

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**



Said Shahmohamadian,
Petitioner,

DHS No. A 

v.

Civil Case No. 5:25-cv-03615-FWS-RAO

David Marin, Warden.¹, Adelanto
ICE Detention Facility, California;
Kristi Noem, Secretary of the
U.S. Department of Homeland Security;
Pamela J. Bondi,
Attorney General of the United States;
Thomas P. Giles, Director Los Angeles
Field Office of U.S. Immigration and
Customs Enforcement
Respondent(s).

Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241

Petitioner, Said Shahmohamadian, *Pro se*, hereby petitions this court for writ of habeas corpus pursuant to 28 U.S.C. § 2241². Petitioner, respectfully ask this court to find his continued detention beyond the statutory removal period, in the absence of a realistic prospect of removal, violates the Fifth amendment and 28 U.S.C. § 1231(a), and to order his immediate release under appropriate conditions of supervision.

¹ As explained by the Supreme Court in *Rumsfeld v. Padilla*, 542 U.S. 426, 430 (2004), the proper respondent in habeas cases is the "warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official." In § 2241 cases involving non-citizen aliens detained at a private detention facility, the proper respondent is the warden of the private detention facility. *Doe v. Garland*, 109 F.4th 1188 (9th Cir. 2024).

² See *Zichko v. Idaho*, 247 F.3d 1015, 1020 (9th Cir. 2001) (federal courts must construe pro se habeas petitions liberally).

INTRODUCTION

Petitioner, Said Shahmohamadian, a French national and a citizen of Iran, who has been in under U.S. Immigration and Customs Enforcement or DHS custody—either through an Order of Supervision (OSUP) or physical detention—Since 2001, when he was released from Immigration custody following his initial detention. His removal order became final in the year of 2000. He did not contested Immigration Judge’s removal orders and waived his rights of appeal from the order of removal, making it final on that same date.

From about the year 2001 to 2025, Petitioner fully complied with the terms of his supervision order (OSUP) including regular check-ins, movement restrictions, requirement to wear an GPS monitor, and ongoing reporting obligations to U.S. Immigration and Customs Enforcement or DHS. These conditions placed significant restraints on his liberty and constituted custody for habeas purposes under *Jones v. Cunningham*, 371 U.S. 236, 242, 83 S. Ct. 373, 9 L. Ed. 2D 285 (1963), and *Rumsfeld v. Padilla*, 542 U.S. 426, 447, n. 16, 124 S. Ct. 2711, 159 L. Ed. 2D 513 (2004).

Despite having had more then twenty four years to effectuate his removal, the government has failed to remove Petitioner from the United States. Evidently Iran has not issued travel documents or passport for Petitioner, no third country has agreed to accept him and there is no indication that removal will be possible in the reasonable foreseeable future See *Zadori v. noem, et.al.*, 5:25-CV-2832-MRA-DFM. (the facts that 54 Iranians were deported to Iran under unclear circumstances does not establish a significant likelihood that Petitioner will be deported). Petitioner's continued detention, both constrictive and now physical, has exceed the 90-day statutory removal period authorized by 8 U.S.C §1231(a) and is unlawful under *Zadvydas v. Davis*, 533 U.S. 678, 699, 121 S. Ct. 2491, 150 L. Ed. 2D 653 (2001). *Under Zadvydas, detention becomes presumptive unreasonable after six months unless the government can show a significant likelihood of removal in the reasonably foreseeable future.* Accordingly, Petitioner, respectfully petitions this Court for writ of habeas corpus ordering his immediate release under appropriate conditions of supervision effective returning him to the *status quo*.

Thus, to vindicate Petitioner's statutory and constitutional rights, this Court should grant the instant petition for writ of habeas corpus. Absent an order from this Court, Petitioner will continue to suffer indefinite detention in violation of the Constitution and Federal Immigration Law while facing no viable prospect of removal elsewhere.

Habeas Corpus Under 28 U.S.C. § 2241.

Under 28 U.S.C. § 2241 a writ of habeas corpus may be granted to any petitioner who demonstrates that he is “in custody in violation of the Constitution or laws or treaties of the United States”. 28 U.S.C. § 2241 (c)(3); see *Rasul v. Bush*, 542 U.S. 466, 474, 124 S. Ct. 2686, 159 L. Ed. 2D 548 (2004). The Supreme Court has explained that “the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and ... the traditional function of the writ is to secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484, 93 S. Ct. 1827, 36 L. Ed. 2D 439 (1973). “[H]abeas relief applies to petitioners seeking relief from executive detention but not to petitioners seeking to remain in the United States.” *Rauda v. Jennings*, 55 F.4th 773, 779 (9th Cir. 2022) (citing *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 116-20, 140 S. Ct. 1959, 207 L. Ed. 2D 427 (2020)). In determining whether a claim sounds in habeas, “the relevant question is whether, based on the allegations in the petition, release is legally required irrespective of the relief requested.” *Pinson v. Carvajal*, 69 F.4th 1059, 1072 (9th Cir. 2023).

Jurisdiction

Petitioner seeks his immediate release from custody, which he contends violates the Constitution of the United States, the and applicable regulations, and the Administrative Procedures Act (APA). See *Jennings*, 138 S. Ct. at 840-841 (finding jurisdiction over challenge to interpretation of pre-removal order detention statute); *Zadvydas v. Davis*, 533 U.S. 678, 687, 121 S. Ct. 2491, 150 L. Ed. 2D 653 (2001) (habeas remains “the basic method for obtaining review of continued custody” after a removal order is final); *Singh v. Holder*, 638 F.3d 1196, 1211 (9th Cir. 2011) (as a general rule, non-citizens “may continue to bring collateral legal challenges to the Attorney General's detention authority . . . through a petition for habeas corpus” (quotation omitted, alteration in original)); *Aguilar v. U.S. ICE*

Div. of Dep't of Homeland Sec., 510 F.3d 1, 11 (1st Cir. 2007) (“[D]istrict courts retain jurisdiction over challenges to the legality of detention in the immigration context.”); *Alam v. Nielsen*, 312 F. Supp. 3d 574, 579-81 (S.D. Tex. 2018) (finding jurisdiction over challenge to process ICE followed in canceling petitioner’s OSUP and returning him to detention); *Rombot v. Moniz*, 299 F. Supp. 3d 215, 17 (D. Mass. 2017) (finding jurisdiction over challenge to revoking OSUP); *Chhoeun v. Marin*, No. 17-1898, 2018 U.S. Dist. LEXIS 132363, 2018 WL 1941756, at *4-*5 (C.D. Cal. Mar. 26, 2018) (same); *Doe v. Smith*, No. 18-11363, 2018 U.S. Dist. LEXIS 171961, 2018 WL 4696748, at *6 (D. Mass. Oct. 1, 2018) (same); *Ahmad v. Whitaker*, No. 18-287, 2018 U.S. Dist. LEXIS 218367, 2018 WL 6928540, at *4 (W.D. Wash. Dec. 4, 2018), R & R adopted, 2019 U.S. Dist. LEXIS 1134, 2019 WL 95571 (W.D. Wash. Jan. 3, 2019) (same).

Thus, Petitioner invokes this Courts jurisdiction under the habeas provision, 28 U.S.C. §2241; Federal question, 28 U.S.C. § 1331; original jurisdiction, 28 U.S.C. §1346; the All Writs Act 28 U.S.C. § 1651; the Administrative Procedures Act 5 U.S.C. §701; and the Declaratory Judgment Act 28 U.S.C. §§ 2201-2202. See *Garcia v. Noem*, No. 25-CV-02180-DMS MMP, 2025 U.S. Dist LEXIS 171714, 2025 WL 2549431, at *3-4 (S.D. Cal. 3, 2025); *Noori v. Larose*, No.25-CV-1824-GPC-MSB, 2025 U.S. Dist. LEXIS 194953, 2025 WL 2800149, at *7-7 (S.D. Cal. Oct 1, 2025).

Exhaustion

Petitioner invokes Courts discretion to waived judicial and administrative remedies.

Petitioner argues that exhaustion is not required by statute and therefore can be excused where the exhaustion time frame endangers the petitioner, and the agency lacks competency to resolve the issue. See *Kuzmenko*, 2025 U.S. Dist. LEXIS 40961, 2025 WL 779743, at *4 (citing *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)).

Venue

Venue is proper in this District pursuant to 28 U.S.C § 1391(e)(1) because Respondent are

agencies or officers of agencies of the United States, Respondent and Petitioner reside in the District, Petitioner is detained in this District, and a substantial part of the events or omissions given rise to Petitioner's claims occurred in this district. See *Doe v. Garland*, 109 F.4th 1188, 1192 (9th Cir. 2024).

Parties

Petitioner Said Shahmohamadian is a non citizen from Iran who is currently detained at Adelanto ICE Detention Facility. He is in custody and under the direct control of Respondent(s).

Respondent, David Marin, Warden, Adelanto ICE Detention Facility, has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement and DHS to detain non-citizens. Respondent, Warden Adelanto ICE Detention Facility, is a legal custodian of Petitioner

Respondent, Kristi Noem, is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent, Noem is responsible for the implementation and enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

Respondent, Pamela Bondi, is sued in her official capacity as the Attorney General of the United States and the senior office of the U.S. Department of Justice (DOJ). In that capacity, Respondent Bondi has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration review (EOIR), which administers the immigration courts and the Board of Immigration Appeals. Respondent Bondi is legal Custodian of Petitioner.

Respondent, Thomas P. Giles, is sued in his official capacity as the Director of the Los Angeles Field office of U.S. immigration and Customs enforcement. Respondent Giles is a legal custodian of Petitioner and has the authority to release him.

STATEMENT OF FACTS

Petitioner, Said Shahmohamadian, is citizen of Iran and native of France. He entered the United States legally in 1991 utilizing a French passport. In year 1995, Petitioner was convicted in Federal Court in California for possessions of control substance with intend to distribute. He was sentenced to a term of 78 months followed by 3 year term of supervised released.

While, Petitioner was in Federal Custody an Immigration Judge ordered him removed from the United States to Iran in alternative to France. Petitioner did not contest Immigration Judge's order making it final on same date. Subsequently Petitioner was released to the Immigration authorities on March 14th, 2001, pending final order of removal. After being detained for over three months in immigration custody Petitioner, was released on Order of Supervision (OSUP), The U.S. Immigration and Customs Enforcement and DHS and were unable to obtain required travel documents for his removal to Iran. Petitioner was on supervision release since that date.

Petitioner had remained in legal control of U.S. Immigration and Customs Enforcement and DHS authorities, since time of his release, subjected to an OSUP that imposed significant restrains on his liberty. For more than twenty four years, Petitioner fully complied with all reporting requirements, check-ins, GPS monitoring and conditions imposed by Immigration authorities and DHS. The OSUP severely limited Petitioners ability to live a normal life. It restricted his employment opportunities because many employers were unwilling to hire someone with ongoing immigration supervision. Even in the jobs he could obtain, the frequent reporting requirements and uncertainty about his status caused him to lose work hours and income.

On November 14th, 2025, the DHS had revoked petitioner OSUP and detained him without any formal revocation interview. His supervision terminated and Petitioner was held at the Department of Homeland Security's U.S Immigration and Custom Enforcement (ICE) Los Angeles Field Office in Los Angeles on November 14th, 2025. On the Morning of November

16th, 2025 Petitioner was transferred to Adelanto ICE Processing Center in Adelanto, California.

Petitioner has fully cooperated with all efforts by U.S. Immigration and Customs Enforcement and DHS to remove Petitioner from the United States. Petitioner contacted Iranian consulate in Washington, D.C. provided with his personal details. Petitioner also contacted France Authorities for his alternative removal, France authorities did not entertained Petitioner's request for travel documents and refused to recognized him as France national”

Legal Framework

Under the Immigration and Nationality Act (INA), a non-citizen subject to a final order of removal is generally detained during a 90-days “removal period”. See 8 U.S.C § 1231(a)(1) (A). Detention during this period is typically mandatory. See § 1231(a)(2). However, if removal is not effectuated during the removal period, continued detention is permissible only while removal remains reasonably foreseeable. See § 1231(a)(6).

In *Zadvydas v. Davis*, 533 U.S.678 (2001), the Supreme Court held that §1231(a)(6)§ does not authorize indefinite detention. Instead, the Court interpreted the statute– in light of constitutional due process and established a presumptive six-month limit on post-order detention. After that period, if the non-citizen shows “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,” the burden shifts to the government to rebut that showing. *Id* at 701.

The Court affirmed in *Clark v. Martinez*, 543 U.S. 371, 402, 125 S. Ct. 716, 160 L. Ed. 2D 734 (2005), that this limitation applies universally, regardless of the underlying reasons for the government’s inability to remove the non citizen. Where removal is not reasonably foreseeable—whether due to diplomatic barriers, lack of travel documents, or other practical impossibilities—continued detention violates both the statute and the Constitution.

In addition, the implementing regulation under 8 C.F.R §§241.4 and 241.13 require DHS to

conduct regular post-order custody reviews and to release individuals when removal cannot be effectuated in the reasonable foreseeable future.

Although, Petitioner was not physically detained between 2001 and 2025, he remained under an active Order of Supervision (OSUP) following his release from U.S. Immigration and Customs Enforcement custody. That supervision included regular check-ins, movement restriction, and ongoing compliance obligations that significantly restrained his liberty. As such, he was in “custody” for purpose of habeas jurisdiction and constitution review. The Supreme Court has long recognized that habeas “custody” includes legal restraints short of incarceration. In *Jones v. Cunningham*, 371 U.S. 236, 240, 83 S. Ct. 373, 9 L. Ed. 2D 285 (1963), the Court held that a person on parole was “in custody” for purpose of § 2241 because he remained subject to “restraints not shared by the public generally” See also *Williamson v. Gregoire*, 151 F.3d 1180, 1182 (9th Cir. 1998). Similarly, in *Rumsfeld v. Padilla*, 542 U.S. 426, 447, n. 16, 124 S. Ct. 2711, 159 L. Ed. 2D 513 (2004), the Court reiterated that “[o]ur understanding of custody has broadened to include restraints short of physical confinement.”

Accordingly, Petitioner’s time under OSUP from 2001 to 2025 must be understood as a period of continuous civil custody. The government’s sustained legal authorities over his movement and freedom placed him firmly within the scope of “in custody” as defined in habeas jurisprudence. His transition from constructive custody to physical detention on November 14, 2025 does not reset or sever that custody—it represents a continuation, and indeed an intensification, of DHS unbroken control. As such, Petitioner remains entitled to the constitutional protections articulated in *Zadvydas v. Davis*, 553 U.S. 678 (2002), and its progeny.

In this case, the government has had over twenty four years, to effectuate his removal. Despite that time, it has failed to obtain travel documents, identify a reviving country, or present any evidence that removal is likely. This failure, especially in light of the government’s continued exercises of civil custody, constitutes not merely practical obstacle

but a violation of the constitutional limits set forth in *Zadvydas*. See *Bah v. Cangemi*, 489 F. Supp. 2d 905, 915 (D. Minn. 2007) (“The government cannot benefit from its own inaction and simultaneously detain the petitioner indefinitely.”) Petitioner's prolonged detention with no end in sight, no disciplinary history, and no flight risk, represents an excessive use of civil confinement. Courts have recognized that civil flight-risk, represents an excessive use of civil confinement. Courts have recognized that civil immigration detention that lacks a removal-related purpose, and is not accompanied by robust procedural safeguards, constitute a deprivation of liberty, without due process. See *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013). The continued exercised of detention authority in such circumstances cases to be regulatory and becomes punitive and unconstitutional.

Thus, Petitioner has shown good reason to believe that removal is not significantly likely in the reasonable foreseeable future. The burden now shifts to the government to justify his continued detention under *Zadvydas*. It cannot meet that burden.

CLAIMS FOR RELIEF

Violation of Fifth Amendment Right to Due Process.

- I. Petitioner has been subject to final order of removal since 2001 and has remained under U.S. Immigration and Customs Enforcement or DHS's legal custody and control for over 180 days. In particular, he has been in custody and control since 2000, first under an Order of Supervision (OSUP); Electronic Monitoring and now in physical detention at the Adelanto ICE Detention Center, since November 14th, 2025. The government has had ample time to effectuate removal but has failed to do so.
- II. U.S. Immigration and Customs Enforcement has failed to identify a third country willing to accept Petitioner, and there is no significant likelihood of removal in the reasonably foreseeable future.
- III. Petitioner's continued detention, both constrictive and physical, beyond the presumptive reasonable six-months period, and particularly beyond the 90-days removal period authorized by 8 U.S.C. §1231(a), violates the Due Process Clause of

the Fifth Amendment The government's failure to justify continued detention with concrete evidence of likely removal renders this ongoing deprivation of liberty unconstitutional under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

IV. Accordingly, Petitioner's continued detention violates his substantive due process rights under the Fifth Amendment to the United States Constitution.

Violation of 8 U.S.C § 1231(a) and Implementing Regulations

The allegations in the above paragraphs are re-alleged and incorporated herein by references.

- I. Under 8 U.S.C. § 1231(a), the government may detain a noncitizen with a final order of removal for up to 90 days—the “removal period”. Continued detention beyond that period is permissible only where removal remains reasonable foreseeable. The regulations implementing this provision, 8 C.F.R. §§ 241.4 and 241.13 require the Department of Homeland Security (DHS) to conduct regular post-order custody reviews and to release individuals when removal cannot be effectuated in the reasonably foreseeable further.
- II. DHS has violated its obligations under the statute. It has failed to secure travel documents from Iran, failed to identify any third country willing to accept Petitioner, and has provided no evidence that removal is likely. Despite this, DHS has not released Petitioner nor demonstrated that his continued detention serves a legitimate removal-related purpose.
- III. DHS has violated the implementing regulations by failing to conduct regular post custody reviews and to release the Petitioner since for years it has been unable to remove him.
- IV. Sections 241.4 and 241.13 were promulgated to operationalize the constitutional limits articulated in *Zadvydas v Davis*, 533 U.S. 678 (2001), and to ensure that U.S. Immigration and Customs Enforcement or DHS does not detain individuals indefinitely when removal when removal is not reasonably foreseeable. Petitioner's continued detention, without a removal plan, without diplomatic assurances, and

without procedural justification, falls squarely within the kind of prolonged confinement these safeguards were designed to prevent.

V. Accordingly, Petitioner's detention violates 8 U.S.C. § 1231(a), 8 C.F.R. §§ 241.4 and 241.13, and the Due Process Clause to the extent that DHS has failed to comply with its regulatory obligations and constitutional duties.

PRAYER FOR RELIEF

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

Assume jurisdiction over this matter;

- a) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- b) Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. 1231(a), and 8 C.F.R. §§ 241.4 and 241.13;
- c) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediate under appropriate conditions of supervision;
- d) Award Petitioner attorney's fees and cost under the Equal Access to Justice Act, and on any other basis justified under law; and
- e) Grant any further this Court deems just and proper.

Respectfully submitted,

/s/ 

Said Shahmohamadian,

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Adelanto ICE Detention Facility-West
10250 Rancho Road
Adelanto, CA 92301

December 18th, 2025

Said Shahmohamadian

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Adelanto Detention Center
10250 Rancho Road
Adelanto, CA 92301

Date 18th, December 2025

Clerk's Office
United States District Court
For the Central District of California
255 E. Temple St.
Los Angeles, California 90012

Re: Said Shahmohamadian v. David Marin, et al.

Dear Clerk:

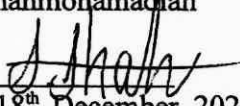
Enclosed please find original copy of motion under 28 U.S.C. § 2241 and supporting motions.

I respectfully request this court to impress filing date on the copy of the motion (petitioner's copy) and returned in enclosed labeled per-stamped envelope for my record.

Thank you for your attention to this matter. Please direct any responses to address above.

Sincerely,

Said Shahmohamadian

/s/ 

Dated 18th, December, 2025