

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

**Moein Bozorgpasand v. Facility Administrator, Northwest
Immigration and Customs Enforcement Processing Center**

Bozorgpasand · No. 25-cv-1177-JHC · Decided January 22, 2026

SUMMARY

The United States District Court for the Western District of Washington granted Moein Bozorgpasand’s petition for a writ of habeas corpus challenging his prolonged detention under 8 U.S.C. § 1231 and *Zadvydas v. Davis*. The court concluded that removal was not reasonably foreseeable because Iran was unavailable due to withholding of removal, Costa Rica had declined to accept him, and the Government had not pursued removal to another country. The court ordered his immediate release on reasonable conditions of supervision.

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE 7 MOEIN BOZORGPASAND, CASE NO. 25-cv-1177-JHC 8 Petitioner, ORDER
9 v. 10 FACILITY ADMINISTRATOR, NORTHWEST IMMIGRATION AND 11 CUSTOMS
ENFORCEMENT PROCESSING CENTER, 12 Respondents. 13 14 I 15 INTRODUCTION 16
This matter comes before the Court on Petitioner Moein Bozorgpasand’s Petition for Writ 17 of
Habeas Corpus.

Dkt. # 9. The Court has reviewed the materials filed in support of and in 18 opposition to the
petition, the rest of the record, and the governing law. Being fully advised, for 19 the reasons
below, the Court GRANTS the Petition. Dkt. # 9. 20 II 21 BACKGROUND 22 Petitioner is a
non-U.S. citizen who arrived in the United States on or about October 20, 23 2024.

Dkt. # 13 at 2. Upon arrival, Petitioner was immediately taken into custody and issued a 24 1
Notice and Order of Expedited Removal. Id. After claiming fear of removal to his country of 2
origin, Iran, on November 22, 2024, Petitioner was referred to the United States Citizenship and 3
Immigration Services for a credible fear review interview. Id. On January 15, 2025, Petitioner 4
was issued a Notice to Appear charging him with inadmissibility under the Immigration and 5
Nationality Act (INA) §§ 212(a)(7)(A)(i)(I) and 212(a)(6)(A)(i).

Dkt. # 13 at 2. In March 2025, 6 with the aid of counsel, Petitioner admitted to the NTA’s
allegations and sought asylum and 7 withholding of removal. Dkt. # 13 at 2. On May 1, 2025, an
immigration judge denied 8 Petitioner’s asylum application, ordered him removed, but granted

him withholding of removal 9 to Iran. Dkt. # 13 at 3; Dkt. # 14-1. Petitioner waived his right to appeal.

Id.; Dkt. # 14-1. 10 It is undisputed that on May 12, 2025, immigration officials submitted a request to Costa 11 Rica to accept Petitioner, which was denied two days later. Id.; Dkt. # 15 at 2. It appears no 12 action took place after this request until November 17, 2025, when Petitioner asked ICE officers 13 for an update on his case. Dkt. # 13 at 3. He was issued a response, which asked him what 14 country he would like to be removed to, but it is unclear if Petitioner provided an answer at that 15 time.

Id. On December 9, 2025, immigration officials inquired again with Petitioner what third 16 country he would like to be removed to, and Petitioner stated he had no family or ties to any third 17 country except the United States. Id.; Dkt. # 13 at 3. Petitioner's wife entered the United States 18 with him, was detained as well, but was released from detention after a positive credible fear 19 interview, and she continues to live in the United States.

Dkt. # 9 at 8; Dkt. #15-1. Petitioner's 20 wife also has family members who are United States citizens. Dtk. # 15-2. 21 After Petitioner's arrest, he was transferred to the Northwest ICE Processing Center in 22 Tacoma, where he remains detained today. Dkt. # 13 at 2. Self-represented, Petitioner filed this 23 Petition for Writ of Habeas Corpus on June 18, 2025, which required a series of corrections until 24 the petition before the Court was filed November 10, 2025.

Dkt. ## 1, 3, 5, 8. Petitioner argues 1 that his prolonged and ongoing detention is a constitutional violation under *Zadvydas v. Davis*, 2 533 U.S. 678 (2001), without a reasonably foreseeable end, and thus asks for immediate release 3 from detention under conditions of supervision.¹ Dkt. # 9 at 5, 8; Dkt. # 15 at 1-4. 4 III 5 DISCUSSION Federal district courts have the authority to grant a writ of habeas corpus if a person "is in 6 custody in violation of the Constitution or laws or treaties of the United States[.]" 28 U.S.C. § 7 2241 (a), (c). "The [habeas] petitioner carries the burden of proving by a preponderance of the 8 evidence that [they are] entitled to habeas relief." *Davis v. Woodford*, 384 F.3d 628, 638 (9th 9 Cir.

2004). Title 8 U.S.C. § 1231 governs the detention and release of noncitizens subject to a 10 removal order, such as Petitioner.² Under § 1231(a), to facilitate removal the Government must 11 hold a noncitizen in custody during the 90-day "removal period" after entry of a final removal 12 order. See 8 U.S.C. §§ 1231(a)(1)(A), (a)(2); see also *Zadvydas*, 533 U.S. at 682.

13 In this case, the removal period began on the date Petitioner's asylum claim was denied, 14 an order withholding removal was granted, and all sides waived their right to appeal, and 15 thereby, the removal order became administratively final on May 1, 2025, and the period expired 16 90 days later on July 30, 2025. See 8 U.S.C. § 1231(a)(1)(B)(i).

The 90-day removal period has 17 thus expired. 18 After the removal period expires, the Government “may” continue to detain a noncitizen 19 who remains in the United States, but it cannot do so indefinitely. 8 U.S.C. § 1231(a)(6); see 20 21 22 1 Petitioner also requests the Court consider his opportunity for sponsorship and the hardship on his family.

The Court need not reach these issues. 2 Although Petitioner was granted a withholding of removal order under 8 U.S.C. § 1231(b)(3), 23 that order is country-specific and only prohibits his removal to Iran. *Johnson v. Guzman Chavez*, 594 U.S. 523, 535-36 (2021); 8 C.F.R. §§ 208.16(f), 1208.16(f). Petitioner’s asylum claim was denied, and so 24 he is still subject to the removal order.

See Dkt. # 14-1. 1 also *Zadvydas*, 533 U.S. at 682, 701. In *Zadvydas*, the Supreme Court held that § 1231 “limits [a 2 noncitizen]’s post-removal-period detention to a period reasonably necessary to bring about that 3 [noncitizen]’s removal from the United States.” *Id.* at 689.

The Supreme Court determined that 4 it is “presumptively reasonable” for the Government to detain a noncitizen for six months 5 following entry of a final removal order while it works to remove the individual. *Id.* at 701. 6 “After this 6-month period, once the [noncitizen] provides good reason to believe that there is no 7 significant likelihood of removal in the reasonably foreseeable future, the Government must 8 respond with evidence sufficient to rebut that showing.” *Id.* The six-month period does not 9 mean petitioner is entitled to relief, but “for detention to remain reasonable, as the period of prior 10 postremoval confinement grows, what counts as the ‘reasonably foreseeable future’ conversely 11 would have to shrink.” *Id.* If the Government fails to rebut the noncitizen’s showing, the 12 noncitizen is entitled to habeas relief.

Id. at 699-701. 13 Petitioner’s presumptively reasonable six-month period expired on or about November 1, 14 2025, over two months ago. Petitioner argues that there is no good reason to believe removal is 15 reasonably foreseeable because he cannot be removed to Iran based on the withholding of 16 removal order, Costa Rica rejected his acceptance, no other third country has been identified for 17 his removal, and the Government has not started the processes of requesting another third 18 country to accept him.

Dkt. # 9 at 8; Dkt. # 15 at 2. This is supported by Respondents’ showing 19 indicating the same. See generally Dkt. # 13. Because there has been no third country identified 20 for removal let alone the initiation of a request to a third country to accept Petitioner, the Court is 21 persuaded that there is good reason to believe removal is not reasonably foreseeable.

22 The burden now shifts to Respondents to rebut this showing. Respondents have 23 presented evidence, without argument, that Petitioner has failed to identify a third country to 24 1 which he would like to be removed.³ This fact does not make removal any more or less 2 reasonably foreseeable. Costa Rica declined to accept Petitioner shortly after his final 3 administrative order,

on May 12, 2025, but since then the government has apparently taken no 4 action to remove Petitioner.

Dkt. # 13 at 3. The government has apparently reached out to no 5 other country to accept Petitioner. Id. It was not until Petitioner asked for an update on 6 November 17, 2025, by which time the presumed reasonable time to remove Petitioner had 7 passed, that Petitioner was asked for a preference on a third country. Id. And it was not until 8 nearly a month later, that an ICE officer asked again where Petitioner would like to be removed 9 to.

Id. 10 Regardless of Petitioner's response, the Government has provided no evidence that it has 11 sought removal to any country other than Costa Rica. The Government need not rely on 12 Petitioner's preferred country for removal; the governing statute provides a tiered list of 13 alternatives when the preferred country is unavailable or one is not provided.

8 U.S.C. § 14 1231(b)(2)(C)-(E). Under § 1231(b)(2), and subject to due process, the Government could have 15 removed Petitioner to a third country. See *Kumar v. Wamsley*, No. C25-2055-KKE, 2025 WL 16 3204724, at *6 (W.D. Wash. Nov. 17, 2025) (collecting cases on third country due process 17 requirements). Respondents' provide no reason for the delay. Petitioner's failure to name a 18 preferred country might be to his own detriment, but it does not prohibit the Government from 19 removal, and in this case, it cannot overcome the good showing that removal is not reasonably 20 foreseeable.

21 22 3 Respondents do not include any argument in their brief. They merely provide legal standards 23 and the factual background. See Dkt. # 12. Respondents do not raise in their brief that Petitioner has not identified a third country to which he would like to be removed; instead, it is only briefly stated in a 24 declaration. See generally *id.*; Dkt. # 13 at 3.

1 Based on the significant likelihood Petitioner will not be removed in the reasonably 2 foreseeable future, Petitioner is entitled to habeas relief. 3 IV A CONCLUSION 5 For these reasons, the Court: 6 (1) GRANTS the Petition for Writ of Habeas Corpus. Dkt. #9. 7 (2) ORDERS that Petitioner must be released from custody immediately on reasonable 8 conditions of supervision.

9 (3) DIRECTS the clerk to send uncertified copies of this Order to all counsel of record. 10 Dated this 22nd day of January, 2026. 11 ota 4. Chu John H. Chun 13 United States District Judge 14 15 16 17 18 19 20 21 22 23 24