

IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

Name :Alireza Hamedani

Petitioner

vs.

Pamela Bondi,Kristi Noem, Bruce Scott

Camilla Wamsley

Respondents

Case No.:

A # 

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 USC 2241**

BACKGROUND

Petitioner, Alireza Hamedani, ("hereinafter Petitioner") hereby petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by the Respondent. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the Northwest ICE Processing Center ("NWIPC") in Tacoma, Washington, Pierce County.

JURISDICTION

2. This action arises under the Constitution of the United States, 28 U.S.C. § 2241, (c)(1), and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, Art. 1§ 9, d. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C § 1331, as Petitioner is presently in custody in violation of the Constitution, laws, or treaties of

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the United States. See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) ("We conclude that § 2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention."); *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) ("at its historical core, the writ of habeas corpus has served as a means of reviewing the legality of executive detention, and it is in that context that its protection have been strongest."); *Clark v. Martinez*, 543 U.S. 371 (2005) (holding that *Zadvydas* applies to aliens found inadmissible as well as removable).

VENUE

3. Venue lies in the Western District of Washington because Petitioner is currently detained in the territorial jurisdiction of this Court, at the Northwest ICE Processing Center where where Petitioner is currently detained. 28 U.S.C. § 1391.

EXHAUSTION OF REMEDIES

4. Petitioner has exhausted his administrative remedies to the extend required by law, and his only remedy is by way of judicial action. After the Supreme Court decision in *Zadvydas*, the Department of Justice issued regulations governing the custody of aliens removed. See 8. C.F.R. § 241.4. Petitioner received a final order of removal in 2014. After his "180 day" custody review, ICE released him on an order of supervision ("OSUP"). Petitioner was re-detained by ICE on August 27, 2025, and has continuously been detained since that time.

5. No statutory exhaustion requirements apply to Petitioner's claim of unlawful detention. Petitioner still remains detained without any indication from the governments of the United States or Iran that Petitioner's repatriation is reasonably foreseeable.

PARTIES

6. Petitioner is a citizen and native of Iran. Petitioner was first taken into ICE custody in 2018 and was released after a 90 day custody review. Petitioner was re-detained on August 27, 2025, and has remained in ICE custody since that date. Petitioner is currently detained at NWIPC. Petitioner has been continuously detained by ICE.

7. Respondent Pamela Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Nationality Act ("INA"). As such, Ms. Bondi has ultimate custodial authority over Petitioner.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation of the INA as such Ms. Noem is the legal custodian of Petitioner.

9. Respondent Camilla Wamsley is the Director of the Seattle Department of Homeland Security Enforcement Removal Office ("ERO") and is Petitioner's immediate custodian. See *Vasquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), *cert denied*, 122 S. Ct. 43 (2001).

10. Respondent Bruce Scott alternatively may be considered to be Petitioner's immediate custodian.

STATEMENT OF THE CASE LEGAL FRAMEWORK FOR THE RELIEF SOUGHT

20. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that 8 U.S.C. § 1231(a)(6), when "read in light of the Constitution's demands, limits an

alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States". 533 U.S. at 689. A "habeas court must first ask whether the detention in question exceeds a period reasonably necessary to secure removal". *Id.* at 699. If the individual's removal "is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute". *Id.* at 699-700.

21. In determining the length of a reasonable removal period, the Court adopted a "presumptively reasonable period of detention" of six months. *Id.* at 701. After six months, the government bears the burden of disproving the alien's good reason to believe that there is no significant likelihood of removal in the foreseeable future". Moreover, "for detention to remain reasonable, as the period of prior-post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink". *Zadvydas*, 533 U.S. at 701, ICE's administrative regulations also recognize that the Headquarters Post-Removal Detention Unit ("HQPDU") has a six -month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 C.F.R. § 241.4(k)(2)(ii).

23. Evidence showing successful repatriation of other persons to the country at issue is not sufficient to meet the government's burden to establish that an alien petitioner will be deported in the reasonably foreseeable future. See *Thompson v. INS*, 2002 U.S. Dist. LEXIS 23936 (E.D. La. September 16, 2006) (government failed to show that an alien's deportation to Guyana was reasonably foreseeable where the Government offered historical statistics of repatriation to Guyana, but

failed to show any response from Guyana on the application for travel documents that INS and the INS and the petitioner had requested). Rather, for the government to meet its burden of showing that an alien's repatriation is reasonably foreseeable, it must provide some meaningful evidence particular to the individual petitioner's case.

**CLAIMS FOR RELIEF
COUNT ONE
STATUTORY VIOLATION**

24. Petitioner re-alleges and incorporates by reference paragraph 1 through 23 above.

25. Petitioner's re-detention by Respondents is unlawful. Once ICE releases an alien on an OSUP, "ICE's ability to re-detain that non-citizen is constrained by its own regulations. See *S.F. v. Bostock*, No. 3:25-CV-018084-MTK, 2025 U.S. Dist. LEXIS 198258, 2025 WL 2841022, at *4 (D. Or. Oct.7, 2025) ("Federal courts have refrained from applying the presumption of reasonableness under *Zadvydas* in re-detention cases" even when the second detention is less than six months); *Phong Thanh Nguyen v. Scott*, No. 25-CV-01389, 2025 WL 2419288, at * 13 (W.D. Wash. Aug. 21, 2025) ("The six month period does not reset when the government detains a non-citizen...releases him from detention, and then re-detains him again.") (citation omitted); *Dong Van Nguyen v. Hyde*, No. 25-cv-11470, 2025 U.S. Dist. LEXIS 117495, 2025 WL 1725791, at * 3 (D. Mass. June 20, 2025); *Escalante v. Noem*, No. 9:25-CV-00182, 2025 U.S. Dist. LEXIS 14899, 2025 WL 2206113, at * 3 (E.D. Tex. Aug. 2, 2025); *Zavvar v. Scott*, No. 25-2104, 2025 U.S. Dist. LEXIS 175897, 2025 WL 2592543, at *6 (D. Md. Sept. 8, 2025). Accordingly, Petitioner's detention should be measured cumulatively; and it is "past the presumptive 180-day threshold

of presumptive reasonableness". Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the United States Supreme Court in *Zadvydas*. The six month presumptively reasonable period for continued removal efforts has expired.

COUNT TWO
SUBSTANTIVE DUE PROCESS VIOLATION

26. Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

27. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of a core liberty interest in freedom from bodily restraint. See e.g., *Tam v. INS*, 14 F. Supp. 2d 1184 (E.D. Cal. 1998) (aliens retain substantive due process rights).

28. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is significantly unlikely to be removed in the reasonably foreseeable future. The Supreme Court in *Zadvydas* thus interpreted 8 U.S.C. § 1231(a) to allow continued detention only for a period reasonably necessary to secure the alien's removal. See *Kay v. Reno*, 94F. Supp. 2d 546551 (M.D. Pa. 2000) (granting writ of habeas corpus, because Petitioner's substantive due process rights were violated, and noting that "if deportation can never occur, the government's primary legitimate purpose in detention -executing removal-is nonsensical"). First, Petitioner contends there is no

significant likelihood of removal in the reasonably foreseeable future because Respondents have not successfully removed Petitioner in over seven years since an Immigration Judge ("IJ") issued his final order of removal. This delay illustrates either unsuccessful or unexercised removal actions taken by Respondents and weighs against likely removal in the reasonably foreseeable future. Second, petitioner contends there is no significant likelihood of removal in the foreseeable future due to a suspected unwillingness of Iran to cooperate with the United States following the bombing of Iranian facilities this summer.

**COUNT THREE
PROCEDURAL DUE PROCESS VIOLATION**

29. Petitioner re-alleges and incorporates by reference paragraph 1 through 28 above.

30. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner has been denied right. Accordingly, Petitioner respectfully requests this Honorable Court to join several district courts across the nation and grant relief in the form of immediate release

Date: 24 November, 2025.

Respectfully submitted,

Alireza Hamedani
Northwest ICE Processing Center
1623 East J. Street,
Tacoma, WA 98421.

UNITED STATES DISTRICT COURT