

**UNITED STATES DISTRICT COURT
IN AND FOR THE MIDDLE DISTRICT of FLORIDA
JACKSONVILLE DIVISION**

Peyman HAGHNEJAD

Petitioner,

v.

GARRETT J. RIPA, in his official capacity as
Field Office Director, Miami Field Office;

TODD LYONS, in his official capacity as
Acting Director, Immigration and Customs Enforcement;

KRISTI NOEM, in her official capacity as
U.S. Secretary of Homeland Security;

Respondents.

Case No.:

**PETITION FOR WRIT OF HABEAS CORPUS
AND REQUEST FOR EMERGENCY INJUNCTIVE RELIEF**

INTRODUCTION

The Petitioner, **PEYMAN HAGHNEJAD**, is in federal immigration custody and is currently detained at Florida Baker Correctional Institute 20706 US 90 W SANDERSON, FL 32087, which is located in BAKER County, Florida, within the U.S. District Court, Middle District of Florida.

ICE arrested Petitioner on June 23, 2025, with an alien number of A . Publicly available knowledge and current agency practice demonstrates that U.S. Immigration and Customs Enforcement (“ICE”) will soon relocate Petitioner to another facility outside of the state.

Petitioner has already been transferred once from the Krome Service Processing Center to his current location at the Florida Baker Correctional Institute.

Once Petitioner was transferred to the Florida Baker Correctional Institute, he was mistakenly processed as a high-risk felon and placed in 23-hour lockdown in a 4x4 cell for six (6) days until the mistake was admitted by detention officials.

Multiple credible sources report that detainees, like Petitioner, are being briefly held locally and then transferred outside of Florida (or the District Court's jurisdiction) to be "staged" for deportation.

Petitioner's present detention is devoid of proper notice and reason by a government agency. The Petitioner is a native and citizen of Iran and has been advised by immigration officers that they have not been successful in returning him to Iran based on his order of removal. The Petitioner has a pending Motion to Reopen removal proceedings as well based on a family-based petition filed by his United States citizen son.

Petitioner has been in the trucking business for over twenty (20) years. His company runs four (4) trucks who work for him on an independent contractor basis. Since Petitioner's detention, the employees have had to look for other work. Petitioner's company is suffering and will not last much longer if he remains detained.

Any forthcoming relocation of the Petitioner to a facility outside Florida will cause him and his family irreparable harm and violate his Fifth Amendment Right to Due Process and Sixth Amendment Right to Counsel.

The Petitioner seeks an emergency order to prevent the Respondents from moving him to a facility outside Florida or outside the jurisdiction of the Middle District of Florida.

Based on the facts of his immigration history, there is nothing indicating that ICE is able to physically remove Petitioner to the country of IRAN because IRAN is a recalcitrant country as recognized by the U.S. Government.

As of December 2024, “ICE considers 15 countries to be uncooperative: Bhutan, Burma, Cuba, Congo, Eritrea, Ethiopia, Hong Kong, India, *Iran*, Laos, Pakistan, China, Russia, Somalia, and Venezuela).”¹

“[I]n *Zadvydas v. Davis*, 533 U.S. 678 (2001) ... the Supreme Court ruled that:

- With narrow exceptions, aliens with final orders of removal — including aliens determined to pose threats to the community or considered flight risks — may not be detained by ICE beyond a presumptively reasonable period of six months if there is no ‘significant likelihood of removal in the reasonably foreseeable future’
- Delays in issuing travel documents or denying the acceptance of their nationals complicate ICE’s removal efforts as the agency has been legally required to release thousands of aliens, including those with serious criminal convictions”²

For the foregoing reason, the Petitioner further asserts that his continued detention is violative of the Fifth Amendment Due Process Clause to the U.S. Constitution, and, therefore, additionally seeks his immediate release from DHS-ICE custody.

¹ **Exhibit (Ex.) A** – See Bill Melugin, Fox News National Correspondent (Los Angeles) Dec. 11, 2024 posting (@BillMelugin X.com) with attachment consisting of “Internal ICE Data obtained by @FoxNews”, source <https://x.com/BillMelugin/status/1866942444845273270> accessed 9/24/2025; and **Ex. B** – Federation for American Immigration Reform (FAIR), *July 2025 Fact Sheet*, source <https://www.fairus.org/issue/factsheet/recalcitrant-countries-diplomatic-obstacles-deportation> accessed 9/24/2025.

² **Ex. C** – ICE.GOV, *Visa Sanctions Against Multiple Countries Pursuant to Section 243(d) of the Immigration and Nationality Act* (July 15, 2020) source <https://www.ice.gov/remove/visa-sanctions> accessed 9/24/2025; see also **Ex. D** – Congressional Research Service (CRS), *Immigration: “Recalcitrant” Countries and the Use of Visa Sanctions to Encourage Cooperation with Alien Removals*, July 10, 2020, source https://www.congress.gov/crs_external_products/IF/PDF/IF11025/IF11025.7.pdf accessed 9/24/2025.

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

4. Venue is proper because Petitioner is detained at Florida Baker Correctional Institute 20706 US 90 W SANDERSON, FL 32087, within the jurisdiction of Baker County, Florida, lying within the jurisdiction of the U.S. District Court.
5. Moreover, a substantial part of the events or omissions giving rise to his claims occurred in this Honorable Court's District.

PARTIES AND FACTS ALLEGED

6. The Petitioner, **PEYMAN HAGHNEJAD**, is a native and citizen of Iran who entered the United States on November 10, 1999.
 7. The Petitioner has remained in the United States and has resided in Florida.
- Respondent, **Garret RIPA**, is the Field Office Director (FOD) for ICE Enforcement and Removal Operations (ERO) in Miami, Florida. The ICE Miami Field Office oversees immigration enforcement activities across the State of Florida, including facilities such as Florida Baker Correctional Institute 20706 US 90 W SANDERSON, FL, 32087, where Respondents detain Petitioner.

8. Respondent, **Todd LYONS**, is the Acting Director for U.S. Immigration and Customs Enforcement.
9. Respondent, **Kristi NOEM**, is the U.S. Secretary of Homeland Security.
10. All respondents are named in their official capacities.
11. Petitioner is currently in the custody of the Respondents and one of the Respondents is his immediate custodian.
12. On information and belief, the Petitioner was detained without cause or reason by ICE agents on or about June 23, 2025.
13. The Petitioner has obliged with all reporting requirements.
14. Petitioner has been on an Order of Supervision (“OSUP”) since 2009, reporting when instructed.
15. The relocation of the Petitioner to a detention facility outside Florida will cause devastating and irreparable harm by obstructing meaningful access to undersigned counsel who is local to Florida and also a Member of the Florida Bar, thereby interfering with the Petitioner’s right to legal representation of his choice which violate the Petitioner’s due process rights, as well as the support of his family.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

16. On information and belief, Petitioner is currently being detained by federal agents without cause and in violation of his constitutional rights to due process of law. *See Zadvydas v. Davis*, 533 U.S. 678 (2001).
17. In *Zadvydas*, the Supreme Court reviewed 8 U.S.C. § 1231(a), the post-order detention statute, and found six months or longer of ICE detention after a removal order was entered violates the Fifth Amendment Due Process Clause.
18. Only if removal is imminent (or for safety concerns) may ICE continue to detain past the six-month period.
19. ICE is not able to physically remove Petitioner from the U.S. to the country of IRAN because IRAN is a recalcitrant government which Respondents acknowledges refuses to accept its own citizens after removal from the U.S.
20. Petitioner's removal is not reasonably foreseeable in the near future.
21. Petitioner was subject to an order of supervision and monitored.
22. Because Respondent's are unable to execute the outstanding order of removal the Respondent's continuing detention of the Petitioner serves no purpose whatsoever.
23. Detaining Petitioner after passage of the statutory removal period³, when the text clearly calls for supervision⁴, is unconstitutional unless removal is imminent.
24. Petitioner has been in the United States since 1999 and has resided in Florida.

³ See 8 USC § 1231(a)(1)(A).

⁴ See 8 USC § 1231(a)(3).

25. Petitioner has been on OSUP and has complied with all requirements, including reporting requirements to Enforcement Removal Operations.
26. At this time, ICE is simply detaining Petitioner prematurely and without cause.
27. Petitioner has received no documentation to indicate a third country is willing to accept him after removal from the U.S.
28. And assuming there is or would be one day, he is entitled to seek reopening of his his removal proceedings to contest said designation. 8 C.F.R. § 1240.10(f) (an immigration judge *shall* identify for the record a country, or countries in the alternative).
29. Although presently detained at Florida Baker Correctional Institute 20706 US 90 W SANDERSON, FL, strong and credible evidence demonstrates that he could be transferred at any moment, and without prior notice to Petitioner or his counsel. This transfer would deprive Petitioner of a meaningful opportunity to challenge his detention or removal and deny him effective access to the legal process at a critical moment.
30. At the time of filing this petition, Petitioner is not in removal proceedings before an immigration judge and is thus unable to request bond or seek release through the ordinary procedural channels available to detainees.
31. Only this Court can provide adequate relief the Petitioner seeks.

COUNT TWO
Violation of Sixth Amendment Right to Counsel

32. On clear and reliable information and belief, the Petitioner may be moved to another facility without notice, in violation of his Sixth Amendment Right to Counsel and full evidentiary proceedings.
33. The habeas statute at 28 U.S.C. § 2243 states Petitioner shall be brought before the Court for hearing. This action entails calling witnesses from ICE to determine their actions and omissions.
34. Transfer results in other witnesses (employees of ICE) out of state being beyond this Court's reach for testimony. And transfer of Petitioner to another region obstructs justice and due process by depriving Petitioner his day in court, and access to witnesses.
35. Relocation would significantly disrupt ongoing legal representation by obstructing counsel's access to the Petitioner, impairing access to in-person confidential communication, frustrating the timely submission of filings, and preventing Petitioner from meaningfully participating in his defense and in the pursuit of immigration relief.
36. Respondents' forthcoming actions will cause irreparable harm to Petitioner by effectively denying him access to his retained counsel during a critical period of detention and legal challenge, access to this Court, and access to witnesses. These represent a myriad of constitutional violations.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- a. Assume jurisdiction over this matter;
- b. Order, on an emergency basis, that Petitioner shall not be transferred outside the Southern District of Florida until further notice from this Honorable Court;
- c. Order Respondents to show cause why this Petition should not be granted within three (3) days;
- d. Declare that the Petitioner's continuing detention violates the Due Process Clause of the Fifth Amendment;
- e. Declare that the Petitioner's transfer to another facility outside the jurisdiction of this U.S. District Court violates the Sixth Amendment Right to Counsel;
- f. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- g. Award Petitioner reasonable costs and attorney's fees in this action as provided by the Equal Access to Justice Act, 28 U.S.C. § 2412, or other statute; and
- h. Grant any further relief this Court deems just and proper.

Respectfully submitted this 24th day of September 2025.

/s/STEVEN A. GOLDSTEIN
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