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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MEHRAD FARDIJOUYBARI,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
et al.,

Respondents.

CASE NO.: 26-cv-3840-BJC-AHG

Traverse

**[Civil Immigration Habeas Petition
Under 28 U.S.C. § 2241]**

1 It has now been five months since Mr. Farijouybari's final order of
2 removal. In his Petition, he argued that *Zadvydas*'s six-month presumptively
3 reasonable removal period is "just that—a presumption," which can be rebutted
4 with sufficiently compelling evidence. Petition, ECF 1 (citing string of examples
5 where district courts have granted *Zadvydas* relief before the six-month period has
6 passed).

7 In its response, the government claims that Mr. Farijouybari has not
8 presented "compelling evidence" that there is no significant likelihood of removal
9 in the reasonably foreseeable future. Return, ECF 4 at 6. According to the
10 government, "ICE is currently preparing a travel document (TD) request." *Id.* at 2.
11 It claims that he can be removed "once airspace over Iran reopens." *Id.* at 2, 3, 6,
12 22. The government argues that because there is "evidence of progress" involving
13 negotiations to repatriate, there is no *Zadvydas* violation. *Id.* at 6.

14 But here, there is no such evidence of progress. ICE does not have travel
15 documents and the United States and Iran are at war. Thus, there is no possibility
16 of negotiations to repatriate Mr. Farijouybari within any reasonable time. No one
17 can predict when the war will come to an end. Other courts have found that this is
18 compelling evidence such that the petitioner is entitled to immediate release. *See*
19 *Nerssessian v. Noem*, No. 5:26-CV-00636-DTB, 2026 WL 1084841, at *5 (C.D.
20 Cal. Apr. 16, 2026) (observing that an Iranian petitioner demonstrated his removal
21 to Iran was not significantly likely in the reasonably foreseeable future
22 "particularly in light of the current state of hostilities between the United States
23 and Iran"); *Minassi v. Noem*, No. 5:26-CV-00723-RGK-AYP, 2026 WL 923289,
24 at *5 (C.D. Cal. Apr. 1, 2026) (taking judicial notice of the war between the
25 United States and Iran and concluding that "it is unlikely that anyone will be
26 removed to a country" such as Iran "with which the United States has no
27 diplomatic relations and is currently at war"). What's more, the government has
28 not yet identified a third country.

1 Thus, this Court should grant the habeas petition and order his requested
2 relief, ECF No. 1 at 16:

- 3 1. Enjoin Respondents to immediately release Petitioner from custody
4 under conditions set by Respondents under 8 U.S.C. § 1231(a)(3);
- 5 2. Enjoin Respondents from re-detaining Petitioner for purposes of his
6 removal unless and until Respondents obtain a travel document and
7 schedule a flight; and
- 8 3. Enjoin Respondents from re-detaining Petitioner for any other
9 purpose without following all procedures set forth in 8 C.F.R.
10 §§ 241.4(l) and 241.13(i).

11
12 Respectfully submitted,

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14 Dated: July 21, 2026

s/ Zandra Luz Lopez

ZANDRA LUZ LOPEZ

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