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Attorney for Petitioner

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

Hossein Shahsavari,  
Petitioner,

v.

**ROSE THOMPSON**, Warden, Karnes County  
Immigration Processing Center; **MIGUEL  
VERGARA**, Field Office Director of  
Enforcement and Removal Operations, San  
Antonio Field Office, Immigration and Customs  
Enforcement; **TODD M. LYONS**, Acting  
Director of Immigration and Customs  
Enforcement; **KRISTI NOEM**, Secretary, U.S.  
Department of Homeland Security; **UNITED  
STATES DEPARTMENT OF HOMELAND  
SECURITY**; **PAMELA BONDI**, U.S.  
Attorney General; **EXECUTIVE OFFICE  
FOR IMMIGRATION REVIEW**, *in their  
official capacities*,

Respondents.

Case No. 5:26-cv-00898

**PETITION FOR WRIT OF  
HABEAS CORPUS**

## I. INTRODUCTION

1. Petitioner Hossein Shahsavari is a 26-year-old Iranian  seeking asylum from   
He has been detained since May 2025.
2. Mr. Shahsavari challenges his indefinite detention as a violation of his rights under the Due Process Clause of the Fifth Amendment.
3. Mr. Shahsavari respectfully requests this Court to grant him a Writ of Habeas Corpus and order Respondents to release him from custody under reasonable conditions of supervision. He is seeking habeas relief under 28 U.S.C. § 2241, which is the proper vehicle for challenging civil immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001).
4. Mr. Shahsavari asks the Court to "award the writ or issue an order directing the respondent[s] to show cause why the writ should not be granted," within three days, as prescribed by statute. 28 U.S.C. § 2243.

## JURISDICTION

5. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Karnes County Immigration Processing Center in Karnes City, Texas.
6. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
7. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

### VENUE

8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Western District of Texas, the judicial district in which Petitioner currently is detained.
9. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Texas.

### REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
11. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for 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.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

### PARTIES

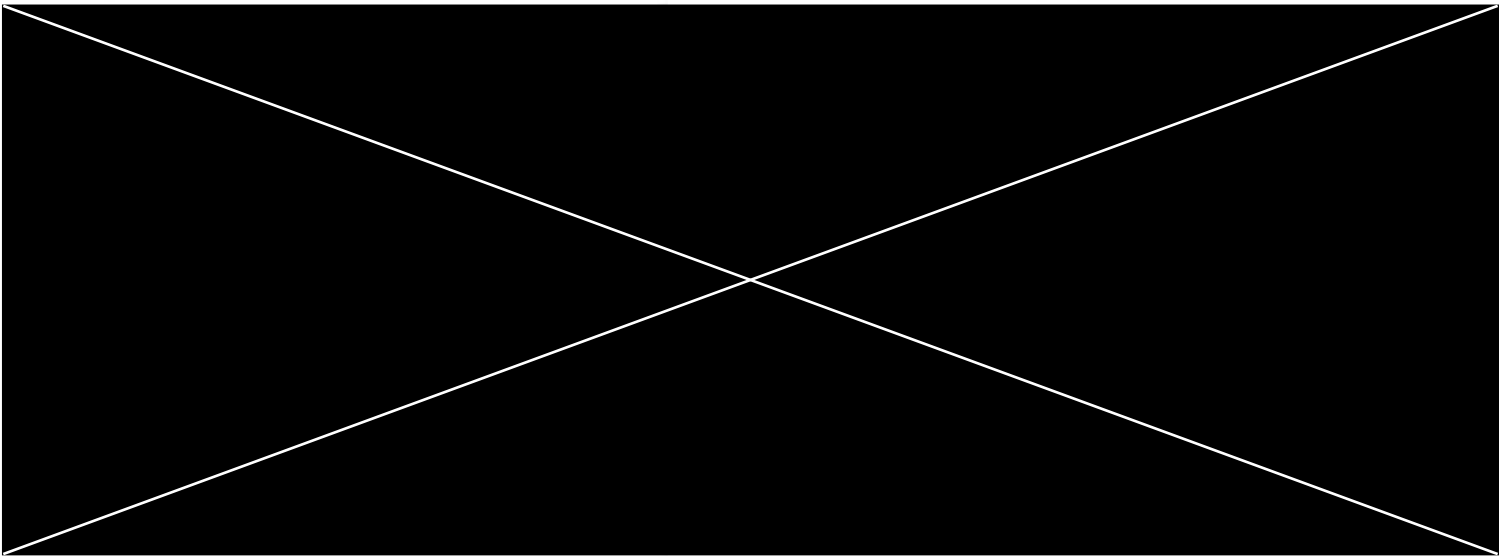
12. Petitioner Hossein Shahsavari is a citizen of Iran who has been in immigration detention since May 2025. After arresting Petitioner at the U.S. Mexico border, ICE did not set bond and Petitioner is unable to obtain review of his custody by an Immigration Judge

(IJ), pursuant to the Board's decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

13. Respondent Miguel Vergara is the Director of the San Antonio Field Office of ICE's Enforcement and Removal Operations division. As such, Miguel Vergara is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.
14. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
15. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.
16. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.
17. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.
18. Respondent Rose Thompson is employed by GEO Group as Warden of the Karnes County Immigration Processing Center, where Petitioner is detained. She has immediate physical custody of Petitioner. She is sued in her official capacity.

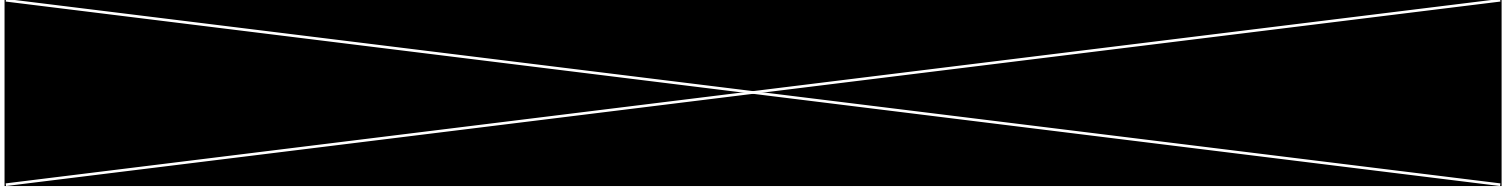
### STATEMENT OF FACTS

19. Mr. Shahsavari was born on [REDACTED] in Iran. In 2025, he fled Iran after facing physical violence and death threats by a government official [REDACTED]  
[REDACTED]
20. Mr. Shahsavari fled Iran and entered the U.S. on May 20, 2025, and was immediately detained. He was sentenced to 27 days for misdemeanor illegal entry into the U.S. under 8 U.S.C. §1325. He then was detained in immigration custody.
21. Mr. Shahsavari took and passed his Credible Fear Interview, indicating he was eligible for asylum. He then waited for seven months in detention prior to receiving an initial Master Calendar Hearing (MCH) with the Immigration Court.
22. Mr. Shahsavari has remained detained since he was initially apprehended. Although the Department of Homeland Security (“DHS”) detained him in May 2025, they never issued a Notice to Appear (“NTA”) until late October 2025. This NTA provided a first Master Calendar Hearing (“MCH”) in December 2025. Thus, Mr. Shahsavari waited five months in detention for any NTA (the equivalent of a warrant in criminal proceedings) and seven months in detention before he ever had a hearing with a judge.
23. From the time ICE detained Mr. Shahsavari, they have held him without an opportunity for release or a bond hearing.
24. Violence in Mr. Shahsavari’s native country of Iran has increasingly escalated in recent weeks, with reports of the government killing tens of thousands of protesters. Iran and the U.S. seem on the possible verge of military conflict.

25. On January 13, 2026, a temporary Immigration Judge denied Mr. Shahsavari's asylum case on clearly erring grounds. The temporary Immigration Judge found that   inflicted on Mr. Shahsavari did not constitute persecution. The temporary Immigration Judge additionally found that Mr. Shahsavari was not harmed on account of a protected ground, .
26. Mr. Shahsavari's pro bono counsel immediately filed an appeal of the erroneous decision, and that appeal remains pending.
27. Petitioner has now been detained nearly nine months, exceeding what courts agree to be a "reasonable" period of detention pending removal proceedings. Petitioner's prolonged detention is no fault of his own, but rather the delay of DHS in filing his NTA with the Immigration Court.
28. Mr. Shahsavari has already appeared for all his proceedings, and he has a sponsor, Casa Marianella, in Austin, Texas, that provides wraparound services along with legal services from undersigned pro bono counsel. Mr. Shahsavari's removal is also not foreseeable, for he has a clear asylum claim and deportations to Iran are nearly impossible while the country is in such crisis. Mr. Shahsavari's only criminal history is his penalty for entering the U.S.

without documentation, a penalty all individuals who Enter Without Inspection (“EWI”) can receive.

29.



30. Mr. Shahsavari has developed physical and mental health concerns in detention. He has kidney stones for which he has not received treatment in detention, and the pain has been increasing over the past several months. He also has an infection in his tooth, for which he has not received treatment while detained. He additionally has severe depression that has worsened in detention.

#### LEGAL FRAMEWORK

31. Liberty from detention is the rule, rather than the exception, under American jurisprudence. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).
32. Noncitizens are entitled to Due Process of the law under the Fifth Amendment. *Demore v. Kim*, 538 U.S. 510, 523 (2003). “To determine whether a civil detention violates a detainee’s due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976).” *Martinez v. Noem*, No. 5:25-cv-1007-JKP, 2025 WL 2598379, at \*2 (W.D. Tex. Sept. 8, 2025). These factors are: (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such

interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews*, 424 U.S. at 335, 96 S.Ct. 893.

8. The first *Mathews* element, “the interest in being free from detention,” is “the most elemental of liberty interests.” *Martinez v. Noem*, 2025 WL 2598379, at \*2 (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). The Western District of Texas has additionally found that for individuals in civil detention, their liberty interest “grows larger every day in detention.” *Ayobi v. Castro*, 2020 WL 13411861 (W. D. Tex. Feb. 25, 2020). Thus, the Court granted an individual in prolonged detention a bond hearing with a burden on the government to prove flight risk or dangerousness. *Id.*
33. The first *Mathews* factor clearly weighs in favor of Petitioner. There is no dispute that Petitioner has a significant private interest in avoiding detention, as one of the “most elemental of liberty interests” is to be free from detention. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (citation omitted). The Court may also consider Petitioner’s conditions of confinement, i.e., “whether a detainee is held in conditions indistinguishable from criminal incarceration.” See *Günaydin v. Trump*, 784 F. Supp. 3d 1175, 1187 (D. Minn. 2025) (citing *Hernandez-Lara v. Lyons*, 10 F.4th 19, 28 (1st Cir. 2021); *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020)). Mr. Shahsavari has been held in prisonlike conditions for the past nine months, and for the first seven months he did not have a single Immigration Court hearing. In detention, he is “experiencing [many of] the deprivations of incarceration, including loss of contact with friends and family, loss of income earning, . . . lack of privacy, and, most fundamentally, the lack of freedom of movement.” See *Günaydin*, 784

F. Supp. 3d at 1187. He has been unable to obtain medical treatment for his kidney stones and for his tooth infection, so he is experiencing constant pain and physical decline. His mental health has also been severely deteriorating.

34. The first Mathews factor also weighs heavily for Mr. Shahsavari since he is facing prolonged detention. As the *Ayobi* court noted, the liberty interests of an individual in immigrant detention increase with every passing day, and Mr. Shahsavari has been detained eight months. *Ayobi v. Castro*, 2020 WL 13411861.
35. The second *Mathews* factor also weighs in Petitioner's favor. Clearly, there is a high risk of erroneously depriving Petitioner of his freedom if Petitioner does not receive an individualized determination regarding his release from detention. "To mitigate the risk of erroneous deprivation, due process would require, 'at [a] minimum, the opportunity for [Petitioner] to submit evidence relevant to whether [the government] should revoke [his parole] before [it] make[s] a revocation decision.'" *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 153 (W.D.N.Y. 2025). Clearly, there is a high risk of erroneously depriving Petitioner of his freedom if Petitioner does not receive an individualized determination regarding his detention and release. He has already spent nine months in detention, and there has been no individualized explanation for his detention nor for his mandatory detention. The government has refused to consider whether it is wrongly depriving Mr. Shahsavari of his liberty, and there is no showing that he should be detained for being a flight risk or danger to the community. He has a sponsor, Casa Marianella, ready to provide him housing, wraparound support services, and legal services throughout the pendency of his removal proceedings.

36. Under the third *Mathews* factor, the Respondents will most likely cite the interest in ensuring noncitizens' appearance at removal proceedings and preventing harm to the community. *See Sampiao v. Hyde*, No. 1:25-cv-11981-JEK, 2025 WL 2607924, at \*12 (D. Mass. Sep. 9, 2025). However, Respondents do not have a significant interest in Petitioner's continued detention because there is no indication that he is a flight risk or a danger to the community at large. Indeed, continuing Petitioner's detention would impose more costs upon the Government, as it would be required to continue to pay for Petitioner's continued detention.
37. "The appropriate relief for an immigration detainee held in violation of their right to due process is their immediate release from custody, and to be provided with relief returning them to status quo ante, i.e., the last uncontested status which preceded the pending controversy." *Cardin Alvarez v. Rivas*, No. CV 25-02943 PHX GMS (CDB), 2025 WL 2898389, at \*21 (D. Ariz. Oct. 7, 2025). "With regard to the specifics of the relief that might be ordered, in recent weeks many federal district courts" –including the Western District of Texas– "have ordered the immediate release of immigration habeas petitioners held in custody in violation of their due process rights." *Id.*; *See Santiago v. Noem*, No. 25-cv-361, 2025 WL 2792588, at \*13 (W.D. Tex. Oct. 1, 2025); *See also J.U. v. Maldonado*, No. 25-cv-4836, 2025 WL 2772765, at \*10 (E.D.N.Y. Sept. 29, 2025); *Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496, at \*11 (D.N.J. Sept. 26, 2025); *Sampiao v. Hyde*, No. 25-cv-11981, 2025 WL 2607924, at \*12 (D. Mass. Sept. 9, 2025); *Rosado v. Figueroa*, 2025 WL 2337099, at \*19 (D. Ariz. Aug. 11, 2025); *M.S.L. v. Bostock*, 2025 WL 2430267, at \*1 (D. Or. Aug. 21, 2025); *Bermeo Sicha v. Bernal*, No. 1:25-CV-00418-SDN, 2025 WL 2494530, at \*7 (D. Me. Aug. 29, 2025).

38. The Supreme Court has clearly held that due process dictates that immigration detention cannot be indefinite. Indefinite detention in particular raises a “serious constitutional problem” and violates the Due Process Clause. *Zadvydas*, 533 U.S. at 689-90. Accordingly, the Due Process Clause protects Mr. Shahsavari’s liberty, and any deprivation of his liberty must be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301-02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”). In the context of post-removal immigration proceedings, the government’s interest in detention is to ensure an individual’s presence at the time of removal. *Zadvydas*, 533 U.S. at 680. To the extent that an individual’s removal is unforeseeable, their detention becomes unconnected to the government’s interest, and thus, unlawful.
39. In *Zadvydas*, the Court recognized that “Congress previously doubted the constitutionality of detention for more than six months.” *Zadvydas*, 533 U.S. at 680. The *Zadvydas* Court, which made its ruling in June 2001, issued its decision prior to the creation of the Department of Homeland Security and the widespread detention of individuals pending removal proceedings.
40. The Supreme Court has additionally found that only *brief* mandatory detention pending removal proceedings is constitutional. *See Demore v. Kim*, 538 U.S. 510 (2003). In *Demore*, which concerned mandatory detention under 8 U.S.C. § 1226(c)—for immigrants who have been convicted of certain serious crimes—the Court distinguished detention pending removal proceedings from post-removal order detention as lasting “roughly a month and a half in the vast majority of cases in which it is invoked, and

about five months in the minority of cases in which an alien chooses to appeal.” *Id.* at 530. In his concurrence, Justice Kennedy also explained that longer detention pending removal proceedings could be an issue, stating, “were there to be an unreasonable delay by the INS in pursuing and completing deportation proceedings, it could become necessary then to inquire whether the detention is not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons.” *Id.* At 532-533 (Kennedy, J., concurring).

41. The Supreme Court has also upheld constitutional challenges to prolonged detention pending removal proceedings. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).
42. Numerous courts, relying on *Zadvydas* and *Demore*, have thus found constitutional problems with prolonged mandatory detention pending removal proceedings. *See Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 232 (3d Cir. 2011) (explaining that § 1226(c) requires mandatory detention without a bond hearing and stating that “the constitutionality of this practice is a function of the length of the detention”); *Tijani v. Willis*, 430 F.3d 1241, 1242 (9th Cir. 2005) (finding that the detention of an alien under § 1226(c) for two years and eight months was “constitutionally doubtful”); *Shokeh v. Thompson*, 369 F.3d 865, 872 (5th Cir.) (“Shokeh I”) (explaining that “[t]he *Zadvydas* Court was troubled by the “potentially permanent” nature of the detention,” and that the *Demore* Court upheld the civil detention, “in part, because of the ‘very limited time of the detention at stake’” (citing *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 510)), *vacated*, 375 F.3d 351 (5th Cir. 2004) (“Shokeh II”); *Ly v. Hansen*, 351 F.3d 263, 267-68 (6th Cir. 2003) (explaining that *Zadvydas* “made clear that limited civil detention, without bond, is constitutional as

applied to deportable aliens” but that longer civil detention required a “strong special justification”).

43. Courts have additionally found that mandatory detention under 8 U.S.C. §1225 (b)(2)(A)—detention of individuals placed in expedited removal proceedings such as Mr. Shahsavari—is subject to reasonableness time limits. *See Rodriguez v. Robbins*, 804 F.3d 1060, 1078-85 (9th Cir. 2015) (“Rodriguez II”) (reading a reasonableness limitation into detention pursuant to §§ 1225(b)(2)(A), 1226(a), and 1226(c) and requiring bond hearings after six months of detention under these statutes). *See also Rosales-Garcia*, 322 F.3d at 415 (reading a reasonableness limitation into § 1231 detention as it applies to inadmissible aliens); *Kasneci v. Dir., Bureau of Immigration & Customs Enf’t*, No. 12-12349, 2012 WL 3639112, at \*5 (E.D. Mich. Aug. 23, 2012) (reading a reasonableness limitation into § 1225(b)(2)(A) detention); *Bautista v. Sabol*, 862 F. Supp. 2d 375, 377 (M.D. Pa. 2012) (reading a reasonableness limitation into § 1225(b)(2)(A) detention); *Lakhani v. O’Leary*, No. 1:08 CV 2355, 2010 WL 3239013, at \*9 (N.D. Ohio Aug. 16, 2010) (reading a reasonableness limitation into § 1226(a) detention), *vacated*, No. 1:08 CV 2355, 2010 WL 3730157 (N.D. Ohio Sept. 17, 2010) (vacating the previous order because the alien was no longer being held pursuant to § 1226(a)).

44. The Western District of Texas has also found that detention under 8 U.S.C. § 1225 (b)(2)(A) is subject to a reasonableness time limit. *Maldonado v. Macias*, 150 F. Supp. 3d 788 (W.D. Tex. 2015). The Court, citing the cases cited *supra* in ¶ 3 of this petition, stated, “this Court agrees with the circuit and district courts that have found that civil detention of aliens is subject to a reasonable time limitation.” *Id.* at 803. The Maldonado court reasoned that “because aliens detained under § 1225(b)(2)(A) have no access to an

individualized determination regarding whether they are properly placed in the § 1225(b)(2)(A) category or properly detained because they present a flight risk and a danger to the community, the Court finds that detention pursuant to § 1225(b)(2)(A) is subject to a reasonable time limitation.” *Id.* at 807.

45. Courts have also found that government-caused delays affect the reasonableness of detention. *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003) (detention unreasonable where delay is attributable to the government); *Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199 (11th Cir. 2016) (abrogated on other grounds, but persuasive on due process analysis of prolonged detention).
46. In the criminal context, Texas law provides for release on a personal recognizance bond in felony cases if an indictment is not filed within the first 90 days of an individual’s detention. Texas CRIM P. Art. 17.151.
47. Meanwhile, immigration detention is considered civil and thus non-punitive in nature. *Zadvydas*, 533 U.S. The two factors to consider in determining an individual’s release are flight risk and danger to the community. *Id.* The first reason to detain someone, flight risk, is a “weak or nonexistent” concern where removal seems a remote possibility.” *Id.* at 690.
48. Mr. Shahsavari’s prolonged detention thus violates the Due Process Clause of the Fifth Amendment. Civil detention is only allowed in narrow circumstances, “where a special justification . . . outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint’” under the Fifth Amendment. *Zadvydas*, 533 U.S. at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). Detention as punishment for noncriminal purposes is not allowed. *See Bell v. Wolfish*, 441 U.S. 520, 535 (1979). Thus, the Fifth

Amendment bars civil detention in conditions that do not reasonably relate to a "legitimate, non-punitive governmental objective." *Cadena v. El Paso County*, 946 F.3d 717, 727 (5th Cir. 2020).

49. Mr. Shahsavari has been held nine months pending his removal proceedings, which did not even begin until he had been detained for seven months without any hearing. The Supreme Court has held that mandatory detention pending removal proceedings is constitutional when it lasts "roughly a month and a half in the vast majority of cases in which it is invoked, and about five months in the minority of cases in which an alien chooses to appeal." *Demore*, 538 U.S. at 530. When detention reaches seven months prior to even an initial hearing, it may indicate the detention "is not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons." *Id.* At 532-533 (Kennedy, J., concurring).
50. Mr. Shahsavari's detention surpasses a "reasonable" length of time, as he has been held for nine months due to no fault of his own.
51. Mr. Shahsavari's detention further surpasses a "reasonable" length of time, as DHS caused the delay in his proceedings by waiting to file his NTA for five months, thus prompting the Immigration Court to give him an initial hearing after he had already been detained seven months. Government-caused delays affect the reasonableness of detention. *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003).
52. Mr. Shahsavari's physical and mental health concerns—including untreated kidney stones and dental infection--and his detention for nine months with no possible release, constitute

“exceptional” circumstances that warrant consideration of an as-applied Due Process challenge. *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 583 (2022).

53. The blatant legal error of Mr. Shahsavari’s temporary Immigration Judge in denying asylum, when Mr. Shahsavari met all requirements and his country’s government has recently killed tens of thousands of opponents of the regime, also constitutes “exceptional” circumstances which warrant his release pending his appeal.
54. Further, even if Mr. Shahsavari were issued a final order of deportation to Iran, his removal would not be foreseeable to due to escalating military conflict between Iran and the U.S. Thus, his detention cannot serve the purpose of securing his removal. *Zadvydas*, 533 U.S.
55. Mr. Shahsavari’s detention serves neither to prevent him from being a flight risk nor a danger to the community, as he has no serious criminal history, has a sponsor ready to receive him, and has a pending appeal by undersigned pro bono counsel, from the same organization sponsoring him with wraparound services.
56. Mr. Shahsavari’s continued detention serves no legitimate government purpose and is causing irreparable harm.

### **CLAIM FOR RELIEF**

#### **Violation of Substantive and Procedural Due Process**

57. Petitioner repeats and realleges each allegation of this petition here.
58. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 506 U.S. 715, 738 (1972)). The Supreme Court recognized that the statutory purpose of § 1231 was to detain noncitizens

with final orders of removal to effectuate removal. *Zadvydas*, 533 U.S. at 697 (§ 1231's "basic purpose" is to "effectuat[e] an alien's removal.")).

59. Mr. Shahsavari has already endured months of civil detention, and his indefinite detention is not reasonably related to the primary statutory purpose of effectuating removal. *See id.* at 697; *Clark*, 543 U.S. at 384; *Ali*, 451 F. Supp. 3d at 707.
60. Even outside the *Zadvydas* framework, "as-applied constitutional challenges remain available to address 'exceptional' cases." *Arteaga-Martinez*, 596 U.S. at 583.
61. Here Mr. Shahsavari has presented several exceptional circumstances. He has been detained nearly nine months since entering the U.S. to seek protection, and he has physical and mental health issues that are exacerbated in detention. Therefore, he may bring an as-applied challenge to his indefinite detention as a violation of his substantive Due Process rights.
62. Mr. Shahsavari's continued detention additionally violates the factors presented in the *Matthews v. Eldridge* analysis, as explained above.
63. Thus, Mr. Shahsavari's detention violates both substantive and procedural due process.

## II. PRAYERS FOR RELIEF

WHEREFORE, Mr. Shahsavari prays that the Court grant the following relief:

- A. Assume jurisdiction over this matter;
- B. Declare Mr. Shahsavari's detention to be unlawful and unconstitutional;
- C. Order the immediate release of Mr. Shahsavari on an Order of Supervision;
- D. Require that any re-detention in the future be subject to a hearing before this court;

E. Enjoin Respondents from transferring Mr. Shahsavari outside of this judicial district pending litigation of this matter or his removal proceedings;

F. Award Mr. Shahsavari reasonable costs and attorneys' fees; and

G. Grant any other relief that this Court deems just and proper.

DATED this 11<sup>th</sup> day of February, 2026.

/s/Meredith Hoffman  
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**Certificate of Service**

I, Meredith Hoffman, hereby certify that on February 11, 2026, I served this document by CM/ECF and the Respondents participate in CM/ECF.

/s/Meredith Hoffman