Court held that post-removal-order detention is limited to a period "reasonably
17 necessary" to effectuate removal and identified six months as a presumptively
18 reasonable period. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001)
19
20 Detention that extends beyond that period requires adequate justification, specifically,
21 a showing that removal is significantly likely in the reasonably foreseeable future. *Id.*
22
23 Here, regardless of when the removal period is deemed to have begun, Petitioner's
24 detention has extended to approximately twelve months, well beyond the
25 constitutionally recognized benchmark.
26

27 **II. Statutory Authorization Does Not Resolve the Constitutional Question**
28

1 The Government may argue that detention is authorized under either 8 U.S.C. § 1226
2 or 8 U.S.C. § 1231, depending on when administrative finality is deemed to have
3 occurred. That argument is insufficient.
4

5 In *Jennings v. Rodriguez*, the Supreme Court rejected a statutory interpretation
6 requiring periodic bond hearings but expressly left open as-applied constitutional
7 challenges to prolonged detention. *Jennings v. Rodriguez*, 583 U.S. 281 (2018).
8

9 Thus, even where detention is statutorily authorized, it must still comply with the Due
10 Process Clause.
11

12 **II. One Year of Detention Is Excessive Absent a Realistic Prospect of** 13 **Removal or Adequate Safeguards**

14 At the one-year mark, detention is no longer brief or inherently finite.

15 In assessing a prolonged detention, Court requires to view the total length of
16 detention, whether removal is reasonably foreseeable, and whether the detained
17 individual has received a meaningful opportunity to challenge detention. See, e.g.,
18 *Zadvydas*, 533 U.S. at 701; *Prieto-Romero v. Clark*, 534 F.3d 1053, 1062 (9th Cir.
19 2008).
20

21 Here, Petitioner's detention has extended to approximately twelve months, far
22 exceeding the six-month benchmark identified in *Zadvydas*. Absent a concrete
23 showing that removal is likely in the reasonably foreseeable future, or the provision
24 of constitutionally sufficient procedures, continued detention is no longer reasonably
25 related to its purpose and becomes arbitrary.
26
27
28

1 **CONCLUSION**

2 Even accepting Respondents' position regarding the timing of administrative finality,
3 the duration and character of Petitioner's detention independently render it
4 unconstitutional. The petition for writ of Habeas Corpus should be granted.
5

6 Respectfully,

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8 //Neda Zaman//

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10 Neda Zaman
11 Attorney for Petitioner
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Petitioner's Traverse to Respondents' Return to Petition for Writ of Habeas Corpus with the Clerk of the Court for the United States District Court for the Southern District of California by using the Court's CM/ECF system.

Respectfully submitted,

Date: May 4, 2026

//Neda Zaman//

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Attorney at law