IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA COLUMBUS DIVISION

Mohammad Fasihi Ramandi
A: [redacted]
Petitioner.

Civil Action No.
4:26-cv-1081-CDL-AGH

v.

Ken Paxton, Attorney General of the United States; **Markwayne Mullin,** Secretary of the Deparment of Homeland Security; **LaDion Francis,** U.S. ICE field office Director for Georgia; **Jason Streeval,** Warden of Immigration Facility Stewart Detention Center in Lumpkim, Georgia.
Respondents.

PETITION FOR A WRIT OF HABEAS COURPUS

Pursuant to 8 U.S.C.§1231, and 28 U.S.C.§2241, by a person subject to indefinite immigration detention.

BACKGROUND

Petitioner (***Mohammad Fasihi Ramandi***), hereby petition this Court for a writ of Habeas Corpus to remedy Petitioner's unlawful detention by Respondents and to enjoin Petitioner's continued unlawful detention by the Respondent. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1. Petitioner is in the physical custody of respondents and U.S. Immigration and Customs Enforcement (ICE), Petitioner is detained at the Steward Detention Center, located at 146 CCA road, Lumpkin, GA. 31815, within this District, Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the constitution of the United States 28 U.S.C.§2241(c)(1), and the Immigration and Nationality Act ("INA"), 8 U.S.C.§1101.et.seq. This Court has subject matter jurisdiction under 28 U.S.C.§2241,art.1§9.cl.2 of the United States Constitution (Suspension Clause), and 28 U.S.C.§1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws or treaties of the United States,

see **Zadvydas v. Davis,** 533 U.S.678,688(2001)("**We conclude that §2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention**"); **INS v. St.Cyr.** 533 U.S.289,301(2001)("**at its historical core, the writ of Habeas Corpus has served as a means of reviewing the legality of executive detention, and it is in that context that its protections have been strongest**") **Clark v. Martinez** 543 U.S.371(2005) (**holding that Zadvydas applies to aliens found inadmissible as well as removable**).

VENUE

3. Venue lies in the Middle District of Georgia, because Petitioner is currently detained in the territorial jurisdiction of this Court at the [Stewart Detention Center, located at 146 CCA road, Lumpkin, GA. 31815]. 28 U.S.C.§1391.

EXHAUSTATION OF REMEDIES

4. Petitioner has exhausted his administrative remedies to the extent requiered by law, and his only remedy is by way of this Judicial Action after the Supreme Court decision in **Zadvydas,** the deparment of Justice issue regulations governing the custody of aliens removed, *see* 8 C.F.R.§241.4. Petitioner received a final order of removal on March 18, 2026 in a Immigration Court in Lumpkin, GA. and immediately a Immigration Judge order respondent shall be remove Petitioner to IRAN.

5. However, more than "**120-days**" have passen since then, and to date Petitioner remains in detention without receiving any indication or justification as why Petitioner's detention exceeds the "**90-days-time-limit**" established for those detained by ICE with a final deportation order. Nor was there **any statement from the United States a Iranian governments, that Petitioner's repatriation is reasonably foreseeable.**

PARTIES

6. Petitioner is native and citizen of IRAN, Petitioner was first taken into ICE custody on Octuber 05, 2024, and has remained in Ice custody continuously since that date. Petitioner was ordered removed to IRAN on March 18, 2026. Petitioner is currently detained at Stewart Detention Center, he has been continuously detained by ICE for "**OVER 22 MONTHS**".

7. Respondent **Todd Blanch** is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Naturalization Act (INA), as such **Mr. Blanch** has ultimate custodial authority over Petitioner.

8. Respondent **Markwayne Mullin** is the Secretary of Homeland Security, he is responsible for the administration of ICE and the implementation and enforcement of the INA, as such **Mr. Mullin** is the legal custodian of Petitioner.

9. Respondent **LaDion Francis** is the Field Office Director for Georgia and is Petitioner's immediate

custodian, *see* **Vazquez v. Reno,** 233F.3d688,690(1stCir.2000)cert.denied.122.S.ct.43(2001).

10. Respond **Jason Streeval** is the Warden of Stewart Detention Center where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

STATEMENT OF THE FACTS

11. Petitioner (***Mohammad Fasihi Ramadi)*** was born in Tihran, IRAN on [redacted] On October 05, 2024 he was arrested by the Border Patrol after surrendering voluntarily at the Port of entry in San Diego, California, and immediately request political asylum. **"Petitioner has not committed any crime (criminal record=0) and is not a flight risk nor a danger to the community"**.

12. After the Petitioner's asylum application was denied, an immigration Judge in the Lumpkin, Georgia immigation Court issued the final order to remove Petitioner to IRAN, he decided not to appeal.

13. To date, howevwe ICE has been unable to remove the Petitioner to IRAN and ICE has not had direct contact with the petitioner. It is Petitioner's understanding that IRAN government deny any and all requests for travel documents, as ther is no formal or informal repatriation agreement between IRAN and the United States.

14. Petitioner has cooperated fully with all efforts by ICE to remove Petitioner from the United States. He provided ICE deportation office with "information about, when and where he was born, travel document, photographs and fingerprints".

LEGAL FRAMEWORK FOR RELIEF SOUGHT

15. In **Zadvydas v. Davis**, 533U.S.Supreme Court held that 8 U.S.C.§1231(a)(6), when **"read in light of the Constitution's demands limits an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States"**. 533U.S.at689 a **"Habeas Court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal"**. Id.at699. If the individual's removal **"is not reasonably foreseeable, the Court should hold continued detention unreasonable and no longer authorized by the statute"**. Id.at 699-700. In **Clark v. Martinez**, 543 U.S.371(2005), the U.S. Supreme Court held that **Zadvydas** applies to aliens found inadmissible as well as removable.

16. An alien who has been detained beyond the presuntive period should be released where the government at issue will agree to accept the particular individual in question, see **Agbada v. Hohn Ashcroft,** 2002 U.S.Dist.**LEXIS**15797**(D.Mass,**August 22,2002)(court **"will likely grant"** Habeas petition after ICE is **"unable to present document confirmation that the goverment has agreed to [Petitioner's] repatriation", Zhou** 2001 U.S.DIST.LEXIS19050*7**(W.D.Wash,**February 28,2002) **(Government's failure to offer specific information regarding how or when it expected to obtain**

the necessary documentation or cooperation from the foreign government indicated that there is no significant likelihood of Petitioner's removal in the reasonably foreseeable future).

CLAIMS FOR RELIEF
COUNT ONE
STATUTORY VIOLATION

17. Petitioner's detention is government by 8 U.S.C.§1231(a) that code section provides that "**when an alien is ordered removed the Attorney General shall remove the alien from the United States within a period of 90-days**". 8 U.S.C.§1231(a)(1)(A).

18. Petitioner's continued detention by respondents is unlawful and contravenes 8 U.S.C.§1231(a)(6) as interpreted by the U.S. Supreme Court in **Zadvydas. "Petitioner's 90-days statutory removal period have passed".**

COUNT TWO
SUBSTANTIVE DUE PROCESS VIOLATION

19. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint, *see,e*.g.**Tam v. INS** 14F.Supp.2d 1184**(E,D.Cal.1998)(aliens retain substantive due process rights).**

20. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be remove in the reasonably foreseeable future. The U.S. Supreme Court in **Zadvydas** thus interpreted 8 U.S.C.§1231(a) to allow continued detention only for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interest to effect the alien's removal, *see* **Kay v. Reno,** 94F.Supp.2d.546,551**(M.D.Pa.2000)(granting writ of Habeas Corpus, because Petitioner's substantive due process rights were violated and noting that. "IF deportation can never occur, the government's primary legitimate purpose in detention-executing removal-is nonsensical").** Because Petitioneris unlikely to be removed to IRAN, her continued indefinite detention violates substantive due process.

COUNT THREE
PROCEDURAL DUE PROCESS VIOLATION

21. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaninful opportunity to demostrate that s/he should not be detained, Petitioner in this case has been denied that opportunity, there is no administrative mechanism in place for the Petitioner to obtain a

decision from a neutral arbiter or appeal a custody decision that violates **Martinez,** *see* Generally 8 C.F.R.§212.12. A number of Courts have identified a substancial bias within ICE toward the continued detention of aliens, raising the risk of an erroneous deprivation to constitutinally high levels, *see,* eg **Phan v. Reno,** 56F.S.Supp.2d1149,1157**(W.D.Wash,1999)("INS does not meaningfully and impartially review the Petitioner's status");** *see* also **Rivera v. Demore,** No.C99-3042TIIE,199 WL 521177,*7**(N.D.Cal.Jul.13,1999)(procedural due process requires that aliens release determination be made by impartial adjudicator due to agency bias).**

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume Jurisdiction over this matter;

2. Grant Petitioner a writ of Habeas Corpus directing the Respondents to immediately release Petitioner from custody, under reasonably conditions of supervision;

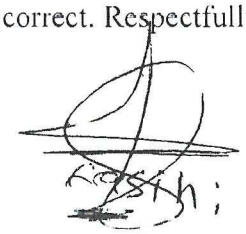
3. Order Respondent to refrain from transferring the Petitioner out of the jurisdiction of ICE Director's Jurisdiction for the Middle District of Georgia while the Petitioner remains in the Repondent's custody;

4. Order Respondents and all their behalf or in concert with them be prohibited from removing Petitioner to a third country without a meaningful opportunity to be heard in reopened removal proceedings with hearing before an immigration Judge especially once released on supervision;

5. Award Petitioner's Attorney fees and cost under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C.§2412, and on other basis justified under law; and

6. Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct. Respectfully this 28 of July, 2026.



Mohammad Fasihi Ramandi. Pro-Se
A: [redacted]

Stewart Detention Center
P.O.BOX 248
Lumpkin, GA. 31815