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

Hamid Samadi A[redacted]

Petitioner,

V.

United States Attorney General,
Secretary of Department of Homeland Security;
Director of U.S. Immigration and Customers Enforcement,

Respondents.

Case Number: _____

EMERGENCY VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241 and Zadvydas

Hamid Samadi. pro se Petitioner, Hamid Samadi, respectfully files with this Honorable Court his Emergency Verified Petition for writ of Habeas Corpus and seeks declaratory injunction relief to review the lawfulness of his detention by the United States Department of Homeland ("DHS"), Immigration and Custom Enforcement ("ICE"); because ICE has been unable to obtain the travel documents necessary to deport him to Iran.

Nor that ICE is even able to confirm and provide evidence that it has obtained such travel document ("TD") for his removal for any date in the future (whether reasonable future or not). Samadi has been in this exact situation in 2003 through 2004, was released under Order of Supervision (OSUP) (as a result of habeas petitioned he filed then), and has been facing a renewed similar condition that Respondents have created on their own, without him violating any part of his supervised released. And ICE has no "Changed Circumstances" other than Petitioner now has a U.S. citizen wife and U.S. citizen minor-very young children whom are seriously suffereing lack of father's presence (see Arguments below & Exh. U).

Petitioner has been detatined over six-month in Stewart Detention Center, has filed prior counsel

assited petition (4:26-cv-00131-CDL-CHW) that has not been ruled. This petition is under Zadvydas' siz-month detention prior to filing petition that this Court requires.

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art I § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 28 U.S.C. § 1331 (federal jurisdiction question), and 28 U.S.C. § 2201, 2202 ("Declaratory Judgment Act").

2. The district courts have jurisdiction to hear habeas corpus claims by non-citizens challenging the lawfulness or constitutionality of their detention by ICE. *See e.g. Jennings v. Rodrigues*, 138 S. ct. 830, 841 (2018); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas* v. *Davis*, 533 U.S. 678, 687 (2001).

3. Federal courts also have federal jurisdiction, through the APA, to "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706 (2)(A). APA claims are cognizable in habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by "any applicable form of legal action, including actions for declaratory judgment or writs of probability, or mandatory injunction or habeas corpus"). The APA affords a right of review to a person who is "already affected or aggrieved by agency action." 5. U.S.C. § 702. Respondents' continued detention of Petitioner up to and past the 90-day removal period has adversely and severely affected Petitioner's liberty and freedom.

4. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241 (c)(3) and 28 U.S.C. § 1391 (b)(2) and (e)(1) because Petitioner is detained within this district at Stewart Det. Ctr.

PARTIES

5. Petitioner, "Samadi" is a native and citizen of Iran, who initially entered the United States on FEB. 5, 1977 with valid F-1 student visa and remaind legal for years. EXH. A Samadi was ordered removed on March 21, 1986. He has been dutifully reporting to ICE on an Order of Supervision

("OSUP") since his last release from ICE custody in 2004.

6. Respondent Director of U.S. Immigration and Custom Enforcement, is sue in her/his official capacity as the responsible person for the administration and enforcement of the policies and procedures for ICE's detention of Samadi. S/He is sued in her/his official capacity.

7. Respondent Secretary of Department of Homeland Security ("DHS") is responsible for the Administration and enforcement of he immigration laws of the United States The Secretary is the ultimate legal custodian of Petitioner. S/He is sued in her/his official capacity.

8. Respondent the Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeal ("BIA") and the immigration courts. The Attorney General shares responsibility for the implementation and enforcement of the immigration laws with Respondent. And is sued in his/her official capacity.

BACKGROUND AND STATEMENT OF FACTS

9. As a result of an over stay on his F-1 Visa issued on February 5, 1977, Exh. A along with his change of plea to guilty (for a theft charge in 1983 at the ill and forced advise of a public defender), Samadi, was taken into Immigration ("INS") custody in 1984, placed in proceedings, and eventually was released on $15,000.00 bond **after INS agent obtained his passport**. During his deportation proceedings, he was given voluntary departure from the United States on March 21, 1986, by the Houston, Texas Immigration Court. The grant of voluntary departure converted to an Final Order of Removal ("F.O.R.") in October 1991 without his knowledge. In April 2003, he was detained once again, in Atlanta, Georgia as a result of the 1991 F.O.R.. In September 2003, he filed a writ of habeas corpus in Southern District of Louisiana, was released from custody pursuant to the Supreme Court's ruling in *Zadvydas v. Davis* 533 U.S.. 678 (2001), having spent nearly ten (10) months in custody when ICE knew that, it can not obtain travel TD, nor that Samadi is deportable to Iran. He was placed on an Order of Supervision ("OSUP"), and he has been reporting to ICE ever-since, on demand; as ICE deemed fit. Exh. attached to petition filed by counsel in the case 4:26-cv-00131... (showing his deligent reporting to ICE as it demanded.

10. Samadi is married to a U.S. citizen since February 2015 and he is the beneficiary of an approved I-130 immediate relative petition. They share two U.S. citizen very young children together, and if his removal proceedings are reopened, he would be eligible to adjust his status in the U.S.

11. Samadi reported monthly, quarterly, semi-annual, or annual as ICE required from 2004 until recently, when he was once again detained by ICE on December 11, 2025, without him violating any terms of his OSUP release. There are no changed circumstances, whether criminal or otherwise in Samadi's life; other than he married a U.S. Citizen wife and has two young biological U.S. citizen children. There is no reason that would require his current re-detention.

12. In Dec. 11, 2025, in violation of its own policies, ICE revoked his OSUP without any prior notice, detained him, did not inform him of the reason he is detained, its ability to remove him, nor of any specific change in circumstances that warranted his unlawful re detention this time. EXH. I

13. In fact, during 2003 detention, Samadi's fully cooperated with ICE's attempted to obtain his TD to him from Iran, but unsuccessfully at its own fault. The Iranian consulate required his "original Passport" (see Exhibit E, which was in INS' possession since 1984; therefore, making Samadi's detention unnecessary and unreasonable since he does not hold the "original Passport" any longer and should have been in the possession of the INS.

14. In the month since his has been re-detention, ICE has not notfied him of any progess on his removal, despite his own previous and current cooperation to secure TD, none were issued. Exh. E. In Fact, ICE does NOT even speaks nor responds to his many requests or inquires.

15. To Samadi's knowledge, no country would/(has) provide(d) any indication that they would accept him in the reasonable forseeable future, and ICE has not suggested (has been silent) that a third country alternative is reasonably foreseeable. See Fatemeh Sharrif-Askary Affidavit ("Askary Aff.). In In *Alverz v. Sinton*, 2009 U.S. Dist. LEXIS 137906* (U.S. Dist. Crt. Middle District of Georgia, Columbus Division), (10/30/2009) Case # 4:09-CV-89GMF. This Court, stated, "*...no where in this removal statue is the burden of effecting removal to an available country placed on the [*14]*

petitioner. To the Contrary, the burden by statute is placed upon the Attorney General." (footnote omitted). Yet, in this case, not only the Petitioner, but also two family members attempted to find a way to get this old tired man with young US citizen family out of detention and anywhere else in another country, so that his family would received a relief and reunite with their father but unsuccessfully.

16. For all the reasons stated with, Samadi's removal is not significantly likely to occcur in the reasonable foreseeable future. *Zadvydas v. Davis* 533 U.S.. 678, 688 (2001).

17. Since this unlawful re-detention, (in violation of ICE's ownpolicy), Samadi has not been informed of any progess in obtaining his TD to remove him, nor has he received any notification of the basis of his current unlawful detention. In fact, since December 12, 2025, he has been continually attempting to get resolution or direction from ICE agents unsucessfully. It is clear that all his communications with the respondents has failed. Since January 12, 2026, to every inquiry, request or plea that he makes to ICE agents; the responses he receives are that, "*An officer will visit you to get your travel document*", (a month after ICE deportation officer -Knowles, has already received my full cooperation and received signed (filled and blank) forms and took my picture – showing that ICE agents themselves do not know what is actually going on). Most recent ICE responses are: "*I forwarded your concerns to your ICE officer*", or "*I forwarded your concern to the ICE supervisor...*" Samadi requested the detention center to provide a full print (transcription) of the messages between Samadi and ICE on three separate occasions in three (3) months, but ICE or detention center ignored or refused to provide. Hence, Samadi, had to hand write all messages, then find access to a computer to type and print, such as Exhibit 1.

18. In this re-detention, Samadi has remained in ICE custody in Stewart, Georgia ~~and now at Stewart~~, despite ICE having no foreseeable time frame for removal, in violation of the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001). His detention is arbitrarily and unlawfully, and he requests that this Court provide him with an immediate release from ICE custody or any other remedies that the Court deems just and proper.

19. Samadi's continued detention violates 28 U.S.C. § 1231 (a)(6), as interpreted by the Supreme Court in *Zadvydas*, because his removal is not reasonably foreseeable, and he has already served more than 180 days in ICE custody (15 months cumulatively in three detention periods since 1984), post removal order. ICE does not have the constitutional right to re-detain Samadi (Samadi was lawful for years), absent of changed circumstances meeting the standard of *Zadvydas* (imminent removal or being able to prove that Samadi is either a flight risk or danger to the community) ICE's intent to remove him to Iran, or any other country - they arbitrary select, to which he will likely have no ties- are speculative, irresponsible, and futile. Moreover, that period of his foreseeable removal has since past.

20. Many **Circuit** courts have held that the six month "presumptive reasonable" period of post removal order detention recognized in *Zadvydas v. Davis* 533 U.S. 678 (2001), "commences at the beginning of the removal period," that is when the removal order becomes administratively final. *See Akinwale v. Ashcroft,* 287 F.3d 1050, 1051-21 (11th Cir. 2002) (per curiam). Once that period has elapsed the continued detention is permissible ONLY if there is a significant likelihood of removal in the reasonable foreseeable future. ICE can not claim that it can still remove him since, (1) it can not obtain travel document to emove him to Iran, and (2) Samadi's own repeated requests (since Jan.11, 2026) to take him to the Mexican border for him to voluntrily walk and cross into Mexixo or Canada has been left completely unresponded by ICE.

21. ICE may not evade the limits imposed by *Zadvydas* and *Akinwale* by cycling a non-citizen in and out of custody on the same long-standing removal order, particularly where, as here, there is no material change in the government's ability to effectuate removal. **Place couple capitations here CIT #5 #11 Ken v. Noem, # 12 Signh v. Robins and other citations about "re-detention".**

22. Petitioner therefore seeks a writ of habeas corpus ordering his immediate release from ICE custody and enjoining Respondents from continuing his unlawful detention or re-detention absent a demonstrated significant likelihood of removal in the reasonable foreseeable future.

23. Furthermore, ICE's detention of Samadi without prompt, individualized determinations of whether he should be or remain detained is inconsistent with ICE's own-longstanding policy, thereby violating the Administrative Procedure Act ("ACT") and Procedural and Substantive Due Process. See *Accardi v. Shaughnessy* , 347 U.S. 260 (1954).

LEGAL FRAMEWORK

24. According to 8 U.S.C. § 1231 (a)(1)(A), the government "shall remove the alien from the United States within a period of 90 days (in this section referred to as the "Removal Period"). "During the removal period, the Attorney General shall detain the alien." 8 U.S.C. § 1231 (a)(2)(A).

25. Additionally, 8 C.F.R. § 241.13 (i) governs the re-detention of an alien with an OSUP. ICE may re-detain an alien, "if, on account of 'changed circumstances', [ICE] determines that there is a significant likelihood that the alien may be removed in the reasonable foreseeable future. 8 C.F.R. § 241.13 (i).

26. Factors ICE considers in the re-detention determination includes, "non-citizen's efforts to comply with the removal order; the history of ICE's effort to remove individuals to the destination country or to third countries, the ongoing nature of ICE's efforts to remove the particular non-citizen and his assistance with those efforts; the reasonably foreseeable results of those efforts, and the reviews of the Department of States regarding the prospects for removal to the countries in questions. 8 C.F.R. 241.13(f)." *Phongsavanah v. Williams*, 2025 WL 3124032, at *5-6 (S.D. Iowa 2025). Here, ICE can not deny that Samadi did not cooperate with his removal in 2003 and again now in 2026. In Fact, he has been asking ICE to remove him to Mexico or Canada to complete the removal process ICE so desires. But ICE refuses to even respond to him. It is not even clear where Samadi's ICE agents or supervisors have been since January 11, 2026. EXH. 1 pg. 2-5

27. In *Zadvydas*, the Supreme Court held that "Once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute. *Zadvydas v. Davis* 533 U.S. 678, 699 (2001). The Supreme court is *Zadvydas* also determined that a six-month detention is preemptively

reasonable, but this "presumption" is now rebuttaled. See *Zavvar v. Scott,* et al, 2025 WL 2592543 (D. Md. Sept. 8, 2025) (holding that the 6-month presumption is rebuttal); *Munoz Saucedo v. Pittman*, 2025 WL 1750346, at *6 (D.N.J. June 24, 2026), see e.g. *Ali v. Dep't of Homeland Security,* 451 F. Supp. 3D 703, 707, (S.D. Tex. 2020) (Holding that the six-month presumption is not a bright line" and that *Zadvydas "did not require a detainee to remain in detention for six months... before a habeas court could find that the detention is unconstitutional*"); *Hoang Trinh v. Homan,* 333 F. Supp. 3D 984, 994 (C.D. Cal. 2018) ("The Supreme court in *Zadvydas* outlined a 'guide ' for approaching these detention challenges … not a prohibition on claims challenging detention less than six month." (quoting *Zadvydas*, 5333 U.S. at (700 01)); *Cesar v. Achin,* 542 F. Supp. 2D 897, 905 (ED. Wis 2008) (concluding that "*while detention pursuant to § 1231 (a)(6) for up to six months is preemptively lawful, an alien may still state a claim for and demonstrate a constitutional violation within the six-month window.*")

28. *Zadvydas* requires Petitioner to show that there is "no significant likelihood of removal in the reasonable foreseeable future." 533 U.S. at 701. For more than 23 years, the government of Iran has been unable to/unwilling to issue travel document for petitioner's return. Ex. E, copy of Embassy letter. Thus, Petitioner has been dutifully reporting to ICE ever-since. Ex. G (copy of OSUP check-in).

29. Even if Samadi could have been removed and deported to Iran, he has been living in the U.S. for nearly **FIFTY(50) years** EVER with no family ties to Iran whatsoever and his entire family to include his parents are United States citizens who lived and died in the U.S.

30. Moreover, the current country condition in Iran, especially the war between the U.S. and Iran, rules out any opportunity that Iran could issue travel document – when it could not issue one in 2003 , when the relationship between the countries was much better and they were jointly fighting the Taliban in Afghanistan.

STATEMENT OF FACTS

ARGUMENT

31. Samadi will very likely never be removed to Iran, let alone in the reasonably foreseeable future. Additionally, it is unlikely he will be removed to a third country as an alternative. Though, if ICE seeks removal to Iran, or a third country, they are required to give him notice and an opportunity for respond accordingly. However, despite his own efforts and demands to remove him to a third country in lieu of detention (see Exh. 1 pgs. 2-5 & Askary Aff.), ICE isn't even responding to his many removal requests to Mexico- as Samadi is trying to make ICE's removal easier

32. Most Importantly, *Zadvydas* focuses in the commencement of the preemptively reasonable" removal period, which begins when the order of removal becomes administratively final. See 8 USC § 1231 (a)(1)(B). For Samadi, that began in October 1991. Further, the **Eleventh** Circuit has held that for the detention to fit within the parameters offering relief pursuant to *Zadvydas,* the six-month period must have expired. See *Akinwale v. Ashcroft* 287 F. 3d 1050, 1051-52 (11th Cir. 2002) (per curiam). Long after Samadi's removal period expired, he was then detained by ICE in Atlanta in April 2003, and he was not released until February 2004 (10 months later). Clearly, he satisfied the threshold laid out in *Zadvydas* many years ago. The Respondents has had an additional 22 years beyond his last period of confinement to secure travel documents and effectuate his removal.

33. Circuit Circuits direct Respondents to the re-detention of a detainee, like Samadi, and how the detention period is then calculated under *Zadvydas*, other courts are instructive on the issue. In 2003, the First Circuit set-forth the circumstances under which ICE may re-detain a person. See *Kong v. United States*, 62 F.4th 608, 619-20 (1st Cir. 2023) (citing 8 C.F.R. § 241.13 (i)(2)). The Court held that a person released on supervision is, "*governed by ICE's own regulation requiring (1) an individualized determination (2) by ICE that, (3) based on changes in circumstances, (4) removal has become significantly likely in the reasonably foreseeable future.*" *Id.* The District Court of Rhode Island further analyzed the issue of "re-detention" in *Kong* and held that ICE's determination that the detainee could be removed pursuant to the outstanding order of removal was "circular reasoning" and that "*the change of circumstances is that ICE has determined there is a change of circumstances, without noting*

what those circumstances are, [and] can not meet the basic burden of imposed by ICE's own regulations." See *Nguyen v. Lyons*, 25-cv-631-MSM-PAS (R.I. Dist Ct. January 16, 2026). See also, *Hoac v. Becerra,* No, 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at 4-5 (E.d. Cal. July 16, 2025) (rejecting the assertion that a change in circumstances exists because there is a pending updated travel document request, the 2020 treaty MOU with Vietnam, or the fact that there are removals to Vietnam of pre-1995 immigrants); *Ngyen v. Hyde*, 788 F. Supp. 3D at 149-152 (same); *Role v. Bondi*, No. 25-CV-3196 (LMP/LIB), 2025 WL 2443453, at *4-5 (D. Minn. Aug. 25, 2025) (finding ICE's argument that its efforts to remove a non-citizen constitutes change circumstances, falling 'woefully short'; *Hernandez Escalante v.* Noem, No. 9:25 cv 00182 MJT, 2025 WL 2206113, at *3 4 (E.D. Tex. Aug. 2, 2025) (finding "conclusory statement that [ICE] are taking steps to remove Petitioner" as insufficient to show a significant likelihood that removal will occur in the reasonable foreseeable future); *Sum v. Noem*, No. 3:25-CV-02433-CAB-MMP, 2025 WL 2800037, at *3 (S.D. Cal. Sept. 30, 2025).

34. Since his detention this time, Samadi has made numerous (nearly 20+) ICE agents requests (to speak with them about his travel documents, third country removal (especially to Mexico) and reasonable fear factor for himself and especially for his wife (who is a DOD civil servant). The IRONY is that ICE want to remove him, but itself is not cooperating with his removal, deposit his constant and repeated requests to take him to the border of Mexico and he will cross the board on foot. EXH.1 PG.2-5 Nor that ICE agents are aware that Samadi has already cooperated and gave them signed (filled and blank forms as agent requested), and agent took his picture in January 11, 2026. Exh. 1 pg. 2. Since he submitted his application to ICE agent, his repeated requests and inquiries about his removal has been answered in vogue or in the manner that it is clear that ICE itself does not know what is going on. The responses he receives (a month after he submitted application to the agent), "*someone will come and get your travel document application and take your picture...*", "*do you have your passport...*" (INS lost his passport in 1984-85 and since then has been tormenting Samadi and continually detaining him), "*I forwarded your concerns to the ICE agent*", "*I forwarded your concerns to the ICE supervisor...*"

35. Neither that Respondents can claim Samadi is a *"flight Risk"*. Petitioner has been residing and shall continue to reside at : [redacted] Evans, GA 30809 (since Spet. 2020 of his reporting to ICE). His prior address was also known to ICE where he was living at [redacted] Evans, GA 30809 for 18 years (changed due to his family size).

36. Nor that Respondent can argue that Samadi is dangerous. Samadi's only crime (was change of Plea in shoplifting in 1983. He has no other crimes. Otherwise, his OSUP since 2004 would have been revoked for such reason before the December 11, 2025 re-detention. Samadi has been assisting other U.S. citizens within his community and is 2003 has provided nearly fifty letters from lawyers, doctors, pastors, even one or two judges and a sheriff.

37. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that 8 U.S.C. § 1231 (a)(6), when read in light of the Constitution's demands, limits an alien's post-removal detention period to reasonably necessary to bring about the alien's removal from the United States. 533 U.S. at 689. A "Habeas court must [first] ask whether the detention is question exceeds a period reasonably necessary to secure removal". Id at 699. "If the individual's removal is not reasonably foreseeable, the court should hold continued detention be unreasonable and no longer authorized by the statute." Id at 699-700.

38. Section 241 of the Immigration and Nationality Act permits the detention of an alien with a final Order of removal for a period of 90 days. Beyond that statutory period, the Supreme Court has held that six (6) months is a presumptive reasonable period of detention for the government to effect removal. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). **Once six months has passed, the alien must be released as there is no reasonable likelihood of removal in the reasonably foreseeable future.** *Zadvydas v. Davis*, 533 U.S. 688, 700. In this case, ICE has detained Petitioner for more than Six (6) months just since his re-detention. *Id* at 701. After six months, the government bears the burden in disproving an alien's "good reason to believe that there is significant likelihood of removal in the reasonably foreseeable future." See Zhou v. Farquharson, 2001 U.S. Dist. LEXIS 182239, 2-3 (D. Mass

Oct. 19, 2001) (quoting and summarizing *Zadvydas*). Moreover, "for detention to remain reasonable, as the period of prior post removal confinement grows, what counts as the reasonably foreseeable future, " conversely would have to shrink." *Zadvydas*, 533 U.S. at 701. ICE's administrative regulations also recognize that the HQPDU has a six-months period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. See C.F.R.§ 241.4 (k)(2)(ii).

39. Evidence showing successful repatriation of other persons to the country at issue is not sufficient to meet the Government's burden to establish that this petitioner will be deported in the reasonably foreseeable future. See Thompson v. INS, 2002 U.S. Dist. LEXIS 23936 (E.D. La. September 16, 2002) ("*government failed to show that alien's deportation to Guyana was reasonably enforceable where the Government offered historic statistic of repatriation to Guyana, but failed to show any response from Guyana on the application for travel document that INS and the petitioner has requested*"). Rather for the government to meet its burden of showing that an alien's repatriation is reasonably foreseeable, it must provide some meaningful evidence particular to the individual petitioner's case.

40. An alien who has been detained beyond the presumptive six months should be released where the government is unable to present documented confirmation that the foreign government at issue will agree to accept this particular individual in question. See Agbada v. Ashcroft 2002 U.S. District LEXIS 15797 (D. Mass. August 22, 2001); *Zhou*, 2001 U.S. Dist. LEXIS 19050 at *(W.D. Wash. Feb. 28, 2002) ("government's failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicated that there was no significant likelihood of petitioner's removal in the reasonably foreseeable future").

CLAIM FOR RELIEF

COUNT ONE

STATUTORY VIOLATION OF THE INA 8 U.S.C. § 1231 (a)(6)

Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. §1231(a)

(6) as interpreted by the U.S. Supreme Court in *Zadvydas* . The six-month presumptive reasonable period for continued removal efforts has expired decades ago. ICE has not provided any evidence that his removal to Iran or any third country is reasonably foreseeable. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone after six months where deportation is not reasonably foreseeable in unreasonable and in violation of 8 U.S.C. § 1231(a) 533 U.S. at 701, and he must be immediately released.

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

Petitioner's continued detention violates his right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. See Tom v. INS, 14 F. Supp.2d 1184 (E.D. Cal 1998) (alien's retain substantive due process rights). The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. See Reno v. Flores, 507 U.S. 292. While Respondent would have an interest in detaining Samadi in order to effectuate removal, that interest does not justify his indefinite or repeated detention "at will", who is not significantly likely to be removed in the reasonably foreseeable future. The U.S. Supreme Court in *Zadvydas* thus interpreted 8 U.S.C. § 1231(a) to allow continued detention only for a period necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interest-to-effect the alien's removal. See Kay v. Reno, 94 F. Supp. 546, 551 (M.D. Pa 2000) (granting writ of habeas corpus because petitioner's substantive due process rights were violated, and that "if deportation can never occur, the government's primary legitimate purpose in detention-executing removal – is nonsensical.")

COUNT THREE

PROCEDURAL DUE PROCESS VIOLATION

Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this case has been denied that

opportunity. ICE does not make decision concerning alien's custody statutes in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of petitioner violates Petitioner's right to procedural due process- [if you have not received a decision from the HQPDU. Further, Respondents have failed to acknowledge or act upon Petitioner's administrative request for release in a timely manner. There is not administrative mechanism in place for Petitioner to demand a decision, ensure that a derision will ever be made, or appeal a custody decision that violates Zadvydas].

Moreover, unlike Federal Courts' repeated requirements or even government's own procedural responsibilities of the past, the only other mechanism that government used to exercise was its exercise of discretion, release on humanitarian prole, release on recognition or other similar releases; has vanished with this current administration. Samadi and his family pleaded to the government for his release so that they would be able to organize and leave the U.S. collectively as a family. See Exh. .... (letters to: HQPDU, Atlanta Filed Office Director, wife and children letters, a lawyer who became family friend's letter and much more). Thus far, Respondents have not responded or refuse to respond to all these letters since mid March 2026. EXH. 8 PP. 6-9

Most importantly, **Samadi's daughter has entertained the idea to commit suicide because she misses her father who has been the tower and all provider in the family life. Lack of father created other difficulties in her life – i.e. "*being alone*", "*fighting with brother*", misbehaving...** See Exhibit U (Hospital's Doctor analysis) . Both children have cried to Mr. Todd Blanch, Mr. Todd Lyons, and the Atlanta filed office Director with letters of supplication - which have been unanswered. Petitioner's family shall not be harmed by the Government's and now the Court's untimely and much delayed actions. If such harm causes injury or death to any of the individuals, this Court shall be held accountable for such actions; because if it is not, it shall be inexcusable neglect.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1) Assume Jurisdiction over this matter;

2) Declare that Petitioner's continued detention violates the INA 8 U.S.C. 1231 (a)(6); the APA, 5U.S.C. 706 (2)(A); and the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

3) Grant Petitioner a writ of habeas corpus Ordering the Respondent to immediately release Petitioner from custody on Recognition or under a reasonable condition of supervision or otherwise as the Court mandates (without further delays as he fears that his children may harm themselves) ;

4) Order Respondents to immediately effectuate and provide for his travel back to his family in Evans, GA, since Petitioner is incapable of doing such (he has no money, no cell phone, etc. in his possession), himself and his wife is strained by work and care for children,

7) Order Respondents to immediately provide him with work authorization for a period not less than two (2) years; so that he would be able to renew his driver license (a requirement of the state driver services depr't).[1]; and

8) Grant any other and future relief that the Court deems just and proper.

I declare that under the penalty of perjury, the above Petition is true facts of the case, and I shall testify to the accuracy of very fact contained herein.

Respectfully Submitted on this 10th, June 2026.

06/10/26
Hamid Samadi, Petitioner

NOTARY PUBLIC
STATE OF GEORGIA

06/10/26
Hamid Samadi, Affiant, Date

COUNTY OF Terrell

Notary Name: MIKETAVIOUS HALLBACK

06/10/26
Signature and Date

My Commission expires: 5-31-2030

<<SEAL>>

MIKETAVIOUS A HALLBACK
NOTARY PUBLIC
Terrell County
State of Georgia
My Comm. Expires May 31, 2030

1 Each time Samadi applies for work authorization just to obtain driver license, his application is held for several months in processing (even when he sends it well in advance of expiration of the existing authorization). By the time he receives his new authorization, his license expires – disabling him from attending the children affairs, placing him at risk of violating the driving privileges granted to him by the state.

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

Hamid Samadi A# [redacted]

Petitioner,

V.

United States Attorney General;
Secretary of Department of Homeland Security;
Director of U.S. Immigration and Customers Enforcement,

Respondents.

Case Number: _____

VERIFICATION

I am the pro se Petitioner, Hamid Samadi, and I am over the age of 18 (1 month short of being 68 years old), file this Emergency-Verified Petition for Habeas Corpus; and

Verify that the information contained in this Petition is TRUE and CORRECT to the best of my knowledge.

Respectfully Submitted on this 10th, June 2026.

06/10/26
Hamid Samadi, Petitioner

NOTARY PUBLIC
STATE OF GEORGIA

COUNTY OF Terrell

06/10/26
Hamid Samadi, Affiant, Date

Notary Name: Miketavious Hallback

06/10/26
Signature and Date

My Commission expires: 5-31-2030

<<SEAL>>

MIKETAVIOUS A HALLBACK
NOTARY PUBLIC
Terrell County
State of Georgia
My Comm. Expires May 31, 2030

[redacted] Stewart Det. Ctr.
146 CCA Rd.
Lumpkin, GA 31815

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

Hamid Samadi A[redacted]

Petitioner,

V.

United States Attorney General;
Secretary of Department of Homeland Security;
Director of U.S. Immigration and Customers Enforcement,

Respondents.

Case Number:

CERTIFICATE OF SERVICE

This is to certify that I have served the foregoing "Emergency -Verified Petition for Habeas Corpus" upon the counsel for the Government via the Court's e-filing system; addressed to:

U.S. Attorney's Office
300 Mulberry Street
4th Floor
Macon, GA31202

06/11/26
Hamid Samadi, Petitioner

[redacted]
Stewart Det. Ctr.
146 CCA Rd.
Lumpkin, GA 31815