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Counsel for petitioner.

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

S.F.,	)	File No.
	)	
Petitioner,	)	
	)	Agency No.
vs.	)	
	)	A 
DREW BOSTOCK, Seattle Field Office	)	
Director, U.S. Immigration and Customs	)	PETITION FOR HABEAS
Enforcement and Removal Operation, KRISTI	)	CORPUS
NOEM, Secretary of Homeland Security,	)	
PAMELA BONDI, Attorney General, TODD	)	ORAL ARGUMENT
LYONS, Acting Director of Immigration and	)	REQUESTED
Customs Enforcement, U.S. DEPARTMENT	)	
OF HOMELAND SECURITY, U.S.	)	Expedited hearing requested
IMMIGRATION AND CUSTOMS	)	
ENFORCEMENT, and U.S. DEPARTMENT	)	
OF JUSTICE	)	
	)	
Respondents.	)	

For his complaint against respondents, petitioner alleges as follows.

JURISDICTION AND VENUE

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.
2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.
3. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
4. Although a United States District Court generally lacks subject-matter jurisdiction to review orders of removal, see 8 U.S.C § 1252(a)(2), (g), it does generally have jurisdiction over habeas petitions. See 28 U.S.C § 2241(a); see also *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art. I, § 9, cl. 2 and stating that "absent suspension, the writ of habeas corpus remains available to every individual detained within the United States").
5. Moreover, "a federal court always has jurisdiction to determine its own jurisdiction," including its own subject-matter jurisdiction. *Brownback v. King*, 592 U.S. 209, 218-19 (2021) (quoting *United States v. Ruiz*, 536 U.S. 622, 628 (2002)).
6. To give a court a reasonable opportunity to determine whether it has subject-matter jurisdiction and whether venue is proper in a district, and if so to

consider the validity of a habeas petition, a court may order the preservation of the status quo. See *United States v. United Mine Workers of Am.*, 330 U.S. 258, 293 (1947) ("[T]he District Court ha[s] the power to preserve existing conditions while it ... determine[s] its own authority to grant injunctive relief," unless the assertion of jurisdiction is frivolous.).

7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

8. Venue is proper because petitioner is in Respondents' custody in Portland, Oregon and because a substantial part of the events giving rise to his claims occurred in this district. 28 U.S.C. § 1391(e). For these same reasons, divisional venue is proper under Local Rule 3.

THE PETITIONER

9. Petitioner is a resident of the state of Oregon, and he in the state of Oregon as of the time of filing this petition. Petitioner is a citizen of Iran.

CUSTODY

10. Petitioner was arrested by agents of the respondents on June 24, 2025, at about 7:00 a.m., and is in their actual physical custody at the time of the filing of this petition.

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11. Petitioner was scheduled for a regular check-in at respondent's facility located in Portland, Oregon on July 7, 2025. Rather than wait for this check-in, respondent's chose to arrest petitioner shortly after he left his residence and while driving in his car on the way to his gym.

12. Petitioner seeks leave to proceed anonymously because public identification creates a risk of retaliatory physical harm risk due to petitioner's status as potential asylum seeker in the United States, and the nature of Petitioner's claim is sensitive and highly personal. See *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000).

13. Petitioner will provide his name to respondents under seal or other appropriate means of communication under the circumstances of this case.

RESPONDENTS

14. Respondent DREW BOSTOCK is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations ("ICE"). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens.

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15. The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington. Consequently, respondent DREW BOSTOCK is the immediate legal custodian of petitioner.

16. Respondent KRISTI NOEM is the Secretary of Homeland Security. As such she is responsible for the actions of that department, its subagencies, and its officers and personnel.

17. Respondent PAMELA BONDI is the Attorney General of the United States, and as such has responsibility for the conduct and operations of the Department of Justice and all of its officers and personnel, including the Executive Office for Immigration Review.

18. Respondent TODD LYONS is the Acting Director of ICE, and as such is responsible for the means by which the immigration laws of the United States are enforced.

19. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY is an agency of the United States with responsibility for the enforcement of the nation's immigration laws. It is under the direction of respondent KRISTI NOEM.

20. Respondent U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT is an agency of respondent U.S. DEPARTMENT OF HOMELAND SECURITY, and is under the direction of respondent TODD LYONS

21. Respondent U.S. DEPARTMENT OF JUSTICE is an agency of the United States, and is under the direction of respondent PAMELA BONDI.

22. Respondent DEPARTMENT OF JUSTICE maintains an adjudicatory body for immigration cases called the Executive Office for Immigration Review ("EOIR"). Part of EOIR includes the Office of the Immigration Judge, which is generally known at the Immigration Court.

23. All individual defendants are sued in their official capacities.

CLAIM FOR RELIEF

24. Petitioner is a citizen of Iran. In the early 2000s, respondents, or their statutory predecessors, initiated removal proceedings against petitioner in the immigration court. Petitioner sought relief from removal by way of filing an application for asylum with the immigration court.

25. On or about August 14, 2002, the immigration court denied petitioner's application for asylum. Petitioner filed an appeal from the immigration court decision with BIA.

26. Petitioner's appeal was dismissed on or about January 2, 2004. Petitioner then became subject to a final order of removal. From that date until now respondents have not been able to execute the final order of removal entered against petitioner.

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27. In general, a motion to reopen an order of removal must be filed within ninety (90) days of the date when an order of removal becomes final.

28. But, by law, “there is no time limit on the filing of a motion to reopen if the basis of the motion is to apply for relief under sections 1158 [related to asylum] or 1231(b)(3) [related to withholding of removal]” where the motion “ is based on changed country conditions arising in the country of nationality or the country to which removal has been ordered, if such evidence is material and was not available and would not have been discovered or presented at the previous proceeding.” 8 USC § 1229a(c)(7)(C)(ii).

29. The regulations promulgated by respondents for motions to reopen contain detailed and extensive requirements which must be complied with for a motion filed under 8 USC § 1229a(c)(7)(C)(ii) to be considered properly filed. See 8 C.F.R. § 1003.2. These regulations require a substantial and time-consuming effort on the part of anyone seeking to reopen a case based on changed conditions in the country of removal.

30. In petitioner's case, the changed country conditions is that petitioner faces a vastly increased danger of persecution, including imprisonment, torture, or execution should he be removed to Iran. These circumstances relate to the recent bombing by the United States of Iranian nuclear facilities, thus creating a de facto state of war between the United States and Iran. The court is asked to take judicial notice of this event.

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31. This bombing occurred early on the morning of Sunday, June 22, 2025, approximately forty-eight (48) hours before the filing of this petition. Human rights conditions in Iran are atrocious, as shown by the most recent (2023) State Department Report on Human Rights in Iran.

32. Petitioner's long residence in the United States, including his conversion to Christianity (punishable by death in Iran for "apostasy") and the fact that he has a U.S. citizen spouse and two U.S. citizen children, sharply increase the possibility of his imprisonment in Iran, or torture or execution, based on grounds protected under 8 U.S.C §§ 1158, related to asylum, and 1231(b)(3), related to withholding of removal, specifically, persecution on the grounds of the petitioner's race, religion, nationality, membership in a particular social group, or political opinion. Similar relief would be available to petitioner under the Convention Against Torture. *See* 8 C.F.R. §§ 208.16 to 208.18.

33. Noncitizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

34. Due process does not necessarily require this court to evaluate a motion to reopen filed by the petitioner, and petitioner does not seek such relief.

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35. But due process does require that respondents permit petitioner a reasonable time to file a motion to reopen based on changed circumstances in his home country, specifically Iran.

36. Because these changed conditions happened only about two days before petitioner's arrest, and because petitioner was arrested by surprise, and is now in custody and unable to assist his counsel with such a motion to reopen, petitioner has not had time to prepare a motion to reopen sufficient to meet the demanding requirements of 8 C.F.R. § 1003.2.

37. Consequently, petitioner's detention without a reasonable opportunity to file a motion to reopen based on changed country conditions is unlawful, and a writ of habeas corpus should issue.

38. Wherefore petitioner prays for relief as follows in that this court:

- a. Assume jurisdiction over this matter;
- b. Order Respondents to show cause within three days why this petition should not be granted.
- c. Bar respondents from removing petitioner from the District of Oregon absent further order of this court.
- d. Issue a Writ of Habeas Corpus ordering Petitioner's release from custody.

- f. Award Petitioner his attorney's fees and costs; and
- g. Grant any other relief that the Court deems just and proper.

Dated this 24th day of June 2025

/s/ Michael T. Purcell

MICHAEL T. PURCELL
OSB #853094
Attorney for petitioner