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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Naim Vijdani, Petitioner, v. John Mattos, NSDC Warden; Michael Bernacke, Field Director, West Valley City Office of ICE ERO; Todd Lyons, ICE Acting Director; Kristi Noem DHS Secretary; Pam Bondi, U.S. Attorney General, Kerri Ann Quihuis, ICE Field Office Director, Las Vegas, Respondents.	Case No. 2:25-cv-02496-GMN-EJY **Federal Respondents' Response to First Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 9)**

Federal Respondents Michael Bernacke, Todd Lyons, Kristi Noem, Pamela Bondi, and Kerri Quihuis, through undersigned counsel, hereby file this response to the First Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 9) filed by Naim Vijdani ("Petitioner").

Mr. Vijdani is a citizen and national of Iran. He was granted lawful permanent resident status in 1995 and, in 2017, was arrested and convicted of Assault with a Deadly Weapon, an aggravated felony. On April 19, 2017, Petitioner was sentenced to a term of 24 to 72 months' imprisonment, suspended, with probation ordered for a period of five years. *See* Exhibit A. Following that conviction, on June 8, 2017, DHS issued Petitioner a Notice

to Appear charging him as removable based on that offense. *See* Exhibit B.

On September 11, 2017, an Immigration Judge ordered Petitioner removed from the United States to Iran. *See* Exhibit C. The removal order was entered in absentia after Petitioner failed to appear, with the Immigration Court noting that it would "liberally construe a motion to reopen" in light of Petitioner's mental health condition. *Id.* It appears Petitioner was released from custody in or about 2019–2020. *See* Exhibit D.

Petitioner was later located at the Henderson Detention Center following his arrest for petty larceny in November 2025. DHS took Petitioner into immigration custody on or about November 5, 2025, and initiated efforts to obtain travel documents to effectuate his removal to Iran.

Federal Respondents acknowledge that the post-removal period begins on the latest of three dates: (i) when the removal order becomes administratively final; (ii) when a court that has stayed removal enters a final order resolving the noncitizen's removal; or (iii) when the noncitizen is released from non-immigration detention. See 8 U.S.C. § 1231(a)(1)(B); see also *Johnson v. Guzman Chavez*, 594 U.S. 528, 528 (2021) (citing 8 U.S.C. § 1231(a)(1)(B)).

Once a noncitizen enters the post-removal period, detention is authorized so long as removal is reasonably foreseeable. *Berhe v. Mattos*, No. 2:25-cv-01782-RFB-DJA, 2026 U.S. Dist. LEXIS 15477, at *9 (D. Nev. Jan. 28, 2026). Although 8 U.S.C. § 1231(a)(6) does not prescribe an outer temporal limit on post-removal-period detention, the Supreme Court has held that six months is a presumptively reasonable period of detention following a final order of removal. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). After the lapse of that presumptively reasonable period, the Court assesses whether there is a "significant likelihood of removal in the reasonably foreseeable future." *Id.*

Here, Petitioner appears to have been released from Nevada state custody in or around 2020. As a result, a literal application of the timeframes set forth in 8 U.S.C. § 1231(a)(1)(B)(iii) would suggest that the post-removal period commenced at that time. However, Petitioner was not taken into immigration custody at that point and has now been detained for approximately 106 days, slightly beyond the 90-day removal period

contemplated by 8 U.S.C. § 1231(a)(1)(A). That period of detention, however, remains well within the six-month presumptively reasonable time frame recognized by the Supreme Court in *Zadvydas*. The six-month presumption of reasonableness will not expire until May 2026, at which point the Court would assess whether there is a significant likelihood of removal in the reasonably foreseeable future.

At present, ICE continues to seek the necessary travel documents to repatriate Mr. Vijdani to Iran. In light of these ongoing efforts, the Court may elect to stay these proceedings pending the outcome of ICE's attempts to secure travel documents.

Notwithstanding the foregoing, should the Court grant the petition, the government respectfully requests that the Court: (a) order Petitioner's release subject to reasonable conditions of supervision pursuant to 8 U.S.C. § 1231(a)(3); and (b) afford DHS 48 hours to effectuate Petitioner's release so that arrangements may be made for a safe and orderly daytime release.

Respectfully submitted this 19th day of February 2026.

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/s/ Summer A. Johnson
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INDEX OF EXHIBITS

Exhibit A – Record of Deportable Admissible Alien

Exhibit B – Notice of Appear

Exhibit C – Removal Order

Exhibit D – NDOC Inmate Search