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

18 Mehrad Asadieidivand,

19 Petitioner,

20 v.

21 Ghulam Rasool, ICE Enforcement and
22 Removal Operations Phoenix Supervisory
23 Detention and Deportation Officer, et al.,

24 Respondent.

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

25 **MOTION FOR CLARIFICATION OF**
26 **COURT'S AUGUST 11, 2025 ORDER**
27 **GRANTING PETITIONER'S**
28 **MOTION FOR LIMITED**
DISCOVERY

Respondents Ghulam Rasool, ICE Enforcement and Removal Operations Phoenix Supervisory Detention and Deportation Officer, Justin Smith, ICE Enforcement and Removal Operations Phoenix Field Office Director, John Cantu, ICE Enforcement and Removal Operations Phoenix Field Office Director, Marcos Charles, ICE Acting Executive Associate Director, Pamela J. Bondi, Attorney General of the United States and Kristi Noem, Secretary of the Department of Homeland Security (DHS) ("Respondents"), by and through counsel, respectfully request this Court clarify its August 11, 2025 Order (Doc. 18) granting Petitioner's Motion for Limited Discovery ("Motion"). (Doc. 3).

In his Motion, Petitioner moves for the disclosure of three categories of documents.

1 After review of Petitioner's Motion, this Court determined that "[s]ome of [Petitioner's]
2 claims require additional development of the record, including information solely in the
3 custody of respondents[]" (Doc. 18, p. 2) and "[t]hat information should appear in
4 [Petitioner's] A-File or in government communications regarding the arrest of [Petitioner]
5 and other Iranians." *Id.* Although Petitioner's Motion is vague, overly broad in scope,
6 unduly burdensome and seeks privileged or otherwise protected documents, it does not
7 appear that this Court's Order in any way limited Petitioner's Motion. If taken literally,
8 Requests Nos. 2 and 3 present Respondents with an insurmountable task as these requests
9 potentially require obtaining communications from hundreds of DHS and Department of
10 Justice ("DOJ") employees in multiple jurisdictions, including Secretary Noem and
11 Attorney General Bondi, and the disclosure of thousands of documents subject to various
12 privileges.

13 **PETITIONER'S REQUEST NO. 1**

14 Petitioner's first category of documents ("Request No. 1") is straightforward and
15 asks for Petitioner's Alien File ("A File"). These documents are being prepared for
16 disclosure and will likely be ready for disclosure on or about August 21, 2025.

17 **PETITIONER'S REQUEST NO. 2.**

18 Petitioner requests Respondents to produce "all records in their actual or
19 constructive possession, custody, or control of communications between and among
20 Respondents, and between and among any and all agents or employees of Respondents,
21 pertaining to his arrest and detention, including the justification(s) and motivation(s)
22 therefor, and including any communications relating to Respondents' and/or their agents'
23 or employees having intended to arrest and detain a person other than Mehrad when they
24 arrested him, or otherwise having mistaken him for another individual when they arrested
25 him." While Respondents have begun the process of conducting a search for responsive
26 documents, it has proven to be a very broad task and could produce voluminous documents
27 without clarification from the court. For instance, Petitioner's request includes "all records"
28 and "any communications" regarding his "arrest and detention." This request is vague and

1 provides minimal limitations on the information sought in the communications pertaining
2 to Petitioner other than pertaining to his “arrest and detention.” There is no limitation on
3 the types of records or communications sought, such as inter-office memoranda, directives,
4 policies and procedures, emails, text messages, etc.

5 In addition, the request seeks communications from all Respondents as well as their
6 employees and agents. Given the breadth of the Respondents in this case, this could require
7 a search for responsive documents from the level of Cabinet secretaries to local officials in
8 a very brief time period. Moreover, the importance of the discovery produced in resolving
9 the issues raised in the petition is not proportional to this request.

10 **PETITIONER’S REQUEST NO. 3.**

11 Request No. 3 asks for documents from DHS offices throughout the country and
12 hundreds of custodians. This request contains two categories of documents. The first seeks
13 communications regarding the arrests of other Iranian noncitizens near the time of
14 Petitioner’s arrest including “all records of communications between and among
15 Respondents, and between and among any and all agents or employees of Respondents,
16 pertaining to [] the Department of Homeland Security’s June 24, 2025 press release titled,
17 ‘ICE Arrests 11 Iranian Nationals Illegally in the U.S. Over the Weekend[.]’” (Doc. 3 at
18 4). It goes on to seek “any policy or practice, referenced in communications composed
19 between May 1, 2025 and the present, that pertained to focusing on, emphasizing, and/or
20 prioritizing the arrest and/or continued detention of noncitizens from Iran.” *Id.*

21 This request seeks communications from all Respondents, including Attorney
22 General Bondi and Secretary Noem, as well as all agents or employees of Respondents.
23 Upon review of the DHS’s June 24, 2025 press release involving the eleven (11) Iranian
24 nationals, these individuals were detained in Locust, Alabama; Houston, Texas; Tempe,
25 Arizona; Gluckstadt, Mississippi; Colorado Springs, Colorado; St. Paul, Minnesota; San
26 Francisco, California; Buffalo, New York; and, San Diego, California. Providing a
27 response to Petitioner’s discovery request would require going well beyond officials in
28 Arizona and searching documents and communications of hundreds of federal employees

1 located throughout the United States. It would also require the disclosure of confidential
2 and Privacy Act protected information pertaining to the other Iranian nationals included in
3 the June 24, 2025 press release, and would require the production of communications that
4 are subject to numerous privileges, including, potentially, the attorney-client privilege, the
5 deliberative process privilege, Presidential communications privilege, and the
6 investigatory files privilege.

7 Searching for responsive documents requires the participation of DHS and DOJ
8 offices in at least eight states, as well as at each Department's headquarters in Washington,
9 D.C., and hundreds of employees, up to the Secretary of Homeland Security and the
10 Attorney General. This burdensome search may result in potentially thousands of
11 responsive documents which must be reviewed for privilege. Such a production is not
12 proportional to the issues raised in this petition.

13 For the reasons stated above, Respondents respectfully request that the Court clarify
14 whether it intended in its August 11, 2025 Order to approve the Petitioner's request for
15 discovery as it was written in Petitioner's motion, whether it intended for Petitioner to serve
16 an actual discovery request (e.g. a request for production of documents) on Respondents to
17 which they may object, or whether Respondents may lodge objections to the discovery
18 requests with this Court or otherwise seek to limit or be heard on the discovery requests.

19 RESPECTFULLY SUBMITTED August 21, 2025.

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