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8 United States District Court  
9 Southern District of California

10

11 Mohammad Sina CHEHRAZI, ]  
12 ]  
13 Petitioner, ]

No. '26CV2929 LEK AHG

14

14 v. ]

DHS Case No 

15 Markwayne Mullin, Secretary of Homeland ]  
16 Security; Todd Blanche, Acting Attorney General ]  
17 of the United States; Greogory J. Archambeault, ]  
18 San Diego Field Office Director, Bureau of ]  
19 Immigration and Customs Enforcement; & Jeremy ]  
20 Casey, Imperial Regional Detention Facility ]  
21 Administrator, ]

Petition for a Writ of  
Habeas Corpus By a  
Person in Federal Custody  
Under 28 U.S.C. § 2241

20

21 Respondents. ]  
22 ]

22

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1 **I. Introduction & Background**

- 2 • The petitioner is a native and citizen of Iran.
- 3 • He attempted to enter the United States without authorization on or about
- 4 02/11/2025, at or near San Luis, Arizona.
- 5 • After more than seven (7) months in the Department of Homeland Security’s
- 6 custody, he was issued a Notice to Appear directing him to appear before an
- 7 Immigration Judge.
- 8 • On 09/29/2025, he filed a timely application for relief, including an
- 9 application for asylum and for withholding of removal, with the Immigration
- 10 Court.
- 11 • The Immigration Court denied his bond requests on 09/15/2025 and
- 12 12/03/2025.
- 13 • On 01/13/2026, the Immigration Judge denied his application for relief and
- 14 ordered him removed from the United States to Iran.
- 15 • The petitioner appealed the removal order, and his appeal is currently pending
- 16 before the Board of Immigration Appeals.

17 **II.**

18 **JURISDICTION**

19 This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 2241 and

20 2243, which authorize federal courts to grant writs of habeas corpus to persons held

21 “in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. §

22 2241(c)(3). The Supreme Court has confirmed that federal district courts retain

23 jurisdiction to review constitutional challenges to immigration detention by means

24 of a habeas petition under § 2241. *INS v. St. Cyr*, 533 U.S. 289, 314 (2001);

25 *Boumediene v. Bush*, 553 U.S. 723, 774–75 (2008).

26 **VENUE**


27 Venue is proper in the United States District Court for the Southern District of

28 California because Petitioner is physically detained within this District at the Imperial

1 Regional Detention Facility, 1572 Gateway Road, Calexico, California 92231. A  
2 petition for writ of habeas corpus must be filed in the district where the petitioner is  
3 confined. *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 494–95 (1973).

### 4 **III. Habeas Allegations**

5 Petitioner provides the following information related to his habeas petition:

- 6 1. Place of detention: At the time of this filing, Petitioner is detained by  
7 Immigration and Customs and Enforcement (ICE) at the Imperial Regional  
8 Detention Facility, in Calexico, California.
- 9 2. Name and location of court: Imperial Immigration Court.
- 10 3. The Immigration Case Number, Alien Reg. Number: 
- 11 4. The date upon which removal order was imposed: 01/13/2026.
- 12 5. The removal order IS appealed.
- 13 6. Previous Petition: Yes (26-cv-00957).
- 14 7. Any other Petition, Appeal, or Parole Matter Pending: No.

### 15 **IV. Claims & Arguments**

#### 16 **A. MR. CHEHRAZI MUST BE RELEASED BECAUSE THERE IS NO** 17 **GOOD REASON TO BELIEVE HE WILL BE DEPORTED TO** 18 **IRAN IN THE REASONABLY FORESEEABLE.**

19 The Due Process Clause limits a “[noncitizen’s] post-removal-period  
20 detention to a period reasonably necessary to bring about that [noncitizen’s] removal  
21 from the United States.” *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). Because of  
22 this constitutional limitation, the immigration detention statute “does not permit  
23 indefinite detention.” *Id.*; see 8 U.S.C. § 1231.

24 Even without six months in ICE custody, a petitioner can still raise this claim  
25 through his lack of reasonable foreseeability of removal. *Zavvar v. Scott*, 2025 WL  
26 2592543, at \*5 (D. Md. Sept. 8, 2025) (collecting numerous cases). In other words,  
27 regardless of the six-month rubric, unconstitutional detention is and unconstitutional  
28 detention—no matter how long it’s been.

1 The Petitioner is a native and citizen of Iran who departed the country on  
2 12/19/2024. He attempted to enter the United States without authorization on or  
3 about 02/11/2025, at or near San Luis, Arizona, where he was apprehended by U.S.  
4 Customs and Border Protection and has remained in custody for more than one year.  
5 Although his removal order was issued on 01/13/2026, this petition is not premature.  
6 The petitioner cannot be returned to his last habitual residence because he has a  
7 viable appeal pending, and as noted in Attachment 1, the Islamic Republic of Iran  
8 has engaged in mass killings of its citizens in response to peaceful protest and  
9 assembly, demonstrations that were specifically encouraged by the President of the  
10 United States. In addition, the U.S. President has publicly stated that the United  
11 States is prepared to use military force, if necessary, to stop the killing and execution  
12 of protestors. Given the current country conditions in Iran, the removal of the  
13 petitioner is, as a practical matter, impossible.

14 **B. PETITIONER IS ENTITLED TO A BOND HEARING AT WHICH**  
15 **RESPONDENTS MUST BEAR THE BURDEN OF PROOF**

16 Upon a finding that Petitioner's prolonged detention without a bond hearing is  
17 constitutionally infirm, the appropriate remedy is an order directing Respondents to  
18 provide Petitioner with an individualized bond hearing before an Immigration Judge  
19 without delay. *Singh*, 638 F.3d at 1208. At that hearing, consistent with the  
20 requirements of due process, the Government must bear the burden of proving by clear  
21 and convincing evidence that Petitioner's continued detention is necessary because  
22 Petitioner poses a danger to the community or a risk of flight. *Id.* at 1203; *cf. United*  
23 *States v. Salerno*, 481 U.S. 739, 750 (1987).  
24

25 Shifting the burden of proof to the Government is constitutionally required for  
26 multiple reasons. First, Petitioner has already suffered a lengthy deprivation of liberty,  
27 which counsels in favor of placing the burden to justify continued confinement on the  
28 party seeking to maintain it—the Government. *Singh*, 638 F.3d at 1205. Second, the

1 Government, not Petitioner, possesses institutional knowledge and access to the  
2 evidence needed to justify continued detention, such as criminal records, immigration  
3 history, and flight risk assessments. *Id.* Third, the clear-and-convincing standard is  
4 constitutionally appropriate because the interest at stake—physical liberty—is “the  
5 most elemental of interests that are protected” by the Constitution. *Foucha*, 504 U.S.  
6 at 80.

7 In 2025, the Immigration Court, relying on an unconstitutional Board of  
8 Immigration Appeals decision that was based on the Department of Homeland  
9 Security's unlawful interpretation of the federal statute and contrary to years of  
10 precedent established by various federal courts, rejected Petitioner's motions for  
11 custody redetermination, holding that the Court lacked jurisdiction to grant Petitioner  
12 a bond hearing. Were Petitioner afforded the opportunity to request a bond hearing,  
13 he would demonstrate strong family ties to the United States, including his sister,  
14 brother-in-law, and teenage niece.

15  
16 Petitioner is not a danger to the community. Petitioner has no criminal history,  
17 and there is no basis for any reasonable determination that Petitioner's release would  
18 pose a risk to any member of the public. Accordingly, Petitioner should be afforded  
19 an opportunity to have a constitutionally adequate bond hearing so that he may present  
20 evidence as to why he should be released on bond or subject to reasonable conditions  
21 of supervision.

## 22 V. Conclusion

23 WHEREFORE, Petitioner Chehrazi respectfully requests that this Honorable  
24 Court:

- 25 1. **ISSUE** a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, ordering  
26 Respondents to promptly provide Petitioner with an individualized bond  
27 hearing before an Immigration Judge, at which Petitioner shall be afforded a  
28

1 full and fair opportunity to present evidence and argument regarding the  
2 necessity of continued detention;

3 2. **ORDER** that at said bond hearing, Respondents shall bear the burden of  
4 justifying Petitioner's continued civil detention by clear and convincing  
5 evidence that Petitioner poses a danger to the community or a risk of flight  
6 sufficient to require continued incarceration;

7  
8 3. **ORDER** Respondents to release Petitioner forthwith upon conditions of  
9 supervision, including, but not limited to, such bond, electronic monitoring, or  
10 reporting conditions as the Court deems appropriate if Respondents fail to  
11 provide Petitioner with the constitutionally required bond hearing within [7]  
12 days of this Court's order;

13  
14 4. **ENJOIN** Respondents from transferring Petitioner outside the territorial  
15 jurisdiction of the United States District Court for the Southern District of  
16 California pending the resolution of this petition and any appeals therefrom;

17  
18 5. **AWARD** Petitioner reasonable attorneys' fees and costs pursuant to the Equal  
19 Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, upon a finding that  
20 Petitioner is a prevailing party and that the Government's position was not  
21 substantially justified; and

22  
23 6. **GRANT** such other and further relief as this Court deems just, proper, and  
24 necessary to vindicate Petitioner's constitutional rights.

25  
26 Dated: 05/08/26

27 By: //s/-Kaveh Ardalan

28 Kaveh Ardalan, Proposed Attorney for Petitioner

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**VI. Verification**

I, Kaveh Ardalan declare as follows:

I am admitted to practice law in the State of California.

I am authorized to file this petition on behalf of petitioner, who is restrained in violation of his liberty.

Based on information and belief, I declare under penalty of perjury under the laws of the United States and the State of California that the contents of this petition are true and correct to the best of my knowledge and belief.

Executed on 05/08/26, in Santa Ana, California.

*//s// -Kaveh Ardalan*  
Kaveh Ardalan