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10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 NADAR NADARI, A 

13 Petitioner,

14 v.

15 PAMELA BONDI, in her official
16 capacity as Attorney General, et al.

17 Respondents.
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No. 2:25-cv-07893-JLS-BFM

**RESPONDENTS' ANSWER TO
PETITION**

**[Declaration of Enrique Chavez filed
concurrently herewith]**

Honorable Brianna Fuller Mircheff
United States Magistrate Judge

RESPONDENTS' ANSWER TO PETITION

I. INTRODUCTION

The lead issues raised by the Petition filed by Petitioner Nadar Nadari in this case [Dkt. 1] were already largely addressed by the Hon. United States District Judge Josephine L. Staton in her successive rulings granting in part and denying in part Petitioner's TRO application [Dkt. no. 8] (the "TRO Order") and then granting a preliminary injunction [Dkt. no. 12] (the "PI Order").

In particular, the PI Order delineates the advance notice required before the Respondents may remove Petitioner to a third country (i.e. not Iran). *Id.* While the Respondents reiterate the positions they had stated on this specific point in their opposition briefing [Dkt. 4], the Respondents acknowledge that the District Court disagreed with those contentions by issuing the TRO Order and PI Order.

Conversely, the District Court's TRO Order correctly rejected Petitioner's request for a bar on his transfer to any other districts within the United States for detention.

Beyond those points, the Petition does not raise any substantive issues that have not already been raised with the District Court and considered in the context of such decisions on preliminary injunctive relief. The only such claim that Petitioner raised was his assertion that his supervised release was revoked "without evidence that he can be repatriated to Iran or deported to any other country." Petition, ¶ 29. But the government is not required to make such an evidentiary showing in order to revoke supervised release that it had granted. Furthermore, the federal government has recently announced that it is imminently removing Iranian citizens to Iran by diplomatic agreement, as was widely reported in the press.¹ Iranian citizens may thus be removed back to Iran in the reasonably foreseeable future, contrary to the allegations of the Petition, which incorrectly claims that the United States "does not have any diplomatic relations with

¹ See, e.g. <https://www.bbc.com/news/articles/cgrql7gd10do>, <https://www.timesofisrael.com/us-plans-to-deport-some-400-iranians-in-agreement-with-tehran/>

1 Iran.” Petition, ¶ 11.

2 As set forth in the Declaration of Enrique Chavez, on September 12, 2025, the
3 government requested travel documents from Iran for the Petitioner. *See Chavez Decl.*, ¶
4 13. That request is pending. *Id.*

5 Accordingly, Petitioner cannot carry his burden to prove that his detention is
6 unconstitutionally prolonged such that it warrants immediate release by habeas petition.

7 **II. ARGUMENT**

8 **A. Petitioner Fails to Show that there is no significant likelihood of** 9 **removal in the reasonably foreseeable future**

10 Because Petitioner has a valid final order of removal, ICE may detain Petitioner
11 under 8 U.S.C. § 1231(a)(6). 8 U.S.C. § 1231(a)(6) provides that an alien ordered
12 removed who is inadmissible under section 1182, removable under 1227(a)(1)(C), (a)(2),
13 or (a)(4), or who has been determined to be a risk to the community or unlikely to
14 comply with the order of removal “may be detained beyond the removal period.”

15 Here, Petitioner contends that his continuing detention is improper because it too
16 prolonged—he has been detained by ICE since August 19, 2025, but he was previously
17 detained for approximately 18 months back in 2002-2003, making his total detention in
18 excess of the six-month presumptive reasonable detention that *Zadvydas* discussed.
19 Detainees may bring claims challenging the total duration of their confinement pursuant
20 to a final removal order. But the six-month period is not a limit. It is an evidentiary shift.
21 The Supreme Court explained the constitutional standard in detail:

22 After this 6-month period, once the alien provides good reason to believe
23 that there is no significant likelihood of removal in the reasonably
24 foreseeable future, the Government must respond with evidence sufficient to
25 rebut that showing. And for detention to remain reasonable, as the period of
26 prior postremoval confinement grows, what counts as the “reasonably
27 foreseeable future” conversely would have to shrink. This 6-month
28 presumption, of course, does not mean that every alien not removed must be
released after six months. To the contrary, an alien may be held in
confinement until it has been determined that there is no significant
likelihood of removal in the reasonably foreseeable future.

1 *Zadvydas*, 533 U.S. at 701. Thus the noncitizen “may be held in confinement until it
2 has been determined that there *is no significant likelihood of removal in the reasonably*
3 *foreseeable future.*” *Id.* (italic emphasis added).

4 The Ninth Circuit has explained that *Zadvydas* requires an alien to show that “he
5 is stuck in a ‘removable-but-unremovable limbo,’ as the petitioners in *Zadvydas* were[;]”
6 that is, the alien must show he “is unremovable because the destination country will not
7 accept him or his removal is barred by our own laws.” *Prieto-Romero v. Clark*, 534 F.3d
8 1053, 1063 (9th Cir. 2008). For the *Prieto-Romero* detainee, the Ninth Circuit held that
9 “[a]lthough his removal has certainly been delayed by his pursuit of judicial review of
10 his administratively final removal order” this was not sufficient to establish unreasonable
11 detention under *Zadvydas* standard. *Id.*; see also *Malkandi v. Mukasey*, 2008 WL
12 916974, at *1 (W.D. Wash. Apr. 2, 2008) (Martinez, J.) (denying *Zadvydas* petition
13 where petitioner had been detained more than 14 months postfinal order); *Nicia v. ICE*
14 *Field Off. Dir.*, 2013 WL 2319402, at *3 (W.D. Wash. May 28, 2013) (Martinez, J.)
15 (holding petitioner “failed to satisfy his burden of showing that there is no significant
16 likelihood of his removal in the reasonably foreseeable future” where he had been
17 detained more than seven months post-final order).

18 Here, there is certainly a significant likelihood that Petitioner will be removed in
19 the reasonably foreseeable future. On this point, the Petition largely consists of the
20 incorrect claim that Petitioner cannot possibly be removed to Iran because the United
21 States has no diplomatic relations with Iran. Whether or not that was true in the past
22 years, it is not true now; the United States is actively removing Iranian citizens back to
23 Iran. This has been widely reported. See, e.g. [https://www.reuters.com/world/middle-](https://www.reuters.com/world/middle-east/us-deports-planeload-iranians-after-deal-with-tehran-nyt-says-2025-09-30/)
24 [east/us-deports-planeload-iranians-after-deal-with-tehran-nyt-says-2025-09-30/](https://www.reuters.com/world/middle-east/us-deports-planeload-iranians-after-deal-with-tehran-nyt-says-2025-09-30/).

25 There is no evident bar against Petitioner’s removal to Iran at this juncture, given
26 that the federal government has negotiated an agreement in that regard. On September
27 12, 2025, the government requested travel documents for Petitioner from Iran. See
28 Chavez Decl., ¶ 13. That request is pending. *Id.* And Petitioner could also be removed to

1 third countries, so long as it that is done in compliance with the advance notice
2 requirements that the District Court has delineated in its PI Order.

3 Consistent with the Ninth Circuit’s holdings in *Prieto-Romero* and *Diouf*, courts
4 properly deny *Zadvydas* claims under such circumstances and find that a “habeas
5 petitioner’s assertion as to the unforeseeability of removal, supported only by the mere
6 passage of time, [is] insufficient to meet the petitioner’s burden to demonstrate no
7 significant likelihood of removal under the Supreme Court’s holding in *Zadvydas*.”
8 *Muthalib v. Kelly*, [2017 WL 11696616](#), at *3 (C.D. Cal. Apr. 19, 2017) (collecting
9 cases).

10 **B. Petitioner’s Claim That His Redetention Was Impermissible Because**
11 **He Cannot Be Removed Is Incorrect on Law and Fact**

12 Respondents acknowledge that *Zadvydas* imposes limitations on the government’s
13 ability to detain noncitizens pursuant to a final removal order, as discussed above. But as
14 set forth above, those *Zadvydas* limitations are not met here. Petitioner does not carry his
15 burden to show there is no significant likelihood of his removal.

16 The Petition suggests that the government was required to first prove its ability to
17 remove Petitioner *prior* to detaining him by revocation of the government’s prior
18 decision to place him on supervised release, as if there was some specific evidentiary
19 showing that must be made in that regard. But the government has very broad authority
20 to revoke supervised release that it has granted. “While the regulation provides the
21 detainee some opportunity to respond to the reasons for revocation, it provides no other
22 procedural and no meaningful substantive limit on this exercise of discretion as it allows
23 revocation “when, in the opinion of the revoking official ... [t]he purposes of release
24 have been served ... [or] [t]he conduct of the alien, or *any other circumstance*, indicates
25 that release would no longer be appropriate.” *Rodriguez v. Hayes*, [578 F.3d 1032, 1044](#)
26 (9th Cir. 2009), *opinion amended and superseded*, [591 F.3d 1105](#) (9th Cir. 2010), citing
27 §§ 241.4(l)(2)(i), (iv) (emphasis in original).

28 The Hon. Judge Blumenfeld recently denied a preliminary injunction motion in a

1 somewhat similar case alleging a lack of sufficient redetention process, noting that the
2 evidentiary burden had not been met, and also that it was unclear that release would
3 be the appropriate remedy for any violations of revocation procedure. *See Long Ton v.*
4 *Kristi Noem, et al.*, 5:25-cv-02033-SB-AGR [[Dkt. no. 17](#)] (September 3, 2025) (Order
5 Denying Application for Preliminary Injunction).

6 Indeed, the appropriate remedy for any such procedural deficiency would not be
7 automatic release from custody, but rather to remedy the specific procedural deficiency
8 that might be established. Injunctive relief must be *narrowly tailored* to the wrong. *See*
9 *Rodriguez Diaz v. Garland*, [53 F.4th 1189, 1214](#) (9th Cir. 2022) (“And we note that even
10 when there are deficiencies in individual § 1226(a) proceedings, they may be redressable
11 through means short of major changes to the burden of proof.”).

12 Other District Courts have correctly applied this point of remedy law. In *Ahmad v.*
13 *Whitaker*, for example, the government revoked the petitioner’s release but did not
14 provide him an informal interview. *Ahmad v. Whitaker*, [2018 WL 6928540](#), at *6 (W.D.
15 Wash. Dec. 4, 2018), *rep. & rec. adopted*, [2019 WL 95571](#) (W.D. Wash. Jan. 3, 2019).
16 The petitioner argued the revocation of his release was unlawful because, he contended,
17 the federal regulations prohibited redetention without, among other things, an
18 opportunity to be heard. *Id.* In rejecting his claim, the court held that although the
19 regulations called for an informal interview, petitioner could not establish “any
20 actionable injury from this violation of the regulations” because the government had
21 procured a travel document for the petitioner, and his removable was reasonably
22 foreseeable. *Id.* Similarly, in *Doe v. Smith*, the U.S. District Court for the District of
23 Massachusetts held that even if the ICE detainee petitioner had not received a timely
24 interview following her return to custody, there was “no apparent reason why a violation
25 of the regulation ... should result in release.” *Doe v. Smith*, [2018 WL 4696748](#), at *9 (D.
26 Mass. Oct. 1, 2018). The court elaborated, “[I]t is difficult to see an actionable injury

27 Of course the post-removal detention period remains limited by the indefinite
28 detention principles discussed by the Supreme Court in *Zadvydas v. Davis*, [533 U.S. 678](#)

1 (2001)—there must be a genuine possibility of foreseeable removal, and detainees
2 remain able to raise habeas claims and obtain relief if there is not such a possibility—but
3 the sufficiency of revocation rationale is a different matter.

4 Here the notice of revocation was issued to the Petitioner on August 19, 2025, and
5 Petitioner submitted it with his original Petition as Dkt. 1-5. *See* Exhibit A hereto
6 (Notice of Revocation). The government was authorized to revoke his release, as
7 discussed above. And as evidenced both by the increase in third-country removal
8 agreements and the agreement to remove Iranian citizens to Iran, there are certainly
9 “changed circumstances” regarding the likelihood of Petitioner’s removal relative to
10 when Petitioner was originally released; the ability to remove has changed significantly.
11 As noted above, on September 12, 2025, the government requested travel documents for
12 Petitioner from Iran. *See* Chavez Decl., ¶ 13. That request is pending. *Id.*

13 Indeed, much of the Petition argues that Petitioner is likely to be removed to a
14 third country without sufficient notice because of such changed circumstances—he is
15 concerned that he may soon be removed, and he blames a changed administration for the
16 significantly increased likelihood of his removal, relative to how it was in the past. But
17 as noted above, the question of whether he may obtain adequate advance notice of
18 removal to a third country issue has been resolved by the PI Order. And the prospect of
19 an imminent removal cuts directly against his Petition’s remaining arguments, not for
20 them. Finally, his travel documents have been requested for Iran, not a third country. *See*
21 Chavez Decl., ¶ 13.

22 **III. CONCLUSION**

23 The Respondents respectfully request that the Petition be denied.
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1 Dated: October 1, 2025

Respectfully submitted,

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11 **CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2**

12 The undersigned certifies that the memorandum of points and authorities contains
13 1,991 words, which complies with the word limit of L.R. 11-6.1.

14
15 Dated: October 1, 2025

/s/ Daniel A. Beck

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