

**UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

POURIA POURHOSSEINHENDABAD,
Petitioner,

v.

Civil Action No. 1:25-cv-00987

DONALD J. TRUMP, in his official capacity
as President of the United States;

PETE HEGSETH, in his official capacity as
Secretary of Defense;

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security;

PAMELA BONDI, in her official capacity as
Attorney General of the United States;

TODD LYONS, in his official capacity as
Acting Director and Senior Official
Performing the Duties of the Director of U.S.
Immigration and Customs Enforcement;

BRIAN S. ACUNA, in his official capacity
as Acting Field Office Director of the New
Orleans Field Office of U.S. Immigration and
Customs Enforcement, Enforcement and
Removal Operations;

Respondents.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

1. This case asks whether local police can lure a 29-year-old student visa holder, who has legal status to reside in the United States and no history of criminal activity, out of their domicile on false pretenses—in order to give ICE agents, acting on behalf of the United States government, the opportunity to arrest and detain said student based solely on his Iranian nationality and nothing more.

2. Until the afternoon of June 22, 2025, Petitioner Pouria Pourhosseinhendabad (“Petitioner” or “Pouria”) and his wife lived together in their off-campus apartment in Baton Rouge, Louisiana. That Sunday afternoon, their life changed dramatically. They received a knock on their apartment door around 5 p.m. from state police officers dressed in dark blue uniforms. Those officers informed the couple that they were investigating a hit-and-run accident that the two had reported a couple weeks prior.

3. When they asked Pouria to show the officers his car so that they could assess the damage, he complied. He exited his apartment and started to walk into the parking lot, where he was immediately met by government agents, who, upon information and belief, are employed by the Department of Homeland Security, Immigration and Customs Enforcement (ICE) (the “government” or ICE”). Those agents handcuffed and arrested Pouria. ICE did not provide or present a warrant for his arrest.

4. Pouria is now detained at the Central Louisiana ICE Processing Center in Jena, Louisiana (“Jena”). He has no criminal record in the United States and has maintained legal status to remain in the United States since his arrival in the country on September 25, 2023.

5. As of July 8, 2025—16 days full days from the date of his detention—Pouria had not been served with a Notice to Appear or a Notice of Custody Determination. Belatedly, on July 9, 2025, Pouria received a Notice to Appear, alleging that he had lost his F-2 status in late 2023. But that

determination is of no moment because he has a current and active F-1 visa that DHS concedes has not been revoked. For the avoidance of any doubt, at no point prior to, or since arriving in the United States, has Pouria's presence been undocumented, contested, or revoked.

6. Pouria, by and through undersigned counsel, submits this petition for a writ of habeas corpus ("Petition") pursuant to 28 U.S.C. § 2241, the All-Writs Act, 28 U.S.C. § 1651, Article I, Section 9 of the United States Constitution, Articles 4 and 5 of the United States Constitution, and the Administrative Procedure Act (APA), to remedy his unlawful detention. In support of this Petition, Petitioner alleges as follows.

INTRODUCTION

Pouria Was on an Active and Valid F-1 Student Visa at the Time of his Unlawful Arrest By ICE, Which State Police Perpetrated Under False Pretenses.

7. On the evening of June 21, 2025, local time, the United States of America launched airstrikes against three nuclear facilities located in Iran.¹

8. When the B-2 Spirit bombers dropped bunker-busting bombs and Tomahawk missiles in Iran—approximately 7,500 miles away, in Baton Rouge, Louisiana—29-year-old Pouria Pourhosseinhendabad was asleep, lying next to his wife, Parisa Zeaiean Firouzabadi ("Parisa"), a student at the School of Veterinarian Sciences at Louisiana State University ("LSU").

9. When Pouria awoke on June 22, 2025, he was looking forward to a normal Sunday with his wife in their home.

10. Pouria had been pursuing a PhD in mechanical engineering at Louisiana State University since January 10, 2025.

11. That all changed at 5 p.m. CST. When Pouria answered, the two officers in Pouria's line

¹ John Gambrell, *Alarm grows after the US inserts itself into Israel's war against Iran with strikes on nuclear sites*, Associated Press (Jun. 23, 2025), <https://apnews.com/article/israel-iran-war-nuclear-trump-bomber-news-06-22-2025-c2baca52babe915e033ae175ce8b2687>.

of sight began asking him about a minor hit-and-run he had been a victim of a couple weeks prior. They asked him if he would be willing to come outside to show them the damage to his vehicle.

12. Pouria complied. It never dawned on him that he was being lured outside on false pretenses in the absence of a judicial warrant—indeed, the thought never crossed his mind because he was residing in the United States on an active student visa and had never been charged, let alone committed, any crime. Pouria thus led the two officers standing before him—as well as the two officers he then encountered standing at the bottom of the stairs—to the parking lot.

13. It was there, in the parking lot, that he and his wife ran were confronted by several vans—what appeared to be 7 in total—of federal agents wearing full face masks and tactical gear. The agents placed Pouria and his wife in handcuffs and took their phones, apartment keys, and car keys. When Pouria asked whether he could call his lawyer, his request was denied. He was never shown a warrant.

14. After his arrest, state police brought Pouria to an unmarked facility in Baton Rouge where he was held until 4 or 5 a.m. He was then transported, along with his wife, to a county jail in Hancock County, Mississippi.

15. Pouria was next transported to the Central Louisiana ICE Processing Center (CLIPC) in Jena, Louisiana. He currently resides there despite having a valid student visa that to date, by all available and accessible online accounts, does not appear to have been revoked.

16. As of July 1, SEVIS records still showed that he is in lawful nonimmigrant F-1 status.

17. ICE was informed of this fact on July 1 and told that there was accordingly no lawful basis to detain Pouria.

18. To date, Pouria remains detained.

Pouria's 2-Year History in the United States Is Blemish Free

19. At the time of his arrest, Pouria had been living in his Brightside Drive apartment in Baton Rouge for 2 years.

20. Pouria came to the United States from Iran in 2023 when he was 27 years old, on an F-2 visa for spouses of student visa holders. This gave him permission to remain in the United States with his wife Parisa until May 20, 2029, when Parisa would be finished with school.

21. On March 9, 2024, Pouria applied for asylum—a form of protection granted to individuals who cannot return to their home countries due to persecution or a well-founded fear of persecution based on specific grounds, like political opinion or membership in a particular social group. That application is pending.

22. On November 4, 2024, Pouria adjusted his visa status from F-2 to F-1, when he was accepted into LSU's doctorate program for mechanical engineering. This visa was deemed be valid from January 10, 2025, to December 20, 2030.

23. This fact remained true on June 22, 2025, when he was abruptly arrested by ICE and taken into custody. *See Exhibit 1, SEVIS Record.*

24. The only thing that had markedly changed in Pouria's life on June 22 was that, on that date, mere hours after the bombing of Iran, the United States government started hunting for Iranians on its own soil. As the Department of Homeland Security ("DHS") would later announce in a June 24, 2025, press release, DHS's decision to round up Iranians living in the United States in the days following the bombing of Iran were part of a "commitment to keeping known and suspected terrorists out of American communities."

25. Tellingly, Pouria's arrest was not touted by DHS in its June 24, 2025, release that identified by name and photograph 11 Iranians arrested around the country in the days immediately

following the bombing. A DHS spokesperson announced that the department “has been full throttle on identifying and arresting known or suspected terrorists and violent extremists that illegally entered this country”²

26. But Pouria has never once fit that bill. To the contrary, he entered the United States with legal status and maintained that legal status.

27. Belatedly, after he had been detained for 16 days without any Notice to Appear or Notice of Custody Determination, he was served with a Notice to Appear stating that he is removable because his wife lost her F-1 status on September 27, 2023. That Notice to Appear said nothing about Pouria’s F-1 visa, which still remains active.

28. Because Pouria was on a valid student visa on the date of his arrest and continues to be on a valid student visa, his detention violates the due process clause of the United States Constitution, which forbids the government from depriving any person, including noncitizens, of their liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

29. So too does his detention, which was perpetrated by a ruse, violate the Fourth Amendment to the United States Constitution—which protects individuals, including immigrants, from unlawful and unreasonable seizures. *See Lewis v. United States*, 385 U.S. 206, 209 (1986).

30. His detention also violates the Equal Protection Clause, which prohibits discriminating against individuals based solely on their nationality. *See Korematsu v. United States*, 323 U.S. 214 (1944) (“All legal restrictions which curtail the civil rights of a single racial group are immediately suspect.”); *Trump v. Hawaii*, 585 U.S. 667 (2018) (“*Korematsu* was gravely wrong the day it was decided, has been overruled in the court of history [. . .]”). Because his detention is tied to unlawful discrimination on the basis of national origin—in short, the categorical rounding

² Department of Homeland Security, *ICE Arrests 11 Iranian Nationals Illegally in the U.S. Over the Weekend* (Jun. 24, 2025), <https://www.dhs.gov/news/2025/06/24/ice-arrests-11-iranian-nationals-illegally-us-over-weekend>.

up of Iranians, regardless of criminal history or documentation—he is likewise entitled to immediate release.³

31. As there were no circumstances, let alone exigent circumstances, justifying Pouria’s arrest, which his ever-active legal status on July 1, 2025, showed, his arrest was unlawful, rendering is subsequent detention wholly unreasonable. Because Pouria’s unlawful arrest and detention bears no reasonable relationship to the government’s legitimate purposes for detention—protecting against danger and flight risk—as a matter of substantive due process, he is therefore entitled to immediate release as being an Iranian national is not unlawful in and of itself.

32. Pouria respectfully petitions this Court for a writ of habeas corpus to remedy his unlawful detention and order his release because there is no basis for his detention.

33. In addition, Pouria asks this Court for an order prohibiting Respondents from transferring him out of the district to ensure this Court’s jurisdiction over Pouria’s habeas petition, and to ensure he is provided with daily legal calls with his habeas counsel to protect his rights to fully pursue his habeas claim with unobstructed assistance of his pro bono counsel.

JURISDICTION AND VENUE

34. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus authority); 28 U.S.C. § 1331 (federal question jurisdiction); U.S. CONST. art. I, § 9, cl. 2 (Suspension Clause); the Administrative Procedures Act (“APA”), 5 U.S.C. §701 et. seq; and 28

³ Another Iranian national in Louisiana, Mandonna Kashanian, was arrested and detained by ICE on the same day as Pouria and for ostensibly the same reason: for bring an Iranian national in the United States at the time that the country decided to bomb Iran. “Of nearly 113,500 people arrested by Immigration and Customs Enforcement authorities in fiscal year 2024, 68 were from Iran. 47 of the people arrested then had criminal convictions; the rest had immigration violations, according to federal data.” Michael Loria, *Feds: ICE arrested 11 Iranians in the U.S. as Middle East tensions flared*, USA Today (Jun. 25, 2025), <https://www.usatoday.com/story/news/nation/2025/06/24/ice-arrests-iranians-amid-conflict/84344487007/>.

³ Jack Brook, *Iranian mother released from ICE detention after Republican House Majority Leader intervenes*, Associated Press (Jul. 9, 2025), <https://apnews.com/article/ice-iranian-woman-release-detain-louisiana-mandonna-kashanian-3d5c868bbc43f152b7e8ec54db7fe49a>.

U.S.C. §§ 2201, 2202 (Declaratory Judgment Act).

35. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging both the lawfulness and the constitutionality of their detention. *See Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas*, 533 U.S. at 687. Pouria’s current detention, as imposed by Respondents, constitutes a “severe restraint[] on [his] individual liberty,” such that he is “in custody in violation” of the law. *See Hensley v. Mun. Ct., San Jose Milpitas Jud. Dist.*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241(c)(3).

36. Venue properly lies with this Court under 28 U.S.C. §1391(e) because Petitioner is physically present and in the custody of Respondents at Central Louisiana ICE Processing Center in Jena, Louisiana, within the jurisdiction of the Western District of Louisiana. *See* 28 U.S.C. § 2241(d).

37. Venue is proper within the Alexandria Division because a substantial part of the events giving rise to the claims in this action took place in this District. Petitioner is detained by Respondents at Central Louisiana ICE Processing Center, and it is located in Jena, Louisiana which is within the Alexandria Division. W.D. La. Local Civ. R. 77.3.

PARTIES

38. Petitioner Pouria Pourhosseinhendabad is a 29-year-old Iranian man who was detained by Respondents on June 22, 2025. He has been residing legally within the United States since his arrival in August of 2023. Pouria is a Ph.D. candidate at LSU and is married to fellow LSU student Parisa Zeaiean Firouzabadi, who is studying veterinarian sciences. Pouria is currently detained at Central Louisiana ICE Processing Center, an ICE detention facility in Jena, Louisiana.

39. Respondent Donald J. Trump is named in his official capacity as President of the United States. In this role, he is ultimately responsible for the policies and actions of the executive branch,

including those of the U.S. department of Homeland Security (DHS).

40. Respondent Pete Hegseth is named in his official capacity as Secretary of Defense. In this capacity, he oversees the Department of Defense and acts as the principal defense policy maker and advisor.

41. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). As the Secretary of DHS, Respondent Noem is responsible for the administration of immigration laws and policies pursuant to 8 U.S.C. § 1103. She supervises DHS’s components including ICE and, as such, she is a legal custodian of Petitioner. She is sued in her official capacity.

42. Respondent Pamela Bondi is the Attorney General of the United States. As Attorney General, Respondent Bondi oversees the immigration court system, including the immigration judges who conduct bond hearings as her designees, and is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g). She is legally responsible for administering Petitioner’s removal and bond proceedings, including the standards used in those proceedings, and as such, she is Petitioner’s legal custodian. She is sued in her official capacity.

43. Respondent Todd Lyons is the acting ICE Director and Senior Official Performing the Duties of the Director. In that capacity, he is a legal custodian of Petitioner. He is sued in his official capacity

44. Respondent Brian S. Acuna, upon information and belief, is ICE’s Acting Field Office Director for the New Orleans Field Office of ICE Enforcement and Removal Operations. As Field Office Director, Respondent Acuna oversees ICE’s enforcement and removal operations in the New Orleans District, which includes Louisiana. Petitioner is currently detained within this area of responsibility and, as such, Respondent Acuna is a legal custodian of Petitioner. He is sued in

his official capacity.

EXHAUSTION OF REMEDIES

45. No statutory exhaustion requirement applies to a petition challenging immigration detention under 28 U.S.C. § 2241. *See, e.g., Montano v. Texas*, 867 F.3d 540, 542 (5th Cir. 2017) (“Unlike 28 U.S.C. § 2254, Section 2241’s text does not require exhaustion.”); *Robinson v. Wade*, 686 F.2d 298, 303 n.8 (5th Cir. 1982) (“[S]ection 2241 contains no statutory requirement of exhaustion like that found in section 2254(b)”). Pouria’s claims—that his detention is unconstitutional because it contravenes the protections of the Fourth Amendment, flies in the face of his valid student visa, is unrelated to any legitimate governmental purpose, and impermissibly discriminates on the basis of national origin—are not subject to any statutory requirement of administrative exhaustion, and thus, exhaustion is not a jurisdictional prerequisite. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992).

46. To the extent that any prudential considerations might lead the Court to consider requiring exhaustion as a matter of discretion, the Supreme Court has recognized that courts should not require exhaustion where there is an “unreasonable or indefinite timeframe for administrative action.” *Id.* at 147. Exhaustion is thus not appropriate where the petitioner “may suffer irreparable harm if unable to secure immediate judicial consideration of [her] claim.” *Id.* Because he is in detention, only this Court can consider his claim.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

In 2023, Pouria Marries and Comes to the US with His Wife to Begin Their Post-Graduate Education—And Their New Lives—Together.

47. Pouria is a 29-year-old Ph.D. student at LSU in Baton Rouge, Louisiana and a citizen and native of Iran.

48. In 2023, Pouria married his wife Parisa in Tehran, Iran.

49. Together they came to the United States in 2023 for Parisa to enroll in LSU's veterinarian sciences program.

50. Because Parisa had an F-1 nonimmigrant visa for students, Pouria was able to obtain a nonimmigrant visa for the spouses of student visa holders, also called an F-2 visa.

In 2024, Pouria Is Accepted Into LSU's PhD Program for Mechanical Engineering and Adjusts His F-2 Status to F-1.

51. In early 2024, Pouria applied for asylum because he feared for his life should he return to Iran. His asylum application remains pending with U.S. Citizenship and Immigration Services at the time of filing this petition.

52. On September 13, 2024, Pouria's employment authorization was approved through September 11, 2029.

53. In November 2024, after being accepted into LSU's Ph.D. program for mechanical engineers, Pouria applied to adjust his status from F-2 to F-1. That adjustment of status of application was approved, running from January 10, 2025 until December 20, 2030.

On June 21, 2025, the US Strikes Iran, and on the Following Day Pouria and Other Law-Abiding Iranians Are Arrested.

54. On June 21, 2025, the United States intervened in the conflict between Iran and Israel, striking three Iranian nuclear sites.⁴

55. Shortly after the bombing campaign, several members of the federal government indicated that immigration enforcement efforts were being focused on Iranian nationals with terrorist ties on

⁴ Swapna Venugopal Ramaswamy et. Al., *Iran warns it 'reserves all options' after US airstrikes on nuclear sites: Recap* (Jun. 22, 2025 10:07 AM), <https://www.usatoday.com/story/news/politics/2025/06/21/trump-us-strikes-iran-nuclear-sites/84303364007/>.

U.S. soil. Respondent DHS released a public press release touting its success in arresting Iranian nationals with suspected or known terrorist ties.

56. For example, Executive Associate Director of Enforcement and Removal Operations, Tom Homan, stated that Respondents had arrested over 100 Iranians as part of a campaign against Iranian “sleeper cells.”⁵

57. On Sunday morning, June 22, 2025, at 10 a.m., an Iranian national made headlines when she was arrested in New Orleans, Louisiana despite being a longtime resident.⁶

58. On Sunday, June 22, 2025, at 5 p.m., in Baton Rouge, Louisiana Pouria was at his apartment with his wife.

59. Around that same time, seven vehicles carrying police officers and other government agents, a number of whom, upon information and belief, were ICE officers, arrived in the parking lot of Pouria’s apartment complex.

60. Four police officers entered Pouria’s apartment building.

61. Two of them proceeded to knock on his door, while the other two watched from the stairwell of the building.

62. The officers in Pouria’s line of sight and present at Pouria’s door asked him about a hit-and-run that he had reported a couple weeks prior.

63. Pouria assured the officers that the damage to his vehicle was minor and that, as such, he did not wish to take the matter further.

64. The officers nonetheless asked Pouria to show them his vehicle so they could assess the

⁵ Cameron Arcand, et. al., *ICE arrests 100+ Iranian nations across US amid sleeper cell concerns* (Jun. 26, 2025 11:55 AM), <https://www.foxnews.com/politics/ice-arrests-100-iranian-nationals-across-us-amid-sleeper-cell-concerns>.

⁶ Mandy Taheri, *Iranian Woman Who Has Lived in US for Four Decades Detained by ICE* (Jun. 29, 2025 10:08 AM), <https://www.newsweek.com/iranian-woman-who-has-lived-us-four-decades-detained-ice-2092082>.

damage.

65. In an effort to aid the police with their investigation, Pouria and his wife escorted the two officers, which turned into four when he arrived at the bottom of the stairwell, out of his apartment building and into the parking lot, where he had parked his car.

66. Unbeknownst to Pouria, several more officers, as well as, upon information and belief, ICE and FBI agents—some wearing full face masks and tactical gear—were waiting in the parking lot for Pouria.

67. Upon his and his wife's arrival in the parking lot, ICE asked Parisa if she was Pouria, whereupon she explained that Pouria was her husband, pointing at him. The agents proceeded to handcuff both Parisa and Pouria, taking their phones, car keys, and apartment keys in the process. They then placed each in a different unmarked vehicle.

68. No warrants were shown to either Pouria or Parisa.

69. Both were transported to, on information and belief, the local ICE office in Baton Rouge where they were asked a series of questions.

70. At the office, Pouria was told his visa had been revoked, despite the fact that, upon information and belief, it showed up as active on the SEVIS that very day. He was additionally asked a series of questions, reminiscent of his student visa interview, which appeared to be a means by which to confirm his identity.

71. Pouria stayed at the local ICE building in Baton Rouge until 4 or 5 a.m., at which point he and his wife were transferred to Hancock County, Mississippi, after which Pouria was transferred to Jena, where he remains detained today.

LEGAL BACKGROUND AND ARGUMENT

Pouria's Detention's Violates His Procedural Due Process Rights and Governing Student Visa Revocation Regulations and thus Constitutes Unlawful Agency Action Under the APA.

72. Upon information and belief, the government has no lawful purported basis for detaining Pouria.

73. Under 8 U.S.C. § 1226(a) and § 1226(c), the Secretary of Homeland Security and her delegates, including ICE agents are authorized to arrest and detain individuals when they have reason to believe that they are in the United States *in violation of immigration laws*. Pouria has violated no such laws. Nor has he been accused or charged with violating any such laws. Indeed, his student visa was active on the date of his arrest and remains active today.

74. Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth Amendment.

75. Because Pouria's detention on June 22, 2025 has been unaccompanied by any of the procedural protections that such a significant deprivation of liberty requires under the Due Process Clause, for example any notice of a potential visa revocation and opportunity to challenge this revocation, his continued detention also violates procedural due process rights. *See Mathews v. Eldridge*, 424 U.S. 319, 332 (1976); *see also Perry v. Sindermann*, 408 U.S. 593, 601-03 (1972) (reliance on informal policies and practices may establish a legitimate claim of entitlement to a constitutionally protected interest); *see generally Gisbert v. United States*, 988 F.2d 1437 (5th Cir. 1983); and *Lynch v. Cannatella*, 810 F.2d 1363 (5th Cir. 1987) (concluding in both that while excludable aliens do not have claims to substantive due process, other aliens do).

76. Infringement upon a protected interest triggers a right to a hearing before that right is deprived. *See Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 569-70 (1972).

77. Pouria's arrest and detention violate procedural due process because there is no basis on

which to detain him.

78. Also at issue are the relevant regulatory framework in 8 C.F.R. § 41.122, and 8 U.S.C.S. § 1201(h), and 8 U.S.C. § 1184, all of which govern the issuance of nonimmigrant visas and none of which authorize the detention of individuals who hold valid, non-revoked visas and are in compliance with visa conditions.

79. Under 8 U.S.C.S. § 1201(h)(i), if the government had revoked Pouria’s F-1 visa—which it did not—then Pouria would be entitled to judicial review, if the revocation of his visa was the sole ground for his removal.

80. At minimum, ICE “has the duty to follow its own federal regulations.” *Haoud v. Ashcroft*, 350 F.3d 201, 205 (1st Cir. 2003) (quoting *Nelson v. I.N.S.*, 232 F.3d 258, 262 (1st Cir. 2000)). It has failed to do so here.

81. Moreover, Respondents’ have no basis with which to revoke Pouria’s visa. Even if they did—which, to be very clear, they do not—they have not followed the proper procedure for revocation, violating both statute and applicable regulations. 8 C.F.R. § 41.112(e).

82. The Administrative Procedure Act (the “APA”) directs courts to set aside agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law”; “contrary to constitutional right, power, privilege, or immunity”; or “without observance of procedure required by law,” among other lawless actions. 5 U.S.C. § 706 (2)(A)-(B).

83. In assessing the rationale behind government action, courts “may not supply a reasoned basis for the agency’s action that the agency itself has not given.” *Bowman Transp., Inc. v. Arkansas-Best Freight Sys., Inc.*, 419 U.S. 281, 285-86 (1974).

84. To the extent that Respondents assert any justification for Pouria’s arrest and detention, given the facts of this case, such justifications would be an “unexplained inconsistency” in

Respondent's policies which, in and of itself, is independently "a reason for holding an interpretation to be an arbitrary and capricious change from agency practice." *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 222 (2016).

Pouria's Arrest Violates the Fourth Amendment's Guarantee Against Unlawful Seizures.

85. Like all people in the United States, when he was safely residing in his apartment, Pouria was safe from unlawful government intrusion – a fact Respondents knew all too well. *See People v. Reyes*, 83 Cal. App. 4th 7 (Cal. 4th Dist. Ct. App. 2000) (found that a ruse that undermines the voluntariness of consent, such as luring someone outside under false pretenses unrelated to criminal activity, can invalidate subsequent actions like searches or arrests); *Ciampi v. City of Palo Alto*, 790 F. Supp. 2d 1077 (N. D. Cal. 2011) (held that deception becomes unlawful when it intrudes on a person's reasonable expectation of privacy or misrepresents the scope or purpose of an investigation).

86. To circumvent these Fourth Amendment's protections, Pouria was led outside of the constitutional safety of his apartment through deception, also known as a "ruse" for purposes of the Fourth Amendment.

87. The Supreme Court has held that the Constitution provides "checks upon official deception for the protection of the individual." *Lewis v. United States*, 385 U.S. at 209. These checks include, for example, an analysis of exigent circumstances that may permit a ruse. *Id.*

88. The way that police officers who presented themselves to Pouria as though they were investigating a crime—the hit-and-run of which Pouria had been a victim weeks prior—constitutes a ruse because it was an official deception that was used to arrest him.

89. The Fourth Amendment only permits ruses where there are exigent circumstances that can justify the use of stratagem or deception. *Id.* at 206. None existed here.

90. In this case, there were no exigent circumstances or any circumstances to justify the use of false pretenses, in short a “ruse,” to take him into custody. Pouria had not broken any laws—immigration or otherwise.

91. The Supreme Court has ruled that a consensual encounter becomes a seizure when “in view of all the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave.” *United States v. Mendenhall*, 446 U.S. 544, 554 (1980). Such circumstances could include “the threatening presence of several officers, the display of a weapon by an officer, some physical touching of the person of the citizen, or the use of language or tone of voice indicating that compliance with the officer’s request might be compelled.” *Id.*

92. The officers that knocked on Pouria’s door presented themselves in a way that indicated they were investigating a crime—the hit-and-run that Pouria had suffered a couple weeks prior. Multiple officers were present and were speaking to Pouria in an authoritative tone. Under these circumstances, Pouria had a reasonable belief that he was not free to leave.

93. The Supreme Court defines submission based on what a person was doing before the show of authority. For example, “a fleeing man is not seized until he is physically overpowered, but one sitting in a chair may submit to authority by not getting up to run away.” *Brendlin v. California*, 551 U.S. 249, 262 (2007).

94. Pouria did not run away or attempt to run flee from the police officers in his apartment building or the ICE agents approaching him the parking lot, thus effectively submitting himself to the agents before he was physically captured.

95. Pouria reasonably believed that he had no choice but to submit to the officer’s authority. The moment he submitted to their authority—when he agreed to walk state police out to the parking lot—he was effectively seized.

Pouria’s Detention Violates Substantive Due Process As It Bears No Reasonable Relationship to Any Legitimate Government Purpose

96. Pouria’s detention also violates his substantive due process rights.

97. The Supreme Court has long made clear that, where the government seeks to deprive an individual of a “particularly important individual interest[],” it must bear the burden of justifying this deprivation by clear and convincing evidence. *See, e.g., Addington v. Texas*, 441 U.S. 418, 424 (1979). In cases like Pouria’s, where he has complied with his visa for the last two years and was suddenly arrested without explanation, there is a significant interest at stake and a “clear and convincing” evidence standard provides the appropriate level of procedural protection. *See id.* at 423; *see also Cabrera Galdamez*, 2023 WL 1777310, at *8 (holding that the government must bear burden of demonstrating by clear and convincing evidence that a petitioner under § 1231(a) was a danger or flight risk).

98. To comport with substantive due process, civil immigration detention must bear a reasonable relationship to its two regulatory purposes—(1) to ensure the appearance of noncitizens at future hearings and (2) to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690-91.

99. This analysis is wholly inapplicable because – once again – Pouria holds a valid student visa. He is not a danger to the community, as made evident by his complete lack of criminal history and the existence of his valid and still untainted student visa.

100. Pouria holds a valid student visa and is currently enrolled at LSU. The government thus has no legitimate interest in detaining him. *See Demore v. Hyung Joon Kim*, 538 U.S. at 533 (2003) (O’Connor, J., concurring).

101. No public interest is served by detaining a 29-year-old PhD candidate who has

resided in the country legally and committed no crimes in the meantime.⁷

In the Absence of Any Procedural Due Process Afforded Concerning His Visa, Pouria’s Detention Appears Strictly and Unconstitutionally Based on His National Origin.

102. Detention based strictly on national origin and for any purpose other than flight risk, danger, or imminent removal—particularly of a law-abiding individual whose visa to remain in the country is valid to this day—violates the equal protection clause of the United States Constitution.

103. The “liberty protected by the Fifth Amendment's Due Process Clause contains within it the prohibition against denying to *any person* the equal protection of the laws [. . .] [T]he equal protection guarantee of the Fourteenth Amendment makes that Fifth Amendment right all the more specific and all the better understood and preserved.” *United States v. Windsor*, 570 U.S. 744, 774 (2013)(emphasis added).

104. The United States Supreme Court has made clear that the protections of the Fourteenth Amendment’s Equal Protection Clause are “precisely the same” as the Equal Protection guarantees under the Fourteenth Amendment. *See Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 217 (1995).

105. Put simply, Equal Protection “is essentially a direction that all persons similarly situated should be treated alike.” *City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 439 (1985).

106. The government’s actions violate this directive when, for example, an otherwise neutral law or policy is applied in a discriminatory manner. *Yick Wo v. Hopkins*, 118 U.S. 356, 373-74 (1886). Thus, a violation of the terms of a nonimmigrant visa may be used as a basis to

⁷ “All legal restrictions which curtail the civil rights of a single racial group are immediately suspect.” *Korematsu v. United States*, 323 U.S. 214. “Korematsu was gravely wrong the day it was decided, has been overruled in the court of history.” *Trump v. Hawaii*, 585 U.S. 667.

justify civil immigration detention, but no similar justification can be made concerning an Iranian national whose visa was never revoked and has never violated the conditions of said visa.

107. Because, on information and belief, Respondents targeted Pouria for arrest and detention because he is Iranian—that is, on the basis of his national origin—his detention is unconstitutional.

108. Indeed, the government touted their efforts at rounding up Iranians over the weekend Pouria was arrested as being in conjunction with the United States’ bombing of Iran, inexplicably asserting that their arrests of “130 Iranian nationals” across the country were part of combating a “sleeping cell.”⁸

109. Pouria was among those 130 arrests. For someone with a valid visa, no criminal record, and an impressive academic career, logic states that his arrest was for a singular purpose: to bump up the numbers of Iranians the United States could claim it rounded up in an effort to combat terrorism in the days after it bombed Iran.

110. Pouria’s arrest and detention are accordingly unlawful, warranting immediate release.

⁸ “[DHS] spokeswoman Tricia McLaughlin . . . didn’t offer any evidence of terrorist or extremist ties” with regard to the first 11 Iranians arrested for “immigration violations” during the weekend of U.S. missile strikes. Of the 670 Iranians in ICE custody nationwide, 130 (or nearly 20%) were detained within the days after U.S. airstrikes. See Kim Chandler, *After decades in the US, Iranians arrested in Trump’s deportation drive*, Associated Press (Jun. 28, 2025), <https://apnews.com/article/iran-immigration-arrests-us-trump-deportations-9a4136657bda3a277125738807848368>. This includes Donna Kashanian, who was in full compliance with her Order of Supervision when she was arrested June 22, 2025. Mandy Taheri, *Iranian Woman Who Has Lived in US for Four Decades Detained by ICE*, Newsweek (Jun. 28, 2025) <https://www.newsweek.com/iranian-woman-who-has-lived-us-four-decades-detained-ice-2092082>. She was released on July 7, 2025. Jack Brook, *Iranian mother released from ICE detention after Republican House Majority Leader intervenes*, Associated Press (Jul. 9, 2025), <https://apnews.com/article/ice-iranian-woman-release-detain-louisiana-mandonna-kashanian-3d5c868bbc43f152b7e8ec54db7fe49a>.

CLAIMS FOR RELIEF
COUNT ONE

Pouria’s Detention Violates the Fifth Amendment’s Due Process Clause Because He Had a Valid, In-Date Visa And Was Not In Violation of Any Laws On the Date of His Detention.

111. Pouria realleges and incorporates by reference all of the aforementioned allegations included in above numbered paragraphs as if set forth fully herein.

112. Pouria’s detention violates his Fifth Amendment right because he has a valid visa allowing him to be free from a restraint on his liberty in the United States.

113. The government’s infringement upon his liberty interest triggers a right to a hearing before that right is deprived. *See Bd. of Regents of State Colleges*, 408 U.S. at 569-70.

114. Because Pouria’s detention on June 22, 2025, has been unaccompanied by such a hearing, or by any of the procedural protections that such a significant deprivation of liberty requires under the Due Process Clause, his continued detention violates his procedural due process rights. *See Mathews*, 424 U.S. at 332.

115. For this reason, Petitioner’s ongoing detention is unconstitutional. He should accordingly be released.

COUNT TWO

Pouria’s Detention Violates the Administrative Procedures Act Because He Had a Valid, In-Date Visa And Was Not In Violation of Any Laws On the Date of His Detention

116. Pouria realleges and incorporates by reference all of the aforementioned allegations included in above numbered paragraphs as if set forth fully herein.

117. Respondents’ actions violate the APA.

118. The APA directs courts to set aside agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law”; “contrary to constitutional right, power, privilege, or immunity”; or “without observance of procedure required by law,” among

other lawless actions. 5 U.S.C. § 706 (2)(A)-(B).

119. In assessing the rationale behind government action, courts “may not supply a reasoned basis for the agency's action that the agency itself has not given.” *Bowman Transp., Inc.* 419 U.S. at 285-86.

120. Respondents have no reason to detain Pouria – who holds a valid student visa and has never violated the terms of that visa.

121. To the extent that Respondents assert any justification for Pouria’s arrest and detention, given the facts of his case, such justifications would be an “[u]nexplained inconsistency” in Respondent’s policies which, in and of itself, is independently “a reason for holding an interpretation to be an arbitrary and capricious change from agency practice.” *Encino Motorcars, LLC*, 579 U.S. at 222.

122. For this reason, Pouria’s detention is also violative of the APA, which forms a separate basis for his release.

COUNT THREE

Pouria’s Unlawful and Continued Seizure Violates the Fourth Amendment.

123. Pouria realleges and incorporates by reference all of the aforementioned allegations included in above numbered paragraphs as if set forth fully herein.

124. Pouria was detained by federal immigration officials after local police lured him out of the safety and privacy of his domicile under a ruse.

125. The government has not presented warrant, either judicial or administrative, to certify Pouria’s arrest. His arrest was an unreasonable seizure that violated his right to be secure in his home; thus, this arrest violated the Fourth Amendment.

126. For this reason, Petitioner’s ongoing detention is unconstitutional. He should

accordingly be released.

COUNT FOUR

Pouria's Detention Violates the Fifth Amendment's Substantive Due Process Guarantees Because it Bears No Reasonable Relationship to Any Legitimate Purpose.

127. Pouria realleges and incorporates by reference all of the aforementioned allegations included in above numbered paragraphs as if set forth fully herein.

128. Pouria's detention violates his substantive due process rights because his liberty is being restricted without justification and to the extent a justification has been provided—his Iranian nationality—that justification is unconstitutional. *See Hensley*, 411 U.S. at 351.; 28 U.S.C. § 2241(c)(3).

129. The only permissible detention purposes for detention—preventing danger and flight risk—are not present here, infringing upon Pouria's liberty interest. *See Zadvydas*, 533 U.S. at 690-91.

130. For this reason, and because Pouria appears to have been strictly targeted based on his nationality, his detention is unconstitutional. He should accordingly be released.

COUNT FIVE

Pouria's Detention Violates the Equal Protection Clause.

131. Pouria realleges and incorporates by reference all of the aforementioned allegations included in above numbered paragraphs as if set forth fully herein.

132. The U.S. Constitution guarantees the Equal Protection of the law and bars discrimination on the basis of national origin. *See Yick Wo*, 118 U.S. at 373-74.

133. The protections of Equal Protection are exactly the same under the Fifth and Fourteenth Amendments. *See Adarand Constructors, Inc.*, 515 U.S. at 217.

134. The United States announced that it had bombed Iran on Saturday, June 21, 2025.

135. The United States later announced that it had carried out a nationwide campaign of arrests targeting Iranian nationals in the aftermath of the June 21 bombing campaign. Pouria's arrest and detention occurred on Sunday, June 22, 2025.

136. Residing in the United States lawfully as a student for nearly two years, Pouria's arrest occurred during Respondent's purported Iranian arrest campaign.

137. But Pouria – a 29-year-old PhD candidate with no criminal history – posed neither a flight risk nor a danger to the community.

138. His sudden arrest can only be based on one illegitimate government motive – his national origin.

139. Because his arrest and detention are based on his national origin and not on any legitimate government interest, his detention is unlawful.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Issue an order prohibiting Respondents from transferring Petition outside of this judicial district during the pendency of these habeas proceedings;
- 3) Declare that Respondents' detention is unconstitutional, violating due process, the Fourth Amendment, the Equal Protection Clause, and the APA;
- 4) Issue a Writ of Habeas Corpus and order Pouria's immediate release;
- 5) Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and,
- 6) Grant such further relief as the Court deems just and proper.

Dated: July 10, 2025

Respectfully submitted,

/s/ Sarah E. Decker

Sarah E. Decker*

ROBERT F. KENNEDY HUMAN RIGHTS

1300 19th Street NW, Suite 750

Washington, DC 20036

Tel.: (908) 967-3245

decker@rfkhumanrights.org

/s/ Sarah T. Gillman

Sarah T. Gillman*

ROBERT F. KENNEDY HUMAN RIGHTS

88 Pine Street, 8th Floor, Suite 801

New York, New York 10005

Tel.: (646) 289-5593

Gillman@rfkhumanrights.org

/s/ Charles Andrew Perry

/s/ Nora Ahmed

ACLU Foundation of Louisiana

Charles Andrew Perry

LA Bar No. 40906

Nora Ahmed*

NY Bar No. 5092374

1340 Poydras St., Ste. 2160

New Orleans, LA 70112

Tel: (504) 522-0628

aperry@laaclu.org

nahmed@laaclu.org

Attorneys for Plaintiff

** Pro hac vice applications forthcoming*

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner, and/or someone acting in his behalf, the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

Dated: July 10, 2025

/s/ Charles Andrew Perry

ACLU Foundation of Louisiana

Charles Andrew Perry

LA Bar No. 40906

Nora Ahmed*

NY Bar No. 5092374

1340 Poydras St., Ste. 2160

New Orleans, LA 70112

Tel: (504) 522-0628

aperry@laaclu.org

nahmed@laaclu.org