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

Samir Aghar,

Petitioner,

vs.

Fred Figueroa, Warden, et al.,

Respondents.

No.

**Motion for Appointment of Counsel
Under 18 U.S.C. § 3006A(a)(2)(B)**

Simultaneously with this document, Mr. Aghar has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. In his petition, he asserts that Afghanistan cannot provide travel documents in the event that he is ordered removed from the United States, such that his continued detention in immigration custody violates the Due Process Clause of the Fifth Amendment as interpreted in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Prieto-Romero v. Clark*, 534 F.3d 1053 (9th Cir. 2008). Because he is almost certain to prevail on this claim, he respectfully asks the Court to appoint Assistant Federal Public Defender Keith Hilzendeger to assist him in litigating his petition. Mr. Hilzendeger has spoken with Mr. Aghar, and reports that Mr. Aghar has agreed to accept representation in this matter if the Court should appoint counsel.

Under 18 U.S.C. § 3006A(a)(2)(B), this Court may appoint counsel for any person seeking relief under 28 U.S.C. § 2241. Mr. Aghar is seeking relief under that provision. The Ninth Circuit has said that a court should appoint counsel under this provision if the petitioner is likely to succeed on his petition and to have difficulty “articulat[ing] his claims *pro se* in light of

1 the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)
2 (per curiam). Mr. Aghar recently turned 18 while in a foster-care facility for unaccompanied alien
3 children, and plainly does not have sufficient legal training to articulate his claims for relief on his
4 own. While he has *pro bono* counsel to assist him with his pending asylum claim before the
5 immigration courts, *pro bono* counsel is not prepared to litigate this limited request for habeas
6 relief before the Article III courts. The Federal Public Defender, moreover, is statutorily
7 unauthorized to represent Mr. Aghar before the immigration courts. And for the reasons set forth
8 in the motion for a preliminary injunction, he is almost certain to succeed on his claim. Mr. Aghar
9 thus respectfully asks the Court to appoint Assistant Federal Public Defender Keith Hilzendeger
10 to assist him in this matter.

11 Respectfully submitted:

August 28, 2025.

12 JON M. SANDS
13 Federal Public Defender

14 s/Keith J. Hilzendeger
15 KEITH J. HILZENDEGER
16 Assistant Federal Public Defender
17 Attorney for Petitioner Aghar
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