

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Ehsan Gholestani v. United States District Court, et al.

Gholestani · No. CIV-25-1392-R · Decided March 3, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma reviewed a magistrate judge’s recommendation to grant Ehsan Gholestani’s 28 U.S.C. § 2241 habeas petition challenging prolonged immigration detention under *Zadvydas v. Davis*. The Court found that Petitioner showed no significant likelihood of removal to Iran or a third country in the reasonably foreseeable future and that Respondents’ evidence was insufficient to rebut that showing. The Court adopted the Report and Recommendation, ordered Petitioner’s release subject to supervision, and directed Respondents to file a compliance status report within seven days.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 3, 2026
DOCKET	CIV-25-1392-R
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from prolonged immigration detention after entry of a final order of removal. The court reviewed de novo the portions of the magistrate judge's Report and Recommendation challenged by Respondents.
STANDARD OF REVIEW	De novo review of portions of the Report and Recommendation to which a specific objection was made; the court independently reviewed the record and filings.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Ehsan Gholestani v. United States District Court, et al.

TOPICS

- immigration detention
- removal proceedings
- due process
- procedural due process
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Gholestani's prolonged detention under 8 U.S.C. § 1231(a)(6) violated the Fifth Amendment Due Process Clause under *Zadvydas v. Davis*.
2. Whether Gholestani established good reason to believe that there was no significant likelihood of his removal in the reasonably foreseeable future.
3. Whether Respondents rebutted that showing with sufficient evidence of a reasonably foreseeable removal.

HOLDINGS

1. A noncitizen detained for more than six months after a final order of removal is entitled to release when the noncitizen provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future and the Government fails to rebut that showing with sufficient evidence.
2. The evidence established good reason to believe that Gholestani's removal to Iran or a third country was not significantly likely in the reasonably foreseeable future.
3. Respondents failed to rebut with sufficient evidence Gholestani's showing that removal was not significantly likely in the reasonably foreseeable future.

KEY QUOTATIONS

"After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." (at 1)

"What constitutes a 'significant likelihood of removal' and how to measure the 'reasonably foreseeable future,'...is incapable of any bright-line delineation. Instead the analysis is case-specific and fact driven." (at 1)

"the reasonableness of detentions pending deportation cannot be divorced from the reality of the bureaucratic delays that almost always attend such removals." (at 2)

FACTUAL BACKGROUND

Gholestani, an Iranian national subject to a final order of removal, had been detained under 8 U.S.C. § 1231(a)(6) for more than a year. Iran denied his request for travel documents, Respondents identified no meaningful progress toward removal to a third country, and their attempts to complete removal were sporadic. The court found that Gholestani showed good reason to believe that removal to Iran or a third country was not significantly likely in the reasonably foreseeable future, while Respondents' rebuttal evidence was insufficient.

PROCEDURAL HISTORY

A magistrate judge recommended granting Gholestani's § 2241 habeas petition and ordering his release subject to supervision. Respondents objected, relying in part on a new affidavit concerning efforts to obtain travel

documents and effect removal. After de novo review, the district court adopted the Report and Recommendation, granted the petition, ordered release under supervision, and required a compliance status report within seven days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents were ordered to release Petitioner from custody subject to an appropriate Order of Supervision and to certify compliance by filing a status report within seven days.

CASES CITED

- Zadvydas v. Davis, 533 U.S. 678 (2001)
- Khaliq v. Noem, No. CIV-25-1154-SLP, 2026 WL 196631, at *6 (W.D. Okla. Jan. 26, 2026)
- Valle v. Jones, No. CIV-25-1161-J, 2025 WL 3488290, at *2 (W.D. Okla. Dec. 4, 2025)
- Fahim v. Ashcroft, 227 F. Supp. 2d 1359, 1367-68 (N.D. Ga. 2002)

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