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United States District Court
Southern District of California

Mohammad Sina CHEHRAZI, Petitioner, v. Markwayne Mullin, Secretary of Homeland Security; Todd Blanche, Acting Attorney General of the United States; Greogory J. Archambeault, San Diego Field Office Director, Bureau of Immigration and Customs Enforcement; & Jeremy Casey, Imperial Regional Detention Facility Administrator, Respondents.	No. '26CV4446 JES SBC DHS Case No. [redacted] Petition for a Writ of Habeas Corpus By a Person in Federal Custody Under 28 U.S.C. § 2241

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I. Introduction & Background

- The Petitioner is a native and citizen of Iran.
- He attempted to enter the United States without authorization on or about 02/11/2025, at or near San Luis, Arizona.
- After more than seven (7) months in the Department of Homeland Security's custody, he was issued a Notice to Appear directing him to appear before an Immigration Judge.
- On 09/29/2025, he filed a timely application for relief, including an application for asylum and for withholding of removal, with the Immigration Court.
- The Immigration Court denied his bond requests on 09/15/2025 and 12/03/2025.
- On 01/13/2026, the Immigration Judge denied his application for relief and ordered him removed from the United States to Iran.
- The Petitioner appealed the removal order, and his appeal is currently pending before the Board of Immigration Appeals.
- On May 26, 2026, the Immigration Judge denied bond after determining that the Respondent poses a risk of flight.
- On June 11, 2026, the Respondent filed an appeal of the bond denial; the bond appeal remains pending before the Board of Immigration Appeals (BIA).

II.

JURISDICTION

This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 2241 and 2243, which authorize federal courts to grant writs of habeas corpus to persons held "in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). The Supreme Court has confirmed that federal district courts retain jurisdiction to review constitutional challenges to immigration detention by means

of a habeas petition under § 2241. *INS v. St. Cyr*, 533 U.S. 289, 314 (2001); *Boumediene v. Bush*, 553 U.S. 723, 774–75 (2008).

VENUE

Venue is proper in the United States District Court for the Southern District of California because Petitioner is physically detained within this District at the Imperial Regional Detention Facility, 1572 Gateway Road, Calexico, California 92231. A petition for writ of habeas corpus must be filed in the district where the Petitioner is confined. *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 494–95 (1973).

III. Habeas Allegations

Petitioner provides the following information related to his habeas petition:

1. Place of detention: At the time of this filing, Petitioner is detained by Immigration and Customs and Enforcement (ICE) at the Imperial Regional Detention Facility, in Calexico, California.
2. Name and location of court: Imperial Immigration Court.
3. The Immigration Case Number, Alien Reg. Number: [redacted]
4. The date upon which removal order was imposed: 01/13/2026.
5. The removal order IS appealed.
6. Previous Petition: Yes (26-cv-00957 & 26-cv-02929).
7. Any other Petition, Appeal, or Parole Matter Pending: No.

IV. Claims & Arguments

A. MR. CHEHRAZI MUST BE RELEASED BECAUSE THERE IS NO GOOD REASON TO BELIEVE HE WILL BE DEPORTED TO IRAN IN THE REASONABLY FORESEEABLE.

The Due Process Clause limits a "[noncitizen's] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen's] removal from the United States." Zadvydas v. Davis, 533 U.S. 678, 689 (2001). Because of this constitutional limitation, the immigration detention statute "does not permit indefinite detention." Id.; see 8 U.S.C. § 1231.

The Petitioner is a native and citizen of Iran who departed the country on 12/19/2024. He attempted to enter the United States without authorization on or about 02/11/2025, at or near San Luis, Arizona, where he was apprehended by U.S. Customs and Border Protection and has remained in custody for more than one year. Although his removal order was issued on 01/13/2026, this petition is not premature. The Petitioner cannot be returned to his last habitual residence because he has a viable appeal pending and the fact that the Islamic Republic of Iran has engaged in mass killings of its citizens in response to peaceful protest and assembly, demonstrations that were specifically encouraged by the President of the United States.

The Petitioner remains detained under pre-final-order authority, and that authority does not justify prolonged detention untethered from a realistic removal timetable. The Petitioner has been in ICE custody at Calexico since February 11, 2025. He timely applied for asylum, the Immigration Judge denied that application and timely appealed to the Board of Immigration Appeals. That appeal has been pending since January 17, 2026, more than 180 days. On May 26, 2026, the Immigration Judge denied bond after finding Mr. Chehrazi to be a flight risk, and he timely appealed that bond denial on June 11, 2026. The bond appeal remains pending before the Board.

Because Mr. Chehrazi's merits appeal remains pending before the Board, his detention is governed by the statute authorizing detention "pending a decision on whether the alien is to be removed from the United States." 8 USCS § 1226. Section 1226 permits the Attorney General, pending that decision, to continue detention or release the person on bond or conditional parole. 8 USCS § 1226. The Supreme Court has explained that § 1226 governs detention until the removal period under § 1231 begins, and that the removal period begins when the removal order becomes administratively final. Johnson v. Guzman Chavez, 594 U.S. 523. Section 1231 likewise provides that the removal period begins on the latest applicable date,

including "the date the order of removal becomes administratively final." 8 USCS § 1231.

Those rules matter here because the Petitioner is not a criminal detainee, has no criminal history, and has no prior immigration violations as provided in the record. His continued custody therefore cannot be justified by treating him as a final-order detainee whose removal can be executed now. Once a removal order becomes final, it may be executed at any time, but that premise does not fit Mr. Chehrazi while his timely BIA appeal remains unresolved. Nken v. Holder, 556 U.S. 418.

The length and circumstances of detention have overwhelmed any legitimate removal-related purpose. Immigration detention pending removal proceedings may be used while removal is being litigated, but the Supreme Court has recognized that this period leaves the noncitizen either detained at substantial cost or released with the attendant risk that he may not later be found. Dep't of Homeland Sec. v. Thuraissigiam, 591 U.S. 103. That observation captures the only interest asserted against the Petitioner: the Immigration Judge found flight risk, not danger, and he has no criminal history. The Government's asserted flight-risk concern cannot reasonably justify nearly eighteen months of detention without a fresh, constitutionally adequate assessment of present conditions. The Petitioner has already spent almost eighteen months in ICE custody. More than six months have elapsed since his BIA appeal began. His merits appeal remains pending; his bond appeal remains pending; and the practical possibility of removal to Iran is, on this record, remote because of the unresolved BIA appeal, the delay in adjudication, and current U.S.-Iran conditions documented in [EXHIBIT A].

The Supreme Court's post-removal-order decisions confirm the constitutional danger of detention that ceases to serve a realistic removal function. In the post-removal-period context, detention is authorized only for a period reasonably necessary to secure removal and not indefinitely. Zadvydas v. Davis, 533 U.S. 678. After six months in that context, if the detainee provides good reason to believe

there is no significant likelihood of removal in the reasonably foreseeable future, the Government must rebut that showing or release the detainee. Johnson v. Guzman Chavez, 594 U.S. 523. The same decision explains that once removal is no longer reasonably foreseeable, continued detention is not authorized and release may be subject to appropriate supervision. Zadvydas v. Davis, 533 U.S. 678. The Supreme Court applied that rule to inadmissible noncitizens as well, holding that the Government may not continue detention beyond the six-month presumptive period unless it can demonstrate a significant likelihood of removal in the reasonably foreseeable future. Clark v. Suarez Martinez, 543 U.S. 371.

Petitioner's detention is even less defensible than detention after a final order when removal is not foreseeable. Here, the Board has not yet resolved the merits appeal, the bond appeal remains pending, and the Government cannot remove Mr. Chehrazi while the administrative process that determines whether he may be removed is still ongoing. The record further shows that removal to Iran is not practically foreseeable under present conditions because of the current U.S.-Iran conflict and relations, the Iranian government's arrests and executions of citizens, and the physical and diplomatic obstacles described in [EXHIBIT A]. Those facts do not merely make removal inconvenient; they show that continued custody has become punitive in effect for a young asylum seeker with no criminal history.

The Petitioner's mental-health conditions make continued detention especially unreasonable and support supervised release. Mr. Chehrazi suffers from psychological conditions, anxiety, depression, and diagnosed PTSD. Those conditions arise from persecution in Iran, the hardship of escaping Iran, and the dangerous journey from South America through Mexico to the United States. His mental-health evidence is documented in [EXHIBIT B]. Continued detention in an ICE facility aggravates the very trauma underlying his protection claim and increases the human cost of detention while the Board continues to delay adjudication.

Release under supervision would directly address the only custody rationale previously identified: flight risk. Section 1226 expressly permits release on bond or conditional parole while the removal decision remains pending. 8 USCS § 1226. The post-removal supervision framework likewise reflects that release may be conditioned appropriately when continued detention is not justified. Zadvydas v. Davis, 533 U.S. 678. Conditions such as a reasonable bond, reporting, address updates, electronic monitoring if necessary, and compliance with all immigration proceedings would protect the Government's appearance interest without continuing detention that has already lasted nearly eighteen months.

The requested relief is release. The habeas court has authority to review detention and order release when detention exceeds the permissible period and removal is not reasonably foreseeable in the post-removal-order context. Zadvydas v. Davis, 533 U.S. 678. Here, the same removal-related limits compel relief because the PETITIONER has been detained far beyond any ordinary removal timetable while his administrative appeal remains pending and removal to Iran is not realistically foreseeable on the current record.

V. Conclusion

WHEREFORE, Petitioner Chehrazi respectfully requests that this Honorable Court:

1. **ORDER** Respondents to release Petitioner forthwith upon conditions of supervision, including, but not limited to, electronic monitoring, or reporting conditions as the Court deems appropriate;
2. **ENJOIN** Respondents from transferring Petitioner outside the territorial jurisdiction of the United States District Court for the Southern District of California pending the resolution of this petition and any appeals therefrom;
3. **AWARD** Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, upon a finding that

Petitioner is a prevailing party and that the Government's position was not substantially justified; and

4. **GRANT** such other and further relief as this Court deems just, proper, and necessary to vindicate Petitioner's constitutional rights.

Dated: 08/04/26

By: *//s/-Kaveh Ardalan*
Kaveh Ardalan, Proposed Attorney for Petitioner

VI. Verification

I, Kaveh Ardalan declare as follows:

I am admitted to practice law in the State of California.

I am authorized to file this petition on behalf of Petitioner, who is restrained in violation of his liberty.

Based on information and belief, I declare under penalty of perjury under the laws of the United States and the State of California that the contents of this petition are true and correct to the best of my knowledge and belief.

Executed on 08/04/26, in Santa Ana, California.

//s//-Kaveh Ardalan

Kaveh Ardalan