

Jessie Agatstein
Cal. Bar No. 319817
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, California 92101-5030
Telephone: (619) 234-8467
Facsimile: (619) 687-2666
jessie_agatstein@fd.org

Attorneys for Mr. Eidi

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

ARASH EIDI,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, JEREMY CASEY,
Warden at Imperial Regional Detention
Center,

Respondents.

No.: 26-cv-2662-BTM-DDL

**Traverse in support of unopposed
petition for writ of habeas corpus**

In their return, Respondents “acknowledge that Petitioner is entitled to be released from custody subject to conditions of supervision” set by ICE under “8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.13(h)(1).” ECF No. 8 at 1.

Respondents do not address or dispute Mr. Eidi’s second claim in his petition, regarding the process to which he is entitled if Respondents identify a country other than Iran to remove him to. *Id.*; *see* ECF No. 7 at 12–15. Mr. Eidi provided evidence that Respondents’ current policy is to violate Ninth Circuit

precedent regarding the notice and process he is due in that situation. *See* ECF No. 7, Exhibit E (policy is to “not affirmatively ask whether the alien is afraid of being removed”).

This Court should thus grant Mr. Eidi’s habeas petition and order his requested relief, ECF No. 7 at 16–17:

1. Enjoin Respondents to immediately release Petitioner from custody under conditions set by Respondents under 8 U.S.C. § 1231(a)(3) unless Respondent obtain a travel document for his removal;
2. Enjoin Respondents from re-detaining Petitioner without first following the procedures set forth in 8 C.F.R. §§ 241.4(*l*), 241.13(i); and
3. Enjoin Respondents from removing Petitioner to a third country unless they provide the following process:
 - a. written notice to both Petitioner and Petitioner’s counsel in a language Petitioner can understand;
 - b. a meaningful opportunity, and a minimum of ten days, to raise a fear-based claim for CAT protection prior to removal;
 - c. if Petitioner is found to have demonstrated “reasonable fear” of removal to the country, Respondents must move to reopen Petitioner’s immigration proceedings;
 - d. if Petitioner is not found to have demonstrated a “reasonable fear” of removal to the country, a meaningful opportunity, and a minimum of fifteen days, for the Petitioner to seek reopening of his immigration proceedings.

Respectfully submitted,

Dated: May 15, 2026

s/ Jessie Agatstein
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Eidi

Email: jessie_agatstein@fd.org

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