U.S DISTRICT COURT JUDGE
444 S.E Quiney, Room 490
Topeka, Kansas 66683

FILED
U.S. District Court
District of Kansas
04/02/2026
Clerk, U.S. District Court
By: JAL Deputy Clerk

ARASH AZARNEZHAD
Alien Number : [redacted]
Leavenworth FCI
P.O Box 1000
Leavenworth, KS 66048

Subject : Pleading for Immediate release

HONOORABLE U.S. COURT JUDGE,

My name is ARASH AZARNEZHAD , citizen of IRAN. My Date of birth is [redacted]. I entered the United States of America on 10/13/2024 through the state boarder of Texas. I was arrested by the Boarder petrol at the point of entry and Detained at Texas Facility. After 6 months of Detention i get my final court date hearing on April 07, 2025 with Immigration Judge through Zoom meeting at Chicago, Illinois. Immigration Judge concluded the hearing with Grant of Withholding of Removal under INA § 241(b)(3).
Since my last court i have been ICE detention at below location :

Leavenworth FCI
P.O. Box 1000
Leavenworth, KS 66048

It has been 11 months i have been Detained by ICE, Indefinite detention violates the detention statute and is unconstitutional under 28 U.S.C § 2241. I am requesting for my immediate release and continue to process my Application for relief which was granted by Immigration Judge at my final court hearing on April 7, 2025 for Withholding of Removal under INA § 241(b)(3). Upon my immediate release, i have US citizen and green card holders who can sponsor me for my living expenses and support me financial until i receive my Employment Authorization Document. Petitioner respectfully request that this Court order to grant the Writ of Habeas Corpus ordering Respondents to immediately release custody.

RESPECTFULLY SUBMITTED

Signature: Arash

Name:
ARASH AZARNEZHAD.

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

ARASH AZARNEZHAD
PETITIONER, PRO
A-NUMBER : [redacted]

V.

C. CHESTER, Warden of USP -LEAVENWORTH
Correctional Institution
TODD LYONS, Acting Director of
U.S. Immigration and Customs Enforcement
KRISTI NOEM, Secretary of the U.S
Department of Homeland Security;
and, PAM BONDI,
Attorney General OF the United States,
in their official capacities,

RESPONDENTS.

PETITION FOR WRIT HABEAS CORPUS

MEMORANDUM OF LAW IN SUPPORT OF PETITION OF WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C § 2241

Name : ARASH AZARNEJHAD

Alien Registration No : [redacted]

Pro Se Petitioner-Detained

Detention Center : LEAVENWORTH- FCI

Address : P.O. BOX 1000

LEAVENWORTH, KS 66048

UNITED STATES DISTRICT COURT

for the

ARASH AZARNEZHAD
Petitioner

v.

Case No. _____
(Supplied by Clerk of Court)

U.S. Immigration and Customs Enforcement
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: ARASH AZARNEZHAD
   (b) Other names you have used: N/A
2. Place of confinement:
   (a) Name of institution: LEAVENWORTH - FCI
   (b) Address: P.O. BOX 1000
   Leavenworth, KS 66048
   (c) Your identification number: _____
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
   ICE DETENTION
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you: _____
   (b) Docket number of criminal case: _____
   (c) Date of sentencing: _____
   ☑ Being held on an immigration charge
   ☐ Other *(explain)*: _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
- ☑ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other *(explain)*: _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, REFUSAL TO RELEASE ME FROM DETENTION.

(b) Docket number, case number, or opinion number: "NONE"

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT REFUSAL TO RELEASE ME FROM IMMIGRATION DETENTION.

(d) Date of the decision or action: 04/07/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☑ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

09/02/2025

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes ☑ No

If "Yes," provide:

(a) Date you were taken into immigration custody:

(b) Date of the removal or reinstatement order:

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☐ No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☑ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Violation of 8 U.S.C. § 1231 (a)(6)

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I have been detained by ICE beyond the removal period authorized by statue. ICE is not likely to remove me in the near future. See attached memorandum with additional specific facts. Question (6) below is not applicable.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☐ No

GROUND TWO: Violation of the due process clause of the fifth Amendment to the U.S. Constitution.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

ICE is depriving me of my right to liberty. I have been detained by ICE for a prolonged period. See attached memorandum with specific facts. Question (6) below is not applicable.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☐ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☐ No

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

03/23/2026.

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 03/23/2026

Anash

Signature of Petitioner

N/A

Signature of Attorney or other authorized person, if any

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: order my Immediate release from ICE custody. Apply for the grant of Relief that Immigration Judge ordered for Convention Against Torture (CAT).

INTRODUCTION

1. Petitioner, ARASH AZARNEZHAD, petition this Court for a Writ of habeas corpus to remedy Petitioner's indefinite detention by Respondents. Petitioner submits this Memorandum of Law in Support of the Petition for a Writ of Habeas Corpus.

2. The Petitioner, citizen of the Nation of Iran. He cannot be deported to his country of birth (Iran) because an Immigration Judge granted the Petitioner "Withholding of Removal under INA §241(B)(3) , on April 07, 2025 in Chicago Illinois.

3. The Petitioner, under the Immigration laws, has the right to obtain a work permit and legally live in United States of America, while the deportation to Iran is "Suspended Indefinitely" in virtue to the protection that the Honorable Immigration Judge granted the Petitioner. With this being stated, even after obtaining this migratory relief, ICE is Denying the release of the Petitioner even thought it has been 11 months after the order from the Immigration Judge.

4. Petitioner immigration detention is unreasonably prolonged, Petitioner have been detained for over 11 months, Petitioner detention will continue unless this court grant's Petitioner relief.

5. Once it is established that immigration detention is unreasonably prolonged, the burden shifts to the government to prove by clear and convincing evidence that, Petitioner continued detention is warranted either because Petitioner pose a danger to the society or a flight risk.

6. Petitioner`s detention violates federal law, as well as the Fifth Amendment of the United States Constitution.

7. As the Supreme Court held in Zadvydas v. Davis, 533 U.S. 678 (2001), noncitizens cannot be detained indefinitely if the government is unable to carry out their removal. Instead, detention after a final order of removal is authorized only when removal is reasonably foreseeable. As a guide to courts, the Court in Zadvydas established a presumption that detention after a final order of removal was permissible for six months. Detention after a final order may be unlawful even when six months have not passed, particularly if it is clear that the United States will not be able to effect a noncitizen's removal. But after that six-months period, once a noncitizen provides "good reason to believed that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing" And the longer a noncitizen has been detained, the stronger the government's showing must be.

8. Petitioner is entitled to release under the framework of Zadvydas.

9. Petitioner respectfully request that the Court use its authority under 28 U.S.C. §2243 to order the Respondents to file a return within three days, unless they can show good cause for additional time. See 28 U.S.C. §2243 (stating that an order to show cause why a petition for a Writ of Habeas Corpus should be denied is returnable "within three days unless for good cause additional time, not exceeding twenty days, is allowed").

10. In order to permit full judicial review of the claims herein and requested relief, Petitioner respectfully request that the Court order Respondents not to transfer Petitioner outside the jurisdiction of this Court pending consideration of this Petition.

JURISDICTION

11. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

12. This Court has subject matter jurisdiction under 28 U.S.C. §2241 (habeas corpus) and 28 U.S.C. §1331 (federal question).

13. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. §2241 et seq., the Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and the All Writs Act, 28 U.S.C §1651.

VENUE

14. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States, and the Petitioner is currently detained within the jurisdiction of this District.

15. U.S.C. §2241.

STATEMENT OF FACTS

16. Petitioner is Iranian citizen who entered the United States to the board front Reynosa Texas in October 13, 2024.

17. Petitioner currently being detained by Department Of Homeland Security (DHS) at FCI Leavenworth Facility in Kansas City, Missouri, and have been in immigration detention since October 13, 2024.

18. Petitioner was ordered removed on April 07, 2025.

19. Immigration Judge granted, Petitioner with Withholding of Removal under INA §241(B)(3) , on April 07, 2025 in Chicago Illinois.

20. The six-month presumptively reasonable removal period for Petitioner ended on October 07, 2025.

21. Petitioner have no Regarding Appeals and co-operated fully with all of ICE's efforts to removed Petitioner.

22. Nonetheless, ICE has been unable to removed Petitioner from the United States. ICE is unlikely to removed Petitioner in the reasonably foreseeable future.

23. Petitioner has been detained for over 180 days, and with no expectation for him to be removed from the country.

24. Petitioner`s detention violates the Fifth and Forth Amendment of the United States Constitution.

ARGUMENT

25. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA") §§ 101-507, 8 U.S.C. § 11o1-1537, amended by the illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009-1570

26. This Court has jurisdiction under 28 U.S.C. § 2241, the Suspension Clause, U.S. Const. art. I * 9, cl. 2, and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and Petitioner's custody is in violation of the Constitution, laws, or treaties of the United States. See Zadvydas, 566 U.S. 678. This Court may grant relief under 28 U.S.C. § 2241 (habeas corpus), 5 U.S.C. § 702 (establishing the right of review for a person suffering a legal wrong due to agency action), and 28 U.S.C. §1651 (All Writs Act).

27. The due Process clause applies to all persons in the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." Zadvydas, 533 U.S. at 693. In Zadvydas, the Supreme Court emphasized, "[f]freedom from imprisonment-from government custody, detention, or other forms of physical lies at the heart of the liberty that [the Due Process] Clause protects." 533 U.S. at 690 (citing Foucha v. Louisiana, 504 U.S. 71, 80 (1992)). The Court noted, "[a] statute permitting indefinite detention of an alien would raise a serious constitutional problem. " Id.; See also Plyer v. Doe, 457 U.S. 202, 210 (1982) ("Aliens, even aliens whose presence in this country is unlawful, have long been recognized as 'person' guaranteed due process of law by the Fifth an Fourteenth Amendments.").

28. Under 8 U.S.C. § 1231(a)(2), noncitizens subject to final orders or removal "shall" be detained during the first 90 days-the "removal period"-and they "shall" be removed during the period under § 1231(a)(1). Under 8 U.S.C. § 1231(a)(6), the government "may" continue detention beyond the 90-day removal period if a noncitizen falls within certain broad categories of removability or is determined "to be a risk to the community or unlikely to comply with the order of removal. " 8 U.S.C § 1231(a)(6).

29. In Zadvydas, the Supreme court construed 8 U.S.C § 1231(a)(6) to authorize detention only where it is significantly likely that removal will occur in the reasonably foreseeable future, in order to avoid the serious due process concerns that would be presented by permitting detention for an indefinite period of time. Zadvydas, 533 U.S at CITE. After a noncitizen meets his or initial burden to show that no such likelihood of removal exists, the burden shifts to the Government to "respond with evidence sufficient to rebut [the alien's] showing." ID. at 701.

30. Courts have rejected conclusory claims by ICE agents which claims, without submitting concrete factual information about scheduled flights or repatriation agreements, that removal is imminent. "[A] theoretical possibility of eventually being removed does not satisfy the government's burden once the removal period has expired and the petitioner establishes good reason to believe his removal is not significantly likely in the reasonably foreseeable future." Balza v. Barr, No. 6:20-CV-00866, 2020 WL 6143643, at *5(W.D. La. Sept. 17, 2020) (internal quotation marks and citation omitted). "[I]f [ICE] has no idea of when it might reasonably expect [Petitioner] to be repatriated, [a] Court certainly cannot conclude

that [a[] removal is likely to occur-or even that it might occur-in the reasonably foreseeable future." Id at *5 (internal quotation marks and citation omitted). See also, Gomez Barco v. Witte, No. 6:20-CV-00497, 2020 WL 7393786 (W.D. La. Dec. 16, 2020) (ordering release of a petitioner who was detained longer than six months because ICE had not been able to secure necessary travel documents, noting that the ICE officer's clearly has no factual basis for his 'belief' that there is no foreseeable impediment to Petitioner's removal or that her removal is imminent," and that there was no foundation for the "expectation" that the COVID-19 related travel restrictions in place would soon be lifted); Balza v. Barr, No 6:20-CV-00866, 2020 WL 6064881 (W.D. La. Oct. 14, 2020) Other district courts in the Fifth Circuit and elsewhere have similarly granted habeas relief when the noncitizen has shown that there is no significant likelihood of removal in the reasonably foreseeable future. See , e.g., Carreno v. Gillis, No. 5:20-cv-44 KS-MTP , 2020 WL 8366735 (S.D. Miss. Dec. 16, 2020) (granting habeas relief to petitioner detained for approximately sixteen months due to a lack of diplomatic relations with Venezuela); Ali v. Department of Homeland Security., 451 F. Supp. 3d 703 (S.D. Tex. 2020) (granting habeas relief to petitioner initially detained for three years, released and detained again for four months when petitioner could not be removed due to travel restriction to Pakistan); Sharifi v. Gillis, No. 5:20-cv-5-DCB-MTP, 2020 WL 7379211 (S.D. Miss. Oct. 9, 2020)(granting habeas relief to petitioner detained for seventeen months after Iranian officials failed to respond to a travel document request for more than seven months). In granting Ms. Balza's release, the Court considered and rejected a conclusory declaration by a local ICE Assistant Field Officer that removal was imminent. Id. at *5. In Alexis v. Smith, the petitioner, Mr. Alexis, had been in detention for almost a year and subject to a removal order for over a year. An ICE official testified to an informal agreement that permitted removals but acknowledged that there were far fewer removals to Haiti in the aftermath of the 2010 hurricane. The Haitian government had an issue with identity documents and it was unknown when that would be resolved. The magistrate did not credit ICE's vague statements that it was "endeavoring to rectify the issue" and concluded there was no end in sight for detention, and recommended release. The District Court Judge agreed and ordered release. ICE then release Mr. Alexis on an Order of Supervised release and moved to get the judgment vacated on mootness, which it was. However, this does not invalidate the reasoning and conclusions of the Magistrate Judge and District Court Judge on this subject, and this case is still informative and persuasive to the body of law on this subject. Alexis v. Smith, No. CIV. A. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3 , 2011), report and recommendation adopted, No. CIV. A. 11-0309, 2011 WL 3954945 (W.D. La. Sept. 6 , 2011, vacated, No. CV 11-0309, 2011 WL 13386020 (W.D. La. Sept. 15, 2011).

31. Other Courts --pursuant to Zadvydas-- released individuals who have bee detained for over six months. See, e.g., Gomez Barco, 2020 WL 7393786 (ordering release of an immigrant detained who was native and citizen of Venezuela who was detained longer than six months because ICE had not been able to secure necessary travel documents);Balza, 2020 WL 6143643, at *5 (ordering release of petitioner and noting that "[a]fter more than a year of detention, Petitioner's removal need not necessarily be imminent, but it cannot be speculative") (internal quotation marks omitted).

32. Under Zadvydas, courts have found that there is no significant likelihood of removal and granted relief where:

-No country will accept the petitioner. See. e.g., Jabir v. Ashcroft, No. 03-2480, 2004 WL 60318 (E.D. La. Jan. 8, 2004) (granting habeas relief to petitioner detained for more than fourteen months after numerous countries refused to repatriate the petitioner). See also Hassoun v. Sessions, No 18-CV-586-FPG, 2019 WL 78984, at *4 (W.D.N.Y. Jan. 2, 2019) (ordering release of petitioner detained fourteen months after petitioner showed

"that the countries with which he has any affiliation will not accept him"); Yusupov v. Love, No. 4:CV-06-1804, 2007 WL 5063231 (M.D. Pa. Jan. 12, 2007); Abel-Muhti v. Ashcroft, 314 F. Supp. 2d 418 (M.D. Pa. 2004) (ordering release of petitioner detained approximately two years after refusal of several countries to accept petitioner).

-The petitioner's country of origin refuses to issue a trave document. See, e.g., Alexis v. Smith, No. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011)(granting habeas relief to petitioner detained for approximately one year due to Haitian government rejecting the quality of identify documents provided); Fermine v. Dir. of Immigr. & Customs Enf't, No 2:06-cv-1578, 2007 WL 2284606 (W.D. La. May. 23, 2007) (granting habeas relief to petitioner detained for fifteen months due to Trinidad's refusal to issue travel documents); Lijadu v. Gonzalez, No 06-1208, 2006 WL 3933850 (W.D. La. Dec. 18, 2006) (granting habeas relief to petitioner detained nineteen months because Nigeria refused to issue travel documents due to petitioner's HIV status). See also Ka v. Bureau of Immigr. & Customs Enf't, No B-07-197, 2008 WL 11462867, at *8 (S.D. Tex. June, 2008) (ordering release of petitioner detained twelve months after Senegal "refused to issue Ka a travel document because he d[id] not have proper identify documentation"); Moreira v. Gonzales, No. CIVA CV05-588 A, 2006 WL 3861972 (W.D. La. Nov. 2, 2006) (granting habeas relief to petitioner detained for three years because Cape Verde advised that it would not accept the petitioner repatriation; Khan v. Gonzales, 481 F. Supp. 2d 638 (W.D. Tex. 2006).

-There is no removal agreement between the United States and a Country. In these scenarios, courts have found that the lack of a formal agreement regarding repatriation, lack of diplomatic relationship, and lack of a functioning government support a finding that there is no significant likelihood of removal. See, e.g., Negusse v. Gonzales, No 06-1382, 2007 WL 708615 (W.D. La. Mar. 1, 2007) (granting habeas relief to petitioner detained for approximately one year because the United States did not have a repatriation agreement with Ethiopia and Ethiopia would not issue travel documents because one of petitioner's parents was not Ethiopian). See also Gomez Barco, 2020 WL 7393786; Islam v. Kane, No. CV-11-515-PHX-PGR(LOA), 2011 WL 4374226, at *3 (D. Ariz. Aug. 30, 2011) (ordering release of petitioner detained ten months where petitioner presented evidence that Bangladesh "is one of fifteen countries identified by ICE as least likely to issue travel documents"); Carreno, 2020 WL 8366735; Simoza Rangel v. Gillis, No. 5:19-cv-118-DCB-MTP, 2020 WL 7223258 (S.D. Miss. Sept. 2, 2020) (granting habeas relief to petitioner detained for sixteen months due to a lack of diplomatic relations with Venezuela); Abduelle v. Gonzales, 422 F. Supp. 2d 774 (W.D. Tex. 2006) (concluding that petitioner met the burden to show removal was not reasonably foreseeable after being detained for more than one year when an injunction restricted the government's ability to remove the petitioner to Somalia).

-There is either no response from a country designated for removal or a significant delay in receiving a response. See, e.g., Gonzalez-Rondon v. Gillis, 5:19-cv-109- DCB-MTP, 2020 WL 3428983 (S.D. Miss. June 23, 2020) (granting habeas relief to petitioner detained thirteen months where there was no response from Venezuelan officials). See also Sharifi, 2020 WL 7379211; Aung v. Barr, No. 20-CV- 681-LJV, 2020 WL 4581465 (W.D.N.Y. Aug. 10, 2020); Edwards v. Barr, No. 4:20cv 350-WS-MAF, 2020 WL 6747737 (N.D. Fla. Oct. 14, 2020); Rual v. Barr, No. 6:20-CV- 06215 EAW, 2020 WL 3972319 (W.D.N.Y. July 14, 2020); Rodriguez Del Rio v. Price, No. EP-20-CV-00217-FM, 2020 WL 7680560 (W.D. Tex. Nov. 3, 2020); Singh v. Whitaker, 362 F. Supp. 3d 93 (W.D.N.Y. 2019) (holding that petitioner met his initial burden where he was held in ICE custody for more than ten months after the issuance of his removal order with no indication from the Pakistani Embassy that travel documents would be issue); Lawrikow v. Kollus, No. CV-08-1403-PHX-GMS (LOA), 2009 WL 2905549 (D. Ariz. July 27, 2009)

Reid v. Crawford, No. 06-02436 PHX JWS (MEA), 2007 WL 1063413 (D. Ariz. Jan. 31, 2007); Gui v. Ridge, No. 3CV031965, 2004 WL 1920719 (M.D. Pa. Aug. 13, 2004); Shefqet v. Ashcroft, No. 02 C 7737, 2003 WL 1964290 (N.D. Ill. Apr. 28, 2003).

-ICE fails to take action to secure travel documents for a prolonged period. See, e.g., Senor, 401 F. Supp 3d at 430-31 (granting habeas relief after ICE initially requested travel documents but where "there was no indication from the record that anyone ha[d] taken any further action in the eight months since that time... to facilitate Senor's receipt of the necessary travel documents"). See Also Chun Yat Ma v. Asher, No. C11-1797 MJP, 2012 WL 1432229, at *4 (W.D. Wash. Apr. 25, 2012) (ordering petitioner's release where the government failed "to provide any documentation of efforts... to effectuate removal... [for] nearly six months").

33. As the length of detention grows, the period of time that would be considered the "reasonably foreseeable future" shrinks. See, e.g., Zadvydas, 533 U.S. at 701 (stating that as the length of time in detention grows "what counts as the 'reasonably foreseeable future' conversely would have to shrink"; Senor, 401 F. Supp. 3d at 430 ("'[T]he passage of time combined with' the government [being] no closer to... repatriating [a detained] than they were once they first took him into custody' [is] sufficient to meet that 'initial burden'"); Lawrikow, 2009 WL 2905549, at *12.

34. Petitioner's continued detention is unlawful, and Petitioner is unlikely to be removed in the reasonably foreseeable future. Therefore, Petitioner's detention violates the statute and he is entitled to immediate release.

35. Petitioner's detention also violates the Due Process Clause. the Duo Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Constitution 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, 533 U.S. at 690 (citing Foucha v. Louisiana, 504 U.S. 71, 80 (1992)). Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. See id. (citing Jackson v. Indiana, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. Id. Petitioner's prolonged civil detention, which has lasted well beyond the end of the removal period, and which is likely to continue indefinitely, is no longer reasonably related to the primary statutory purpose of ensuring imminent removal. Thus, Petitioner's detention violates Petitioner's right to due process.

CONCLUSION

In conclusion, Petitioner indefinite detention violates the detention statute and is unconstitutional. Petitioner respectfully request that this Court order Respondents to show case why the writ should not be granted "withing three days unless for good cause additional time, not exceeding twenty days, is allowed", and set hearing on this petition withing five days of the return, pursuant to 28 U.S.C. § 2243 and grant the Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from their custody.

Respectfully Submitted,

Signature: _____

Name: ARASH AZARNEZHAD

A- Number: [redacted]

Detention Center: LEAVENWORTH- FCI

Address: P.O. BOX 1000

LEAVENWORTH, KS 66048

Name : Arash Azarnezhad
A Number : [redacted]
Address : Leavenworth - FCI
P.O. Box 1000
Leavenworth, KS 66048

PRO SE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KANSAS

Name : ARASH AZARNEZHAD

Petitioner,

v.

KATHERIN GREER
Field Officer Director, Kansas Field office, United States Immigration and Customs Enforcement ; STELLA OWENS, Acting Director , United States Immigration and Customs Enforcement, KRISTI NOEM Secretary, United States Department of Homeland Security; and

WARDEN OF IMMIGRATION DETENTATION FACILITY,

Respondents.

Case No._____

[PROPOSED]
ORDER TO SHOW CAUSE

Upon consideration of Petitioner's Writ of Habeas Corpus pursuant to 28 U.S.C. 2241, and memorandum of law that requests, inter alia, the issuance of an Order to Show Cause pursuant to 28 U.S.C. §2243, IT IS HEREBY ORDERED that:

1. Respondents are ORDERED to file a return on the Order to Show Cause why the petition for a Writ of Habeas Corpus should not be granted by 04/06/2026

2. Petitioner shall have an opportunity to reply by 04/20/2026

3. A hearing on this case shall be set on _____

And such other and further relief as the court may find appropriate.

IT IS SO ORDERED.

Dated: _____

UNITED STATES DISTRICT COURT

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
CHICAGO IMMIGRATION COURT

Respondent Name:
AZARNEZHAD, ARASH

To:
Saleh, Niki Iman
PO Box 818
Chicago, IL 60690

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
04/07/2025

ORDER OF THE IMMIGRATION JUDGE

☐ This is a summary of the oral decision entered on . The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
☑ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☐ removable ☑ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(6)(A)(i), 212(a)(7)(A)(i)

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

☑ Asylum was ☐ granted ☑ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☑ Withholding of Removal under INA § 241(b)(3) was ☑ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Withholding of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

IV. Removal

☑ Respondent was ordered removed to Iran

☐ In the alternative, Respondent was ordered removed to

☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

> If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

V. Other

☐ Proceedings were ☐ dismissed ☐ terminated with prejudice ☐ terminated without prejudice ☐ administratively closed.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:

☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

III. Voluntary Departure

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a $ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.

☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:

☐ Further information regarding voluntary departure has been added to the record.

☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set
☐ the presumptive civil monetary penalty amount of $3,000.00 USD
☐ $ USD instead of the presumptive amount.
If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of

E-5

Immigration Judge: Saltzman, Eva 04/07/2025

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☑ waived ☐ reserved

Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS

Respondent Name : AZARNEZHAD, ARASH | A-Number : [redacted]

Riders:

Date: 04/09/2025 By: Miller, Alex, Court Staff