

JON M. SANDS
Federal Public Defender
DANIEL L. KAPLAN #021158
Assistant Federal Public Defender
250 North 7th Avenue, Suite 600
Phoenix, Arizona 85007
(602) 382-2700
dan_kaplan@fd.org
Counsel for Petitioner

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Mehrad Asadieidivand,

Petitioner,

vs.

Ghulam Rasool, ICE Enforcement and
Removal Operations Phoenix Supervisory
Detention and Deportation Officer;

Justin Smith, ICE Enforcement and Removal
Operations Phoenix Assistant Field Office
Director;

John Cantu, ICE Enforcement and Removal
Operations Phoenix Field Office Director;

Marcos Charles, ICE Acting Executive
Associate Director, Enforcement and
Removal Operations; and

Kristi Noem, United States Secretary of
Homeland Security,

Pamela Bondi, Attorney General of the
United States,

Respondents.

No. CV-25-02475-PHX-KML-JFM

**Reply in Support of Petition for a Writ of
Habeas Corpus Under 28 U.S.C. § 2241**

Introduction

In his petition for habeas corpus, Mehrad Asadieidivand showed that Respondents' actions re-detaining and refusing to release him, pursuant to a blanket, discretion-free policy that ICE described as "Trump's law," violated the Administrative Procedure Act and the Fifth

Amendment’s Due Process Clause. Rather than proffering any substantive defense of their conduct, Respondents seek to hide behind a jurisdiction-stripping statute, and a legal doctrine dubbed the “entry fiction” — both of which, they claim, shield their unlawful and unconstitutional conduct from judicial review. As Mehrad shows below, these assertions are meritless. This Court has the jurisdiction and authority to grant him the relief he seeks, and should do so.

I. This Court has the jurisdiction and authority to grant Mehrad the relief he seeks.

Respondents assert that 8 U.S.C. § 1252(a)(2)(B) strips this Court’s jurisdiction to review their refusal to grant Mehrad parole, because parole determinations under 8 U.S.C. § 1182(d)(5)(A) are “discretionary.” (Resp. at 7.) This assertion is misguided.

8 U.S.C. § 1252(a)(2)(B) reads as follows:

(B) Denials of discretionary relief

Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in subparagraph (D), and regardless of whether the judgment, decision, or action is made in removal proceedings, no court shall have jurisdiction to review—

(i) any judgment regarding the granting of relief under section 1182(h), 1182(i), 1229b, 1229c, or 1255 of this title, or

(ii) any other decision or action of the Attorney General or the Secretary of Homeland Security the authority for which is specified under this subchapter to be in the discretion of the Attorney General or the Secretary of Homeland Security, other than the granting of relief under section 1158(a) of this title.

Because this case does not involve the statutes specified in subsection 1225(a)(2)(B)(i), only subsection 1225(a)(2)(B)(ii) could support the government’s assertion. But § 1252(a)(2)(B)(ii) does not preclude this Court from granting Mehrad the relief he seeks, for four independently sufficient reasons.

First, Mehrad is not *only* challenging Respondents’ refusal to grant him parole under § 1182(d)(5)(A)—he is *also* challenging their unlawful and unconstitutional re-detention of him

1 following his release on bond. (Pet. at 12–20.) A separate statute, 8 U.S.C. § 1226(e), limits
2 judicial review of bond decisions—but that statute has no application here because it “does not
3 limit habeas jurisdiction over constitutional claims or questions of law.” *Doe v. Becerra*, 732 F.
4 Supp. 3d 1071, 1078 (N.D. Cal. 2024) (*quoting Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir.
5 2011); *and citing Demore v. Kim*, 538 U.S. 510, 517 (2003)).

6 Second, § 1252(a)(2)(B)(ii) likewise does not bar habeas claims that “do not seek review
7 of the Attorney General’s exercise of discretion,” but instead raise legal or constitutional
8 challenges to agency policies or practices that are “not a matter of discretion.” *Zadvydas v.*
9 *Davis*, 533 U.S. 678, 688 (2001); *see also Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017)
10 (“Like § 1226(e), § 1252(a)(2)(B)(ii) restricts jurisdiction *only* with respect to the executive’s
11 exercise of discretion. It does not limit habeas jurisdiction over questions of law.” (internal
12 quotation marks omitted)); *Hassan v. Chertoff*, 593 F.3d 785, 789 (9th Cir. 2010) (“[W]e retain
13 jurisdiction [despite § 1252(a)(2)(B)(ii)] to review constitutional claims, even when those claims
14 address a discretionary decision.” (internal quotation marks omitted)). Mehrad’s challenge to
15 Respondents’ refusal to grant him parole does not seek review of an exercise of discretion—to
16 the contrary, it challenges Respondents’ *refusal* to exercise discretion, pursuant to a blanket
17 policy that ICE described as “Trump’s law.” (Doc. 1 at 10–11.) *See United States v. Miller*, 722
18 F.2d 562, 565 (9th Cir. 1983) (“When a court establishes a broad policy based on events
19 unrelated to the individual case before it, no discretion has been exercised.”); *INS v. St. Cyr*, 533
20 U.S. 289, 307 (2001) (noting the “‘strong tradition in habeas corpus law . . . that subjects the
21 legally erroneous failure to exercise discretion, unlike a substantively unwise exercise of
22 discretion, to inquiry on the writ’”) (*quoting* Gerald L. Neuman, *Jurisdiction and the Rule of Law*
23 *after the 1996 Immigration Act*, 113 Harv. L. Rev. 1963, 1991 (2000)). Mehrad’s claims—alleging
24 that this policy violates the Administrative Procedure Act (APA) and the Fifth Amendment’s
25 Due Process Clause—are legal and constitutional claims that are not subject to
26 § 1252(a)(2)(B)(ii).

1 Third, in *Kucana v. Holder*, 558 U.S. 233 (2010), the Supreme Court accepted the
2 government’s characterization of the discretionary decisions subject to § 1252(a)(2)(B)(ii)’s
3 neighbor, 8 U.S.C. § 1252(a)(2)(B)(i), as “things that involve whether aliens can stay in the
4 country or not”—and the Court went on to describe the decisions subject to § 1252(a)(2)(B)(ii)
5 as “of a like kind.” *Kucana*, 558 U.S. at 247–48 (listing examples). Mehrad’s petition does not
6 challenge any decision involving “whether [he] can stay in the country or not”; it challenges only
7 his unlawful detention.

8 Fourth, a construction of § 1252(a)(2)(B)(ii) that would effectively bar Mehrad from
9 challenging his unlawful detention would steer the statute directly into the path of the
10 Suspension Clause. U.S. Const. art. 1, § 9, cl. 2. In *DHS v. Thuraissigiam*, 591 U.S. 103 (2020),
11 the Supreme Court held that a statute limiting the scope of habeas review of a negative asylum
12 determination did not violate the Suspension Clause, *id.* at 107—but in so holding, the Court
13 stressed that the traditional function of habeas corpus has been “to secure *release* from unlawful
14 detention.” *Id.* The challenged statute did not impair this traditional function, because it only
15 restricted the alien’s use of the writ to “obtain additional administrative review of his asylum
16 claim and ultimately to obtain authorization to stay in this country.” *Id.* Here, Mehrad seeks to
17 use the writ solely for its traditional purpose, of securing release from unlawful detention. Thus,
18 should the Court find none of the points outlined above compelling, it would be required to
19 attempt to give § 1252(a)(2)(B)(ii) a construction that would avoid unconstitutionality under the
20 Suspension Clause, *Zadvydas*, 533 U.S. at 689, and, if its language could not bear such a
21 construction, *Jennings v. Rodriguez*, 583 U.S. 281 (2018), to strike it down as unconstitutional,
22 *Boumediene v. Bush*, 553 U.S. 723, 792 (2008).

23 In sum, § 1252(a)(2)(B)(ii) poses no bar to this Court’s review of Mehrad’s claims. None
24 of the authorities the government cites (Resp. at 7) are to the contrary.

25 In *United States v. Leal-Del Carmen*, 697 F.3d 964, 975 (9th Cir. 2012), the Ninth Circuit
26 simply observed, in a criminal appeal in which it reversed the defendant’s conviction because the
27 government had deported a noncitizen who could have provided exculpatory testimony, that the
28

1 government had “exclusive authority to parole [the noncitizen] into the country to testify.” In
2 *Hassan v. Chertoff*, 593 F.3d at 788–89, the Ninth Circuit noted that § 1252(a)(2)(B)(ii) barred it
3 from reviewing the government’s denial of a noncitizen’s application for adjustment of status “as
4 a matter of discretion” —but it confirmed that it “retain[ed] jurisdiction to review constitutional
5 claims, even when those claims address a discretionary decision” (internal quotation marks
6 omitted), and accordingly addressed the noncitizen’s due process claim on its merits. In *Acosta v.*
7 *United States*, No. C14-420 RSM, 2014 WL 2216105, *4 n.1 (W.D. Wash. May 29, 2014), the
8 court simply noted in a footnote that, following a telephonic hearing in which the noncitizen had
9 identified “no countervailing authority,” it had concluded that it lacked authority to grant
10 advanced parole “under the circumstances of this case.”

11 In *United States v. Li*, No. CV-12-00482-PHX-DGC, 2013 WL 6729895, *1–*2 (D. Ariz.
12 Dec. 19, 2013), the court declined a civil defendant’s request that it order the government to
13 parole a deported witness into the United States to allow his deposition to be completed, noting
14 that it had no authority to review “denials of discretionary immigration relief.” In *Torres v. Barr*,
15 976 F.3d 918, 920, 931–32 (9th Cir. 2020) (en banc), the Ninth Circuit, addressing the unusual
16 circumstances of a resident of the Commonwealth of the Northern Mariana Islands who had
17 never applied to enter the United States but “abruptly found herself within the westernmost
18 border of our country,” noted that the petitioner had presented no evidence that her application
19 for “parole-in-place” had been granted, and stated that both it and the agency lacked jurisdiction
20 over the discretionary determination whether to grant such parole. And in *Rodriguez v. Robbins*,
21 715 F.3d 1127, 1144 (9th Cir. 2013), the Ninth Circuit reasoned that the general process of parole
22 under § 1182(d)(5)(A) was “not sufficient to overcome the constitutional concerns raised by
23 prolonged mandatory detention” because the decision to grant or deny parole is “purely
24 discretionary” and “unreviewable by IJs.”

25 To the extent that these decisions reference § 1252(a)(2)(B)(ii) at all, they do no more
26 than confirm the statute’s application to parole decisions that are properly undertaken as “a
27 matter of discretion,” and say nothing that contradicts the binding authority confirming the
28

statute's inapplicability to legal or constitutional questions. *Zadvydas*, 533 U.S. at 688; *Hernandez*, 872 F.3d at 988.

Respondents further assert that, because parole under § 1182(d)(5)(A) is “the only form of release [Mehrad] can obtain as an arriving alien subject to mandatory detention under section 1225(b),” this Court lacks the authority to grant him relief. (Resp. at 7.) Respondents overlook another form of release Mehrad can obtain: An Order from this Court pursuant to 28 U.S.C. 2241. That is the form of release Mehrad seeks here—and this Court is unquestionably authorized to grant it. *See, e.g., O-J-M- v. Bostock*, No. 3:25-CV-944-AB, 2025 WL 1943008, at *1 (D. Or. July 14, 2025); *Y-Z-L-H v. Bostock et al.*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *14 (D. Or. July 9, 2025). Indeed, release from unlawful detention is the traditional core of the habeas writ. *Thuraissigiam*, 591 U.S. 107.

In short, Respondents' assertion that this Court lacks jurisdiction or authority to review their unlawful and unconstitutional actions is meritless.

II. Respondents fail to undermine Mehrad's showing that he is entitled to relief for their unlawful and unconstitutional actions.

Rather than addressing the merits of Mehrad's claims, Respondents rely on categorical assertions regarding the “mandatory” nature of his detention under § 1225(b), and the limited rights he enjoys as an “arriving alien” detained under that statute. These assertions fail to undermine Mehrad's entitlement to the relief he seeks.

A. Respondents' assertion that 8 U.S.C. § 1225(b) provides for “mandatory detention without bond” is misleading and immaterial.

Respondents' assertion that Mehrad is subject to “mandatory detention without bond” (Resp. at 3) is both misleading and immaterial. The governing statutes state that an asylum-seeker “shall be detained” while his credible fear claim is reviewed, 8 U.S.C. § 1225(b)—but they *also* provide that he may be released during this process, *id.* § 1182(d)(5)(A). It follows that detention is only “mandatory” as a default matter, and release is expressly authorized, albeit under the rubric of “parole” rather than “bond.”

Respondents' assertion is in any event immaterial. Mehrad is not challenging his detention under § 1225(b) *per se*; he is challenging Respondents' actions *in respect to* his detention—none of which were mandated by the statute. Mehrad asserts that these actions violated the APA and the Fifth Amendment's Due Process Clause; legal authorities that are equally—or, in the case of the Fifth Amendment, more—"mandatory" than § 1225(b). *Marbury v. Madison*, 5 U.S. 137, 180 (1803). The fact that a statute deems detention a "mandatory" default practice does not serve to immunize Respondents' actions with respect to Mehrad's detention from this Court's scrutiny.

B. Respondents' assertion that the Supreme Court has held that mandatory detention without bond under § 1225(b) comports with the due process requirements of the Fifth Amendment is incorrect and immaterial.

Respondents assert that the Supreme Court held in *Thuraissigiam* that "mandatory detention without bond under 8 U.S.C. § 1225(b) comports with the due process requirements of the Fifth Amendment." (Resp. at 3.) This assertion is both incorrect and immaterial.

The assertion is incorrect because *Thuraissigiam* contains no such holding. The Court in *Thuraissigiam* addressed two challenges brought by an asylum-seeker to the order for his expedited removal. First, he argued that 8 U.S.C. § 1252(e)(2), which limits the issues reviewable in a habeas corpus challenge to a credible-fear determination, violated the Suspension Clause. *Thuraissigiam*, 591 U.S. at 106–07, 111. The Court disagreed, holding that this use of the habeas writ to "obtain authorization to stay in this country" fell outside of the writ's traditional function of "secur[ing] release from unlawful detention." *Id.* at 107. Second, he argued that the statute "violate[d] his right to due process by precluding judicial review of his allegedly flawed credible-fear proceeding." *Id.* at 138. The Court again disagreed, holding that, pursuant to what is sometimes described as the "entry fiction," *Al Otro Lado v. EOIR*, 138 F.4th 1102, 1116 (9th Cir. 2025), *pet. for cert. filed sub nom. Noem v. Al Otro Lado* (July 1, 2025 (No. 25-5)), a noncitizen who is physically present in the United States but has not been legally admitted "has only those rights regarding admission that Congress has provided by statute," and thus the Due Process Clause entitles them to "nothing more" in respect to their application for asylum. *Thuraissigiam*, 591

U.S. at 140. Nowhere in *Thuraissigiam* did the Court hold that “mandatory detention without bond under 8 U.S.C. § 1225(b) comports with the due process requirements of the Fifth Amendment.” (Resp. at 3.)

Respondents’ assertion is immaterial because Mehrad’s claims do not rest on any challenge to the constitutionality of § 1225(b). His claims challenge Respondents’ actions in respect to his detention—none of which were mandated by § 1225(b). (Pet. at 12–20.)

C. Respondents’ reliance on the “entry fiction” as a justification for denying relief to Mehrad is misplaced.

Respondents place heavy reliance on the “entry fiction” discussed in *Thuraissigiam*—*i.e.*, the principle that a noncitizen who is physically present in the United States but has not been legally admitted “has only those rights regarding admission that Congress has provided by statute,” and cannot claim any further such rights pursuant to the Due Process Clause. *Thuraissigiam*, 591 U.S. at 140. But Respondents’ reliance on this principle as a justification for denying Mehrad the relief he seeks is misplaced, for two independently sufficient reasons.

First, the “entry fiction” has no bearing on Mehrad’s leading claim for relief—which is based, not on the Constitution, but on the APA. (Pet. at 12–14.) Mehrad’s rights under the APA *are* rights “that Congress has provided by statute,” *Thuraissigiam*, 591 U.S. at 140, and even if he were *literally* “on the threshold” of entering the United States, rather than physically within it, he would *still* be entitled to vindicate these rights as a person “adversely affected or aggrieved” by Respondents’ actions. 5 U.S.C. § 702; *see Al Otro Lado*, 138 F.4th at 1120–23, 1128 (finding merit in APA claims pressed by asylum-seekers turned away at the border pursuant to unlawful “metering” policy); *Haitian Centers Council, Inc. v. Sale*, 823 F. Supp. 1028, 1046 (E.D.N.Y. 1993) (“Nonresident aliens located outside the United States qualify as ‘aggrieved persons’ with standing to obtain review in U.S. courts of the legality of U.S. governmental actions that adversely affect them.”); *id.* at 1050 (granting APA relief to Haitians detained at Guantanamo Bay). Because the vindication of Mehrad’s APA claim will provide him with all of the relief that he seeks—and because Respondents have made no effort to challenge the merits of this claim—

1 this Court need go no further to determine that his petition must be granted. *See Al Otro Lado*,
 2 138 F.4th at 1123 (“Because we affirm the district court’s conclusion that the metering policy
 3 violated § 706(1) of the APA, we need not reach the other merits claims.”).

4 Second, Mehrad does not here seek to vindicate due process rights “regarding
 5 admission.” *Thuraissigiam*, 591 U.S. at 140. He seeks solely release from unlawful custody —
 6 which, as *Thuraissigiam* itself stresses, is the traditional function of the habeas writ. *Id.* at 107.
 7 And while *Thuraissigiam* and the other “entry fiction” cases the government cites (Resp. at 4, 6)
 8 confirm that an “arriving alien” may not have extra-statutory due process rights “regarding
 9 admission,” none of these cases supports the radical proposition that these individuals have no
 10 due process rights whatsoever. *See Nishimura Ekiu v. United States*, 142 U.S. 651, 660 (1892)
 11 (judiciary may not order that non-admitted foreigner “shall be permitted to enter”); *Landon v.*
 12 *Plasencia*, 459 U.S. 21, 32 (1982) (alien seeking admission has no constitutional rights “regarding
 13 his application”); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 215–16 (1953)
 14 (noncitizen’s “continued exclusion” did not deprive him of any statutory or constitutional right,
 15 because his “right to enter the United States depends on the congressional will”); *Leng May Ma*
 16 *v. Barber*, 357 U.S. 185 (1958) (noncitizen’s parole did make her eligible for withholding of
 17 deportation); *Mendoza-Linares v. Garland*, 51 F.4th 1146 (9th Cir. 2022), *cert. denied*, 144 S. Ct.
 18 1392 (2024) (declining to hear arriving alien’s constitutional challenge to expedited removal
 19 order); *see also A.L. v. Oddo*, 761 F. Supp. 3d 822, 825 (W.D. Pa. 2025) (*Thuraissigiam* justified
 20 application of “entry fiction” to challenge to exclusion, but not to challenge to detention);
 21 *Padilla v. ICE*, 704 F. Supp. 3d 1163, 1171–72 (W.D. Wash. 2023), *appeal pending* (9th Cir. No.
 22 24-2801) (same); *Leke v. Hott*, 521 F. Supp. 3d 597, 604 (E.D. Va. 2021) (same); *Mbalivoto v.*
 23 *Holt*, 527 F. Supp. 3d 838, 845 (E.D. Va. 2020) (same); *Arechiga v. Archambeault*, No. 2:23-cv-
 24 00600-CDS-VCF, 2023 WL 5207589, at *3 (D. Nev. Aug. 11, 2023) (same). By the same token,
 25 the authorities Respondents cite for the proposition that the “power to admit or exclude aliens is
 26 a sovereign prerogative vested in the political branches” (Resp. at 5) are inapposite. The relief
 27
 28

1 that Mehrad seeks—release from unlawful detention pending the resolution of his asylum case—
2 in no way implicates this “sovereign prerogative.”

3 The only case cited by Respondents that comes close to applying the “entry fiction” to a
4 noncitizen’s challenge to detention is *Mezei*—and Respondents’ reliance on *Mezei* is nevertheless
5 misplaced, for three reasons.

6 First, in *Mezei*, while the noncitizen’s continued exclusion had the *effect* of extending his
7 detention at Ellis Island (because no other country would accept him), it was the *exclusion*, rather
8 than the *detention*, that the Court found non-reviewable pursuant to the “entry fiction.” *Mezei*,
9 345 U.S. at 216. (The Ninth Circuit rejected this interpretation of *Mezei* in *Barrera-Echavarria v.*
10 *Rison*, 44 F.3d 1441, 1449–50 (9th Cir. 1995) (en banc), but that 30-year-old opinion has been
11 overridden by subsequent developments in immigration law and the governing precedent. *Xi v.*
12 *INS*, 298 F.3d 832, 838 (9th Cir. 2002) (finding continued application of *Barrera-Echavarria*
13 “untenable” because the Illegal Immigration Reform and Immigrant Responsibility Act of 1996,
14 Pub. L. No. 104–208, “introduced an entire set of new legal concepts purporting to redefine the
15 ‘basic territorial distinction’ at play in immigration law”); *Martinez-Vazquez v. INS*, 346 F.3d
16 903, 906 n.7 (9th Cir. 2003) (flagging question regarding whether *Barrera-Echavarria* survived
17 *Zadvydas*).)

18 Second, “the *Mezei* Court explicitly grounded its decision in the special circumstances of
19 a national emergency and the determination by the Attorney General that *Mezei* presented a
20 threat to national security.” *Rosales-Garcia v. Holland*, 322 F.3d 386, 413–14 (6th Cir. 2003);
21 *accord Leke*, 521 F. Supp. 3d at 604. The release of Mehrad, who has already been found to
22 present no danger or flight risk (Doc. 1-7)—and who vindicated this finding during his over two
23 spotless years out of custody (Doc. 1 at 9)—clearly presents no such “threat to national
24 security.” *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *4 (N.D. Cal. July 24,
25 2025) (“As ICE was not authorized to release Ms. Garro Pinchi if she was a danger to the
26 community or a flight risk, the Court must infer from Ms. Garro Pinchi’s release that ICE
27 determined she was neither.”).

1 Third, any indication in *Mezei* that the detention of an “arriving alien” cannot raise
2 constitutional concerns has been overridden by subsequent precedent establishing “that the
3 indefinite detention of excludable aliens *does* raise constitutional concerns.” *Rosales-Garcia*, 322
4 F.3d at 414 (emphasis added; citing cases).

5 In sum, Respondents’ reliance on the “entry fiction” as a justification for denying
6 Mehrad relief is misplaced, even as to his Due Process Clause claims. Contrary to the
7 government’s suggestion, the “entry fiction” does not completely eradicate the due process
8 rights of an arriving alien detained in the United States. Indeed, it has been cogently observed
9 that the very notion that it *could* have such an effect suggests an elevation of legal fiction over
10 human dignity that has no proper place in our current legal system. *Jennings*, 583 U.S. at 332
11 (Breyer, J., dissenting) (“No one can claim, nor since the time of slavery has anyone to my
12 knowledge successfully claimed, that persons held within the United States are totally without
13 constitutional protection. Whatever the fiction, would the Constitution leave the Government
14 free to starve, beat, or lash those held within our boundaries?”); *Rosales-Garcia*, 322 F.3d at 410
15 (“If excludable aliens were not protected by even the substantive component of constitutional
16 due process, as the government appears to argue, we do not see why the United States
17 government could not torture or summarily execute them.”).

18 In sum, Respondents fail to articulate any compelling reason why this Court should not
19 grant Mehrad relief on any or all of his claims.

20 **III. The Court should deem the merits of Mehrad’s motions for discovery and for bail**
21 **pending appeal conceded.**

22 Together with his habeas corpus petition, Mehrad filed motions for bail pending
23 adjudication of this case (Doc. 2) and for discovery (Doc. 3). Apart from reciting general
24 discovery principles and briefly rehashing some of the merits arguments addressed above, on
25 which basis they dismiss the discovery requests as “speculation” and a “fishing expedition,”
26 Respondents proffer no substantive response to these motions. (Resp. at 8–9.) Because Mehrad
27 has shown that these merits arguments are unconvincing, and because Respondents make no
28

effort to show that his motions should be denied even if they were not, the Court should deem the merits of these motions effectively conceded. *United States v. Rudolph*, No. 22-CR-012-WJM, 2022 WL 2390727, at *6 (D. Colo. July 1, 2022); *United States v. Nunez-Segura*, No. 3:18-CR-00232-GPC, 2018 WL 3388129, at *4 n.2 (S.D. Cal. July 11, 2018); *Beacom v. EEOC*, 500 F. Supp. 428, 440 n.16 (D. Ariz. 1980).

Conclusion

Mehrad Asadieidivand seeks relief at the traditional core of the habeas corpus writ: release from unlawful custody. He has shown above and in his habeas corpus petition that he is entitled to immediate release in light of Respondents' arbitrary, capricious, unlawful, and unconstitutional actions. Respondents have identified no legitimate ground upon which to deny him this relief. The Court should grant his petition, and order his immediate release.

Respectfully submitted:

August 7, 2025

JON M. SANDS
Federal Public Defender

s/Daniel L. Kaplan
DANIEL L. KAPLAN
Assistant Federal Public Defender
Counsel for Petitioner