

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Hossein Shahsavari,

Petitioner,

Case No. 5:26-cv-00898

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.

**REPLY TO RESPONDENTS' RESPONSE TO
PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner timely files this reply to Federal Respondents' Response in Opposition to Habeas Corpus.

ARGUMENT

I. Mr. Shahsavari has a Due Process right to release

Respondents in their reply wrongly claim that Mr. Shahsavari has no Due Process rights beyond what is articulated in the INA due to the Supreme Court's *Thuraissigiam* decision. *Dep't of Homeland Sec. v. Thuraissigiam*, 91 U.S. 103, 140. That Supreme Court decision actually held that "aliens who have established connections in the country have due process rights in

deportation proceedings,” and only that the INA provided adequate Due Process protections for individuals who have just entered the country to contest their removal. *Id.*

As already stated in Petitioner’s Petition for Writ of Habeas Corpus, Dkt. 1, noncitizens have both substantive and procedural Due Process rights, and Respondents have violated these by holding Mr. Shahsavari in prolonged detention—including by waiting seven months to hold any Immigration Court hearing for him. Also stated in the Petition, 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 warranting a Due Process challenge.

II. Mr. Shahsavari has met exhaustion requirements

Respondents assert that Mr. Shahsavari failed to exhaust his administrative remedies by failing to request a bond hearing, but the Department of Homeland Security’s (DHS) policy renders further exhaustion futile. Respondents have already stated that Mr. Shahsavari is being held in mandatory detention under 8 U.S.C. §1225(b)(1)(B)(iii)(IV), INA §235(b)(1)(B)(iii)(IV), and such individuals are not entitled to release. Under these circumstances, no administrative body within EOIR has authority to provide the relief sought.

Accordingly, Petitioner respectfully requests that this Court grant his Petition for Writ of Habeas Corpus.

DATED this 23rd day of February, 2026.

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Certificate of Service

I, Meredith Hoffman, certify that I served Federal Respondents electronically, since I have confirmed that Federal Respondents' counsel participates in CM/ECF.

/s/ Meredith Hoffman
2/23/2026