
**UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON**

Alireza Hamedani
(Petitioner)



DEC 08 2025

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

v.

Pamela Bondi, Kristi Noem, Bruce Scott
Camilla Wamsley
(Respondents)

**PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 USC § 2241,
APPLICATION FOR TEMPORARY RESTRAINING ORDER, EX PARTE
MOTION TO ISSUE ORDER TO SHOW CAUSE AND ISSUE EXPEDITED
BRIEFING**

BACKGROUND

Petitioner, Alireza Hamedani, ("hereinafter Petitioner") is a citizen of Iran. In 2018 he was taken into the custody of DHS/ICE and was ordered removed by a final administrative order. After 90 days in custody he was released back into the United States on an order of supervision. Petitioner remained compliant with conditions set forth in his order of supervision, however, on August 27, 2025 he was re-detained by

ICE. Petitioner's wife anxiously await his return.

[REDACTED]

[REDACTED]

Petitioner is filing a

Petition for a writ of habeas corpus, an application for temporary restraining order and an ex parte motion to issue order to show cause and issue expedited briefing schedule.

**EX PARTE MOTION TO ISSUE ORDER TO SHOW CAUSE AND ISSUE
EXPEDITED BRIEFING**

This case is a habeas petition challenging executive detention under 28 U.S.C. § 2241. As the Supreme Court has explained, this habeas statute provides "a swift and imperative remedy in all cases of illegal restraint or confinement" *Fay v. Noia*, 372 U.S. 391, 400, 9 L. Ed. 2d 837, 83 S. Ct. 822 (1963), quoting *Secretary of State for Home Affairs v. O'Brien*, [1923] A.C. 603, 609 (H.L.). See also *Johnson v. Avery*, 393 U.S. 483, 485, 21 L. Ed. 2d 718, 89 S. Ct. 747 (1969). (Courts have constantly emphasized fundamental importance of writs). The Ninth Circuit, in analyzing 28 U.S.C. § 2243, has held: The application of the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application. The ordinary rules of civil procedure are not intended to apply thereto, at least in the initial, emergency action given as prescribed by statute to the application of the writ. *Ruby v. United States*, 341 F.2d 585, 587 (9th Cir. 1965), *cert denied*, 384 U.S. 979, 86 S. Ct. 1877, 16 L. Ed. 2d 689 (1966). See also *Van Buskirk v. Wilkinson*, 216 F.2d 690, 691 (6th Cir. 1970) (same); *Glynn v. Donnelly*, 470 F.2d 95, 99 (1st Cir. 1972) (28 U.S.C. § 2243 manifests policy that habeas petitions are to be heard promptly). Plainly, "the writ of

habeas corpus, challenging detention, is reduced to a sham if the trial courts do not act within reasonable time.” (footnote omitted). *Jones v. Shell*, 572 F.2d 1278, 1280 (8th Cir. 1978).

Congress’s intent to provide an expeditious remedy is reflected in 28 U.S.C. § 2243. Under that statute, “a court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted”. 28 U.S.C. § 2243, the custodian must file a return “within three days of the OSC unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added). Consistent with these expeditious procedures, the statute further requires a hearing “not more than five days after the return,” unless good cause is established. *Id.* These requirements ensure that courts “summarily hear and determine the facts, and dispose of the matter as law and justice require”. *Id.*

In the Court’s orders on similar requests, it has noted that the “Rules Governing Section 2254 Cases in the United States District Courts” supersede 28 U.S.C. § 2243, and that those rules allow for “a response that is due within the period of time fixed by the court”. *Guzman Alfaro v. Bostock*, No. 2:25-cv-01706 (W.D. Was. Sept. 16, 2025) (citation modified). But even if that is so, as the Court has recognized in these orders, expeditious processing of a petition for writ of habeas corpus is still warranted. In a typical § 2241 habeas petition, the Court issues an OSC several days or even weeks after the petition is filed. That OSC normally requires a return within thirty days, rather than the three days presumptively established by statute. Then, at

the time return is filed, the government files a return and motion to dismiss, which is noted for twenty-eight days later, as required by LCR 7(d)(4). Once briefing on the motion is complete, the petitions are first considered by a magistrate judge, who issues a report and recommendation ("R&R") and provides another fourteen days for objections, and another fourteen days for responses to these objections. As a result, even assuming that an OSC is issued the same day as the petition is filed (which does not typically happen) and a magistrate judge issues a R&R the same day as the noting date on the government's motion to dismiss, it takes *at least* three months for a district judge to first consider a petitioner's habeas petition. It is precisely this type of "comparatively cumbersome and time consuming procedure of reference, report, and hearing upon a report" that the Supreme Court has criticized as a means to decide habeas petitions, emphasizing the 'more expeditious method...prescribed by the statute.' *Holiday v. Johnston*, 313 U.S. 342, 353 (1941).

Petitioner also respectfully submit that Congress did not intend for the § 2254 Rules to supersede the rules for § 2241 in most cases. Cases that proceed under § 2254 and § 2255 differ dramatically from those filed under § 2241, In § 2254 and § 2255 cases, a person has already proceeded through the criminal process, protected by the rights of the Fourth, Fifth, Sixth, and Seventh Amendments. Often, they have appealed their cases to higher courts. In short, by definition, such cases have already received extensive oversight by state or federal judges. That is not true in most § 2241 immigration habeas cases. In these cases, typically it is only a "government enforcement agent" who has made any decision about the propriety of detention, *Coolidge v. New Hampshire*, 403 U.S. 443, 450 (1971), a far cry from the hearing

before a neutral decision-maker that due process typically requires, *see, e.g., Shadwick v. City of Tampa*, 407 U.S. 345, 350 (1972) ("whatever else neutrality and detachment might entail, it is clear that they require severance and disengagement from activities of law enforcement."); *see also Gerstein v. Pugh*, 420 U.S. 103, 112 (1975) (similar). This backdrop-with the Court waiting to issue orders to show cause and the lengthy process that follows -is important to understanding why Petitioner respectfully submits that the Court should immediately issue an order to show cause, and why it should do so on a schedule that aligns closely to the one reflected in § 2243.

Notably, many other district courts decide habeas petitions involving challenges to immigration detention in a matter of days or weeks. *See e.g., Lopez Benitez v. Francis*, ---F. Supp. 3d ---, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025) (granting habeas petition filed on July 18, 2025, by non-citizen challenging application of mandatory detention statute); *Diaz Martinez v. Hyde*, ___ F. Supp. 3d ___, 2025 WL 2084238 (D. Mass. July 24, 2025) (granting habeas petition filed on June 3, 2025), involving similar claims); *Salad v. Dep't of Corr.*, 769 F. Supp. 3d 913, 918 (D. Alaska 2025) (habeas petition filed Feb. 7, 2025, writ granted Mar. 7, 2025, in case involving detention of Temporary Protected Status (TPS) applicant); *Sanchez v. Puentes*, No. 1:25-cv-00509-LMB-LRV (E.D. Va. Mar. 28, 2025) (granting habeas petition of TPS applicants filed on Mar. 21, 2025); *Cordon-Salguero v. Noem*, No. 2:25-cv-01626-GLR (D. Md. June 18, 2025) (granting in part habeas petition filed on May 20, 2025, involving re-detention of person with final removal order); *Tadros*

Case 2:25-cv-02509-JNW Document 9 Filed 01/05/26 Page 6 of 6
v. *Noem*, No. 2:25-cv-04108-EP (D.N.J. June 17, 2025) (granting habeas petition filed on May 10, 2025, involving similar claims). This expeditious treatment of habeas petitions reflects what Congress intended in § 2243, and is consistent with the Supreme Court's and Ninth Circuit's repeated affirmances that cases like this one should receive timely determinations.

CONCLUSION

In light of Petitioner's fundamental liberty interests at stake, statutory requirements for habeas proceedings and the caselaw cited above, Petitioner respectfully requests that this Honorable Court issue an order to show cause that effectuates service on Respondents and which issues the following briefing schedule:

- Respondents' return: due five days from issuance of the order to show cause
- Petitioner's traverse and response: due seven days from the filing of return to allow mailing delays.

Respectfully submitted this 24th day of November, 2025,

Alireza Hamedani
1623 EAST J STREET SUITE FIVE
TACOMA, WASHINGTON 98421

Signature: 

UNITED STATES DISTRICT COURT