

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

Reza Aghajavadyha v. Kristi Noem, et al.

Aghajavadyha · No. No. 25cv3246-BTM-BJW · Decided December 15, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 REZA AGHAJAVADYHA, No. 25cv3246-BTM-BJW 12 Petitioner,
ORDER GRANTING PETITION FOR 13 v. WRIT OF HABEAS CORPUS 14 KRISTI NOEM,
Secretary of the Department of Homeland Security; 15 PAMELA JO BONDI, Attorney General;
TODD M. LYONS, Acting Director, 16 Immigration and Customs Enforcement; JESUS ROCHA,
Acting Field Office 17 Director, San Diego Field Office; CHRISTOPHER LAROSE, Warden at
18 Otay Mesa Detention Center, 19 Respondents.

20 21 Pending before the Court is Petitioner Reza Aghajavadyha’s petition for a writ of 22 habeas
corpus. 23 Petitioner was detained at a “check-in” with immigration officials on November 6, 24
2025. Petitioner came to the United States from Iran in 1997 or 1998. Petitioner was 25 ordered
removed in 2003 but could not be removed to Iran. He was released from 26 custody and had been
living under supervision without incident for about twenty years.

27 On November 24, 2025, the Court held a hearing on Petitioner’s motion for a 28 temporary
restraining order. After the hearing, the Government submitted the written 1 | notification provided
to Petitioner on his re-detention.

The Court found that the notice 2 | was likely insufficient, that Petitioner was likely to succeed on
the merits, and that the 3 | remaining factors favored a TRO. The Court ordered Respondents to
release Petitioner, 4 | and Respondents released Petitioner.

The Court granted Respondents until December 12 5 | to respond to the petition. Respondents did
submit a return. 6 Before being re-detained, ICE was required to determine that Petitioner was
likely 7 | to be removed based on changed circumstances. 8 C.F.R. § 241.13(4)(2); *Tran v. Noem*,
8 | No. 25-cv-02391-BTM, 2025 U.S. Dist. LEXIS 211542, *4-9 (S.D. Cal. Oct.

27, 2025) 9 | (discussing requirements for re-detention). Petitioner was also entitled to written
notice 10 | of the reasons for his re-detention. 8 C.F.R. § 241.13(1)(3); *Tran*, 2025 U.S. Dist.
LEXIS 11 | 211542, *7-8. Petitioner was also entitled to a prompt interview with an open minded
12 | officer to consider Petitioner’s rebuttal to detention. 8 C.F.R. § 241.13(3); *Tran*, 2025 14 The
written notification submitted by the Government states in conclusory fashion 15 | that there are
changed circumstances in the case.

But the notice is completely silent on 16 | what the changes are. Petitioner thus lacked notice of what the changed circumstances 17 | were warranting his re-detention. Because Petitioner lacked notice of what the changed 18 | circumstances were, he had no ability to challenge whether the circumstances have in fact 19 | changed.

In short, the Government's conclusory assertion of changed circumstances was 20 | insufficient. Petitioner's re-detention was unlawful. 21 The petition for a writ of habeas corpus is granted on count one. The petition is 22 | otherwise denied as moot.

The Court retains jurisdiction to enforce the writ. 23 IT IS SO ORDERED. 24 | Dated: December 15, 2025, 25 Honorable Barry Ted Moskowitz 26 United States District Judge 27 28