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**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

Hamid SAMADI,

Petitioner,

v.

Jason STREEVAL, Warden of Stewart
Detention Center, in his official capacity;
George STERLING, Deputy Field Office
Director of the Atlanta Field Office, U.S.
Immigration and Customs Enforcement; Todd
LYONS, in his official capacity as acting
Director of U.S. Immigration and Customs
Enforcement, Kristi NOEM, in her official
capacity as Secretary of the U.S. Department
of Homeland Security, and Pamela BONDI,
in her official capacity as U.S. Attorney
General; Daren MARGOLIN, Director for
Executive Office for Immigration Review,

Respondents.

HEARING REQUESTED

Case No.: 4:26-cv-00131

PETITIONER'S OBJECTIONS TO REPORT AND RECOMMENDATION

Hamid Samadi, by and through the undersigned counsel, respectfully submits this objection to the Magistrate Judge's Report and Recommendation in this matter. (ECF 8).

The Court acknowledges that there is support for the argument that the presumptive six-month period begins upon order of removal, but it declines to give weight to the argument and numerous other decisions, in this district. The Court relies on caselaw finding that the six-month period begins upon redetention despite logical and persuasive caselaw to the contrary. The Court can and should take an independent step to reexamine the numerous examples of prolonged periods of detention, release, and redetention, without any cognizable efforts toward likelihood of actual removal from the United States. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024) (holding that “[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority[.]”). Courts across the country have found as much, and this Court can do the same. *See, e.g., Munoz-Saucedo v. Pittman*, 2025 WL 1750346, at *6 (D.N.J. June 24, 2025) (“[i]f a person ‘can prove’ that his removal is not reasonably foreseeable, then he can overcome the presumption”); *Cesar v. Achim*, 542 F. Supp. 2d 897, 903 (E.D. Wis. 2008) (“[T]here is nothing inherent in the operation of the presumption itself that requires it to be irrebuttable.”); *Trinh v. Homan*, F. Supp 3d 1077, 1092 (C.D. Cal. 2020) (“Zadvydas established a ‘guide’ for approaching detention challenges, not a categorical prohibition on claims challenging detention less than six months.”); *Ali v. Dep’t of Homeland Sec.*, 451 F. Supp. 3d 703, 708-09 (S.D. Tex. Apr. 2, 2020) (similar).

The six-month period “reasonably necessary” to bring about a noncitizen’s removal who has been granted withholding of removal starts at the beginning of the removal period. This conclusion is consistent with *Zadvydas* and 8 U.S.C. § 1231. *See, e.g., Sagastizado Sanchez v. Noem*, No. 25-cv-00104, at *14 (S.D. Tex. Nov. 14, 2025) (“If the government “can be presumed

to be working to effectuate removal in good faith, that presumption does not reset at the time a noncitizen is re-detained after being released on an order of supervision during which time the Government could have been taking steps to effectuate the noncitizen's removal."); *Zavvar v. Scott*, No. CV 25-2104-TDC, 2025 WL 2592543 (D. Md. Sept. 8, 2025), at *4 ("[T]here is, at a minimum, a reasonable argument that the six-month period runs continuously from the beginning of the removal period, even if the noncitizen is not detained throughout that period."); *Tadros v. Noem*, No. 25-4108-EP, 2025 WL 1678501, at *3 (D.N.J. June 13, 2025) (finding that a final order of removal triggered the six-month period). *Indeed, the facts of Zadvydas only considered situations in which a noncitizen was continuously detained from the issuance of a removal order, while the government attempted to remove them.* 533 U.S. at 684-86. *Zadvydas* did not address the factual circumstance here, in which a noncitizen is released from detention on an OSUP, more than six months have elapsed without removal, and a noncitizen is subsequently re-detained. *Sagastizado Sanchez*, No. 25-cv-00104, at *14 ("[T]he 180-day period—and therefore the presumption of reasonable detention—does not reset simply because a noncitizen is redetained.").

Finally, as explained in Petitioner's Declaration, Respondents have had more than 20 years to follow the law to remove Mr. Samadi and have failed to do so. In fact, from the time Mr. Samadi was first detained and released, until he was detained again, he continued to report to ICE as required – a constant reminder to the ICE officials to remove Mr. Samadi. Yet, they were unable to do so. The point has been made – there is no significant likelihood of removal in the reasonably foreseeable future.

For the foregoing reasons, Petitioner objects to this Court's Report and Recommendation.

Dated: May 22, 2026.

Respectfully submitted,

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