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10 Attorneys for Plaintiff

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 SOUTHERN DIVISION

14 Reza Eric Nouri,	)	C/A No.: 8:25-cv-1905
	)	
15 Petitioner,	)	
	)	
16 v.	)	
	)	
17 Jennifer Herrera, Assistant Field Office Director,	)	
18 Orange County Detained Program, Los Angeles	)	
19 Field Office of U.S. Immigration and Customs	)	
20 Enforcement;	)	
	)	
21 Respondent.	)	
	)	

22 **PETITION FOR A WRIT OF HABEAS CORPUS**

23 A noncitizen's political preference has no place in Immigration and Customs
24 Enforcement's decision to detain a noncitizen. But that is exactly what happened here when ICE
25 decided to re-detain an Iranian national who has been a resident of the U.S. since 1978. ICE
26 readily admitted Petitioner is "not getting removed any time soon" while at the same time re-
27 detaining him under legal authority that requires his removal to be significantly likely in the
28 reasonably foreseeable future. This is what happens when ICE sets detention quotas.

1 Petitioner Reza Eric Nouri escaped Iran in 1978 as an 11-year-old. After the Islamic
2 revolution, his parents would be detained as political and religious dissidents. For the last 45+
3 years, Mr. Nouri has lived in the United States as a lawful permanent resident. In 2016, an
4 immigration judge granted Mr. Nouri's request for relief from removal under the Convention
5 Against Torture because Mr. Nouri has demonstrated that, if returned to Iran, it was more likely
6 than not he would be tortured. The government did not appeal, and it released him on an order of
7 supervision ("OSUP"). Since 2016, Mr. Nouri has complied with his OSUP and he has checked
8 in with U.S. Immigration and Customs Enforcement ("ICE") at least 10 times. However, on
9 August 27, 2025, Mr. Nouri was taken into custody at a routine check in.
10

11
12 At his check in, ICE first told him it would re-detain him to determine if there was a
13 change in circumstances sufficient to revoke his OSUP. ICE did not, however, ask him about
14 anything relevant to a "change in circumstances." Instead, ICE asked him whether "he had a
15 political preference." Without getting any information identified in 8 C.F.R. § 241.13(f) relevant
16 to a change in circumstances, ICE issued him a form "notice of revocation of release." The
17 notice claims the re-detention "decision has been made based on a review of your immigration
18 and criminal history, and a change in circumstance which allows ICE to remove you to an
19 alternate country." Both of these statements are false. ICE did not review his immigration and
20 criminal history before revoking his OSUP, and there has been no change in circumstance that
21 would indicate his removal to a third-country is significantly likely in the reasonably foreseeable
22 future because the assistant field office director admitted that "he's not getting removed any time
23 soon."
24

25
26 ICE's detention of Mr. Nouri is unlawful for two primary reasons: First, ICE did not
27 identify and cannot identify a change in circumstances that would justify terminating his OSUP;
28

1 it ignored the mandatory, regulatory steps to revoke his OSUP. Second, Mr. Nouri's removal to a
2 third-country is not significantly likely in the reasonably foreseeable future because: (1) ICE has
3 not notified him of any third country for removal; (2) ICE has not asked him to complete any
4 applications for travel documents to any third country; and (3) Mr. Nouri has not had an
5 opportunity dispute his removal to any third-country. This latter reason is incredibly important as
6 there are very recent reports of Iran targeting political and religious dissidents throughout the
7 world, not just in Iran.
8

9 In light of Petitioner's unlawful detention, under 28 U.S.C. § 2243, this Court should: (1)
10 enter an immediate order preventing Respondents from transporting Mr. Nouri out of this federal
11 district; (2) enter an order to show cause requiring Respondent to file a return immediately,
12 explaining why the writ should not be issued; (3) schedule an evidentiary hearing within five
13 days of Respondent's filing and order ICE to produce a witness; and (4) grant a writ of habeas
14 corpus ordering the Respondent to release the Petitioner immediately. This tight timeline is the
15 statutory default under 28 U.S.C. § 2243 because Petitioner is suffering through continued
16 unlawful detention as other courts have determined under nearly identical circumstances. *Nguyen*
17 *v. Hyde*, — F. Supp. 3d. —, 2025 WL 1725791, at *3 (D. Mass. June 20, 2025) (granting habeas
18 for unlawful re-detention); *Hoac v. Becerra*, No. 2:25-cv-1740, 2025 WL 1993771 (E.D. Ca. Jul.
19 16, 2025); *Phan v. Becerra*, No. 2:25-cv-1757, 2025 WL 1993735 (E.D. Ca. Jul. 16, 2025).
20
21
22

23 PARTIES

24 1. Petitioner Reza Eric Nouri is currently detained at the behest of the Field Office Director
25 of the Los Angeles Field Office of U.S. Immigration and Customs Enforcement. Mr. Nouri was
26 born in Iran. He is a resident of Orange County, California. Mr. Nouri was taken into custody at
27
28

1 ICE's Santa Ana Sub-Field Office, and at the time of this filing, he remains detained in Santa
2 Ana, California.

3 2. Respondent Jennifer Herrera is the Assistant Field Office Director ("AFOD") for the
4 Orange County Detained Program of the Los Angeles Field Office of U.S. Immigration and
5 Customs Enforcement. AFOD Herrera is a legal custodian of Mr. Nouri and immigrants
6 incarcerated at the Orange County Jails. She is Mr. Nouri's immediate custodian at the time of
7 this filing.
8

9 JURISDICTION AND VENUE

10 3. This Court has jurisdiction over this case under 28 U.S.C. § 2241. And to the extent it
11 involves additional questions deriving from federal law the Court also has jurisdiction under 28
12 U.S.C. § 1331.
13

14 4. This Court has jurisdiction to enter declaratory relief under the Declaratory Judgement
15 Act, 28 U.S.C. § 2201, and it has jurisdiction to order Respondent to release Petitioner under 28
16 U.S.C. § 2241.
17

18 5. Venue is appropriate in this District and this Division because Respondent is detaining
19 Mr. Nouri in this District and Division.

20 6. Unlike petitions under 28 U.S.C. §§ 2254 & 2255, there are no exhaustion requirements
21 for petitions challenging the lawfulness of ongoing detention under § 2241.
22

23 FACTS

24 7. Reza Eric Nouri ("Mr. Nouri") was born in Iran.

25 8. In the mid-1970s, Mr. Nouri's father worked in the financial ministry for the Shah of Iran.

26 9. Mr. Nouri's father was Baha'i and his mother was Jewish.
27
28

1 10. In 1978, as Iran's secular society started to show cracks, Mr. Nouri and his parents
2 immigrated to the United States. Mr. Nouri was 11 years old.

3 11. Mr. Nouri's parents returned to Iran to settle their affairs in 1979, but they would be
4 detained as political and religious dissidents.

5 12. Mr. Nouri's two older brothers were already in the United States. Thus, Mr. Nouri's older
6 brother and wife eventually adopted Mr. Nouri.

7 13. Mr. Nouri received lawful permanent residence in 1986.

8 14. Mr. Nouri attended college and lived a typical life in the U.S.

9 15. In 2003, he reunited with a friend from college, Mehrnaz Forough, who was struggling
10 after a divorce.

11 16. Mr. Nouri acted as a father to her two young children and a partner to Mrs. Forough.

12 17. The couple eventually married in 2013.

13 18. In 2009, however, Mr. Nouri was indicted, charged, and convicted of securities fraud in
14 the Southern District of New York. Because of his relatively minor role in the scheme, Mr. Nouri
15 received a sentence of 18 months.

16 19. At the end of his criminal custody, Mr. Nouri was transferred into the custody of ICE for
17 removal proceedings.

18 20. Mr. Nouri sought relief from removal to Iran under the Convention Against Torture.

19 21. To succeed on this type of relief from removal, a noncitizen must "establish that it is
20 more likely than not that he or she would be tortured if removed to the proposed country of
21 removal." *Maldonado v. Lynch*, 786 F.3d 1155, 1162 (9th Cir. 2015).

1 22. Based on Mr. Nouri's credible testimony and an expert report, Expert Report (attached as
2 Ex. A), the immigration judge granted Mr. Nouri's request for relief under the Convention
3 Against Torture and the government waived appeal.
4

5 23. Because the government had only identified Iran as a country of removal in its notice to
6 appear and the immigration judge had halted any removal to Iran, ICE released Mr. Nouri from
7 immigration custody on an order of supervision. OSUP (attached as Ex. B).

8 24. Under his order of supervision, Mr. Nouri would need to check in with ICE on a regular
9 basis.
10

11 25. Since 2016, Mr. Nouri has checked in with ICE at least 10 times without issue.

12 26. He's updated his address as required.

13 27. He's had no interaction with law enforcement.

14 28. Mr. Nouri has done everything he needs to do to comply with the order of supervision.

15 29. Mr. Nouri appeared for his annual check in on August 27, 2025.

16 30. After waiting more than an hour, ICE brought him into the back and told him they had
17 revoked his OSUP.
18

19 31. At the check in, ICE revoked his OSUP and re-detained him.

20 32. ICE may revoke an OSUP for two reasons: (1) the noncitizen "violates any of the
21 conditions of release," 8 C.F.R. § 241.13(i)(1); or (2) ICE "determines that there is a significant
22 likelihood that the alien may be removed in the reasonably foreseeable future" "on account of
23 changed circumstances." *Id.* at § 241.13(i)(2).
24

25 33. If ICE revokes an OSUP for the latter reason, the regulation requires ICE to take certain
26 steps:

27 (2) *Revocation for removal.* The Service may revoke an alien's release under this
28 section and return the alien to custody if, on account of changed circumstances, the

1 Service determines that there is a significant likelihood that the alien may be
2 removed in the reasonably foreseeable future. Thereafter, if the alien is not released
3 from custody following the informal interview provided for in paragraph (h)(3) of
4 this section, the provisions of § 241.4 shall govern the alien's continued detention
5 pending removal.

6 (3) *Revocation procedures.* Upon revocation, the alien will be notified of the
7 reasons for revocation of his or her release. The Service will conduct an initial
8 informal interview promptly after his or her return to Service custody to afford the
9 alien an opportunity to respond to the reasons for revocation stated in the
10 notification. The alien may submit any evidence or information that he or she
11 believes shows there is no significant likelihood he or she be removed in the
12 reasonably foreseeable future, or that he or she has not violated the order of
13 supervision. The revocation custody review will include an evaluation of any
14 contested facts relevant to the revocation and a determination whether the facts as
15 determined warrant revocation and further denial of release.

16 8 C.F.R. § 241.13(i)(2)-(3).

17 34. The regulations require ICE to consider the following factors to determine whether
18 removal is significantly likely in the reasonably foreseeable future:

19 (f) *Factors for consideration.* The HQPDU shall consider all the facts of the case
20 including, but not limited to, the history of the alien's efforts to comply with the
21 order of removal, the history of the Service's efforts to remove aliens to the country
22 in question or to third countries, including the ongoing nature of the Service's
23 efforts to remove this alien and the alien's assistance with those efforts, the
24 reasonably foreseeable results of those efforts, and the views of the Department of
25 State regarding the prospects for removal of aliens to the country or countries in
26 question. Where the Service is continuing its efforts to remove the alien, there is no
27 presumptive period of time within which the alien's removal must be accomplished,
28 but the prospects for the timeliness of removal must be reasonable under the
29 circumstances.

30 8 C.F.R. § 241.13(f).

31 35. Here, Mr. Nouri did not violate any condition of his OSUP. Thus, ICE did not revoke his
32 OSUP under § 241.13(i)(1).

33 36. Instead, ICE claims to have revoked his OSUP on account of a change in circumstances
34 which allows ICE to remove him to an alternate country.

35 37. ICE asked Mr. Nouri at least the following questions:

- a. What is your political preference?
- b. Do you have any social media?
- c. Did you stop in a third country on your trip from Iran to the United States in 1978?
- d. Do you have a passport or travel document?
- e. What level of education do you have?

38. None of these questions are relevant to determine whether there are a change in circumstances from his August 27, 2024 that would indicate his removal to a third country is significantly likely in the reasonably foreseeable future.

39. Mr. Reza answered the questions and complied completely by answering that: (1) he has no political preference; (2) he has no social media; (3) he couldn't remember whether he stopped in a third-country on his flight from Iran in 1978 when he was eleven years old; (4) he does not have a passport or travel document; and (5) he has a college degree.

40. ICE revoked Mr. Nouri's OSUP on account of "changed circumstances." Notice of Revocation at 1 (attached as C).

41. The Notice of Revocation cites the wrong regulation. It cites to 8 C.F.R. § 241.4 for legal support, but 8 C.F.R. § 241.13 controls a revocation of an OSUP.

42. ICE did not provide Mr. Nouri individualized reasons for revocation in violation of § 241.13(i)(3). Rather, the notice it issued him is a form notice and, other than putting Mr. Reza's name and alien registration number on it, it is completely boiler plate.

43. ICE did not provide Mr. Nouri an opportunity to respond to the reasons for revocation stated in the notification in violation of § 241.13(i)(3), because again, it contains no individualized reasons.

1 44. ICE did not give Mr. Nouri an opportunity to submit any evidence or information that
2 shows there is no significant likelihood he will be removed in the reasonably foreseeable future
3 in violation of § 241.13(i)(3).

4 45. ICE did not conduct an evaluation of any contested facts relevant to the revocation in
5 violation of § 241.13(i)(3).

6 46. And ICE never considered the factors at § 241.13(f) as part of any decision to revoke Mr.
7 Nouri's OSUP.

8 47. Rather, ICE is aware that his removal is not significantly likely in the reasonably
9 foreseeable future because Assistant Field Office Director Herrera confirmed to Mr. Reza's
10 counsel that "he's not getting removed anytime soon."

11 48. Upon information and belief, ICE will claim that the changed circumstances to revoke
12 Mr. Nouri's OSUP comprise its policy to seek agreements with third countries to accept
13 deportees. *See, e.g., Nguyen v. Hyde*, — F. Supp. 3d. —, [2025 WL 1725791](#), at *3 (D. Mass. June
14 20, 2025).

15 49. This is, however, insufficient to revoke Mr. Nouri's OSUP.

16 50. First, ICE cannot remove Mr. Nouri to Iran. His relief under the Convention Against
17 Torture remains in place and nothing has changed in Iran since 2016.

18 51. Second, Mr. Nouri cannot be removed to a third-country without putting him at serious
19 risk of persecution by Iran.

20 52. On July 31, 2025, the United States and other countries in the North Atlantic Treaty
21 Organization published a Joint Statement on Iran's Threat Activity in America and Europe:

22 We are united in our opposition to the attempts of Iranian intelligence services to
23 kill, kidnap, and harass people in Europe and North America in clear violation of
24 our sovereignty. These services are increasingly collaborating with international
25

1 criminal organizations to target journalists, dissidents, Jewish citizens, and current
2 and former officials in Europe and North America. This is unacceptable.

3 See <https://ir.usembassy.gov/joint-statement-on-iranian-state-threat-activity-in-europe-and-the->
4 [united-states/](https://ir.usembassy.gov/joint-statement-on-iranian-state-threat-activity-in-europe-and-the-) (last visited Aug. 26, 2025).

5 53. Further, other countries are witnessing Iran attacking political and religious dissidents in
6 third-countries. Third-Country Attack Info at 1-8 (attached as Ex. D).

7 54. For example, Iran has targeted political and religious dissidents in Australia. *Id.*

8 55. Contrary to ICE's conclusory statements, there have been no change in circumstances
9 that now render Mr. Nouri's removal significantly likely in the reasonably foreseeable future to
10 Iran or any third country. *Nguyen*, 2025 WL 1725791 at *4.

11 56. ICE has not sought permission to remove Mr. Nouri to any third country. And it has not
12 requested that Mr. Nouri complete requests for permission to be removed to any third-country.
13

14 57. ICE's claim that there has been a change in circumstances that render Mr. Nouri's
15 removal likely lacks any support. Upon information and belief, ICE arbitrarily revoked Mr.
16 Nouri's OSUP and re-detained him to meet quotas for detention.
17

18 58. Mr. Nouri's detention is unlawful because ICE violated its own regulations and there
19 remains no likelihood of his removal in the reasonably foreseeable future to any country.
20

21 59. This detention is harming Mr. Nouri.

22 60. First, it separated him from his wife and two step-children.

23 61. Second, Mr. Nouri will suffer serious mental anguish and depression from his detention.

24 62. Third, Mr. Nouri has a health condition that requires daily medications and he did not
25 have these medications with him when he was detained.
26

27 63. Finally, he is being arbitrarily deprived of his freedom and liberty.

28 64. This Court should grant this habeas.

FIRST CAUSE OF ACTION
(Re-Detention in Violation of 8 C.F.R. § 241.13(i)(2))

65. Petitioner restates and realleges all allegations above as though restated here.

66. Mr. Nouri is “in custody in violation of the Constitution or laws or treaties of the United States” because ICE’s decision to re-detain Mr. Nouri “is not in compliance with 8 C.F.R. § 241.13(f), (i)(2),” *Nguyen*, 2025 WL 1725791 at *5.

67. ICE is required to follow its own regulations. *United States ex rel Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

68. Mr. Nouri was released from ICE custody in 2016 on an order of supervised release (“OSUP”).

69. He never violated a single term of the OSUP in the last 9 years.

70. To re-detain an individual who has been released on an OSUP, ICE must comply with 8 C.F.R. § 241.13(i).

71. ICE did not revoke Mr. Nouri’s OSUP and re-detain him because Mr. Nouri violated the OSUP. Thus, 8 C.F.R. § 241.13(i)(1) is not relevant.

72. ICE revoked Mr. Nouri’s OSUP and re-detained him under § 241.13(i)(2) because ICE claims there has been a change in circumstances and Mr. Nouri’s removal is now significantly likely in the reasonably foreseeable future.

73. This determination, however, is invalid and illegal because:

a. ICE did not provide Mr. Nouri notice of the reasons for revocation in violation of § 241.13(i)(3).

b. ICE Did not provide Mr. Nouri an opportunity to respond to the reasons for revocation stated in the notification in violation of § 241.13(i)(3).

- c. ICE did not give Mr. Nouri an opportunity to submit any evidence or information that shows there is no significant likelihood he will be removed in the reasonably foreseeable future in violation of § 241.13(i)(3).
- d. ICE did not conduct an evaluation of any contested facts relevant to the revocation in violation of § 241.13(i)(3).
- e. ICE never considered the factors at § 241.13(f) as part of any decision to revoke Mr. Nouri's OSUP.
- f. ICE failed to carry its burden to show that there has been a change in circumstances that would make Mr. Nouri's removal significantly likely in the reasonably foreseeable future;
- g. Mr. Nouri's removal is not significantly likely in the reasonably foreseeable future because he cannot be removed to Iran; and
- h. There is no indication that Mr. Nouri's removal is significantly likely in the reasonably foreseeable future to any third country because Mr. Nouri has not been notified of any attempts to remove him to a third country and he has not had a chance to contest any removal to a third-country.

74. Mr. Nouri's current detention is unlawful and, therefore, this Court should grant this habeas petition.

SECOND CAUSE OF ACTION
(Unconstitutional Prolonged, Post-Removal Detention)

75. Petitioner restates and realleges all allegations above as though restated here.

76. After a noncitizen receives a final order of removal, ICE can detain them during the removal period and 90-days beyond without constitutional question. *Zadvyas v. Davis*, 533 U.S. 678 (2001).

1 77. However, once the removal period has ended, *Zadvydas* only permits civil immigration
2 detention so long as the noncitizen's removal is significantly likely in the reasonably foreseeable
3 future. Any moment beyond, the detention no longer serves the lawful, civil purpose, the
4 detention becomes punitive, and the detention becomes unconstitutional.
5

6 78. Mr. Nouri's removal period ended in 2016.

7 79. Thus, under *Zadvydas* and the U.S. Constitution, his detention becomes unconstitutional
8 the moment there is no significant likelihood of his removal in the reasonably foreseeable future.
9

10 80. Mr. Nouri cannot be removed to Iran. And ICE has taken no steps to remove Mr. Nouri to
11 a third country.

12 81. Respondent admitted Mr. Nouri would not be "getting removed any time soon."

13 82. Thus, his current detention is unconstitutional because ICE cannot demonstrate there is a
14 significant likelihood of his removal in the reasonably foreseeable future. It is not sufficient that
15 Mr. Nouri's removal *may* be possible; it must be significantly likely.
16

17 83. Because Mr. Nouri's removal is not significantly likely in the reasonably foreseeable
18 future, his current detention is unlawful.

19 **THIRD CAUSE OF ACTION**
20 **(Violation of Statutory and Due Process for Removal to Third Country)**

21 84. Petitioner restates and realleges all allegations above as though restated here.

22 85. To comply with Due Process, under the Immigration and Nationality Act and the Due
23 Process Clause of the Fifth Amendment, the government must identify a country for removal.
24

25 86. The respondent in removal gets an opportunity to dispute this country as part of typical
26 removal proceedings.

27 87. An immigration judge can only order a noncitizen removed to a country that is identified
28 in the course of removal proceedings.

1 88. This gives respondents the opportunity to apply for relief from removal to that particular
2 country.

3 89. ICE intends to detain and deport Mr. Nouri to a third country, but Mr. Nouri has not had a
4 chance to dispute the designation of this country or apply for relief from removal to that
5 particular country.
6

7 90. This latter concern is substantial here because an immigration judge agreed that Mr.
8 Nouri is likely to be tortured if he is returned to Iran and Iran is currently attacking political and
9 religious dissenters in third-countries.
10

11 91. For example, if ICE tries to remove Mr. Nouri to Australia, Australia has recently seen an
12 uptick in attacks and threats on Irani dissidents living in Australia. There is no small chance that
13 Iran will discover and persecute Mr. Nouri in Australia if he is removed to that country without a
14 chance for him to plead his case to an immigration judge.
15

16 92. It violates statutory and constitutional due process to remove or detain Mr. Nouri to hold
17 him for removal to a third country unless or until he is given the opportunity to seek relief from
18 removal to such third countries.

19 **PRAYER FOR RELIEF**

20 93. Take jurisdiction over this case;

21 94. Issue an order to show cause to require Respondent to file a Return and schedule a
22 hearing within 5 days of Respondent's return;
23

24 95. Grant Petitioner's request and issue a writ of habeas corpus requiring Respondent to
25 release Mr. Nouri;

26 96. Order Respondent to pay Petitioner's reasonable attorney's fees under the Equal Access
27 to Justice Act or any other provision of law; and
28

1 97. Enter any other order that justice so requires.

2 August 27, 2025

Respectfully submitted,

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