

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAMSPORT DIVISION

Vu Cao Dang,	)	C/A No.:
	)	
Petitioner,	)	
	)	
v.	)	
	)	
Leonard Oddo, Warden, Moshannon Valley	)	
ICE Processing Center,	)	
	)	
Respondent.	)	
_____	)	

PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner Vu Cao Dang entered the United States as a five-year-old refugee from Vietnam in 1985. He was ordered removed, however, in 2002. Because Vietnam has never had and still does not have a repatriation agreement for Vietnamese nationals that resettled in the United States as refugees prior to 1995, Mr. Dang cannot be removed to Vietnam. In light of this reality, Mr. Dang has been on an order of supervised release for the last twenty-three years, living freely in the United States. During this time, Mr. Dang has started a family, created a successful small business, and avoided *any* problems with the law. Nevertheless, U.S. Immigration and Customs Enforcement revoked his order of supervised release based on vague notions of changed circumstances in May of 2025. But ICE violated its own regulations regarding revoking orders of supervised release and its revocation is based on unsupported factual claims about repatriating Vietnamese refugees.

In light of Petitioner's unlawful detention, under 28 U.S.C. § 2243, this Court should: (1) enter an order to show cause requiring Respondent to file a return within 3 days, unless the government can show good cause, explaining why the writ should not be issued; (2) set a

hearing—telephonic or in-person—within five days of Respondent’s filing, unless good cause can be shown for additional time; and (3) grant a writ of habeas corpus ordering the Respondent to release the Petitioner immediately. This tight timeline is the statutory default under 28 U.S.C. § 2243 because Petitioner is suffering through continued unlawful detention as other courts have determined under nearly identical circumstances. *Nguyen v. Hyde*, — F. Supp. 3d. —, 2025 WL 1725791, at *3 (D. Mass. June 20, 2025) (granting habeas for Vietnamese refugee based on unlawful re-detention); *Hoac v. Becerra*, No. 2:25-cv-1740, 2025 WL 1993771 (E.D. Ca. Jul. 16, 2025); *Phan v. Becerra*, No. 2:25-cv-1757, 2025 WL 1993735 (E.D. Ca. Jul. 16, 2025).

PARTIES

1. Petitioner Vu Cao Dang is currently detained at Moshannon Valley ICE Processing Center. Mr. Dang was born in South Vietnam.
2. Respondent Leonard Oddo is the Warden of Moshannon Valley ICE Processing Center. He is Petitioner’s immediate custodian.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this case under 28 U.S.C. § 2241. And to the extent it involves additional questions deriving from federal law the Court also has jurisdiction under 28 U.S.C. § 1331.
4. This Court has jurisdiction to enter declaratory relief under the Declaratory Judgement Act, 28 U.S.C. § 2201, and it has jurisdiction to order Respondent to release Petitioner under 28 U.S.C. § 2241.
5. Venue is appropriate in this District and this Division because Respondent is detaining Mr. Vu in this District and Division.

6. Unlike petitions under 28 U.S.C. §§ 2254 & 2255, there are no exhaustion requirements for petitions challenging the lawfulness of ongoing detention under § 2241.

FACTS

7. Petitioner Vu Cao Dang (“Mr. Dang”) was born in South Vietnam in 1979.

8. Before Mr. Dang was born, his father had fought *against* North Vietnam. When the Vietcong toppled South Vietnam, it detained Mr. Dang’s father in a prison camp. His father faced torture, starvation, indoctrination, and forced labor.

9. When Mr. Dang’s father was released, the family escaped to Thailand, where they were accorded refugee status and resettled in the United States.

10. Mr. Dang acquired lawful permanent residency in the United States on June 6, 1985, when he was five years old.

11. Mr. Dang’s family struggled to make ends meet in the United States.

12. Both of his parents were disabled, and Mr. Dang and his siblings were left to fend for themselves.

13. This troubled upbringing led to a criminal conviction for drug trafficking and possession of a firearm for Mr. Dang in 1998 when he was 18 years old.

14. Mr. Dang served approximately 2 and nine months.

15. When Mr. Dang was released from his criminal detention, U.S. Immigration and Customs Enforcement (“ICE”) placed him in immigration detention. He received a final order of removal in 2002. Because the United States did not have a repatriation agreement with Vietnam for pre-1995 refugees at the time, ICE released Mr. Dang on an order of supervised release (“OSUP”).

16. From 2002 to 2025, Mr. Dang complied with every term of his supervised release. He checked in with ICE every time it was required, he complied with all of their requests, and he had no additional criminal conduct.

17. Rather, Mr. Dang thrived in his post-release life in the United States as a lawful permanent resident.

18. Mr. Dang married a U.S. citizen in May of 2008. The couple had a daughter. And the family opened a nail salon outside Boston, Massachusetts, that currently employs nine people. The family also purchased a tri-plex that they rent to low-income individuals. For the past twenty-three years, Mr. Dang has lived the American dream.

19. But on May 20, 2025, ICE arrested and re-detained Mr. Dang.

20. ICE may revoke an OSUP for two reasons: (1) the noncitizen “violates any of the conditions of release,” 8 C.F.R § 241.13(i)(1); or (2) ICE “determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future” “on account of changed circumstances.” *Id.* at § 241.13(i)(2).

21. If ICE revokes an OSUP for the latter reason, the regulation requires ICE to take certain steps:

(2) *Revocation for removal.* The Service may revoke an alien’s release under this section and return the alien to custody if, on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future. Thereafter, if the alien is not released from custody following the informal interview provided for in paragraph (h)(3) of this section, the provisions of § 241.4 shall govern the alien’s continued detention pending removal.

(3) *Revocation procedures.* Upon revocation, the alien will be notified of the reasons for revocation of his or her release. The Service will conduct an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification. The alien may submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the

reasonably foreseeable future, or that he or she has not violated the order of supervision. The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.

8 C.F.R. § 241.13(i)(2)-(3).

22. The regulations require ICE to consider the following factors to determine whether removal is significantly likely in the reasonably foreseeable future:

(f) *Factors for consideration.* The HQPDU shall consider all the facts of the case including, but not limited to, the history of the alien's efforts to comply with the order of removal, the history of the Service's efforts to remove aliens to the country in question or to third countries, including the ongoing nature of the Service's efforts to remove this alien and the alien's assistance with those efforts, the reasonably foreseeable results of those efforts, and the views of the Department of State regarding the prospects for removal of aliens to the country or countries in question. Where the Service is continuing its efforts to remove the alien, there is no presumptive period of time within which the alien's removal must be accomplished, but the prospects for the timeliness of removal must be reasonable under the circumstances.

8 C.F.R. § 241.13(f).

23. Here, Mr. Dang did not violate any condition of his OSUP. Thus, ICE did not revoke his OSUP under § 241.13(i)(1).

24. Rather, ICE revoked Mr. Dang's OSUP on account of "changed circumstances."

25. ICE did not provide Mr. Dang notice of the reasons for revocation in violation of § 241.13(i)(3).

26. ICE Did not provide Mr. Dang an opportunity to respond to the reasons for revocation stated in the notification in violation of § 241.13(i)(3).

27. ICE did not give Mr. Dang an opportunity to submit any evidence or information that shows there is no significant likelihood he will be removed in the reasonably foreseeable future in violation of § 241.13(i)(3).

28. ICE did not conduct an evaluation of any contested facts relevant to the revocation in violation of § 241.13(i)(3).

29. And ICE never considered the factors at § 241.13(f) as part of any decision to revoke Mr. Dang's OSUP.

30. Upon information and belief, ICE claimed that the changed circumstances to revoke Mr. Dang's OSUP comprise a "recently entered into repatriation agreement with Vietnam" and a claim that "ICE has started to remove Vietnamese citizens to Vietnam consistent with that agreement." *See, e.g., Nguyen v. Hyde*, — F. Supp. 3d. —, 2025 WL 1725791, at *3 (D. Mass. June 20, 2025).

31. Neither of these grounds is, however, sufficient to revoke Mr. Dang's OSUP.

32. First, there is no indication that Vietnam is able or willing to repatriate its own nationals who arrived in the United States as refugees prior to 1995.

33. There is a long history of Vietnam refusing to repatriate its nationals from the United States. When Mr. Dang was released on his OSUP in 2002, the United States had no repatriation agreement with Vietnam and, therefore, there was no chance ICE could remove him.

34. In 2008, the United States entered into a repatriation agreement with Vietnam, but the agreement did not apply to Vietnamese citizens who arrived as refugees in the United States prior to July 12, 1995. *See Nguyen*, 2025 WL 1725791 at *1.

35. Similarly, in 2020, the United States entered into a memorandum of understanding with Vietnam related to repatriation, but it is not binding and it does not apply to Vietnamese refugees who entered the United States prior to 1995.

36. Contrary to ICE's conclusory statements, there have been no change in circumstances that now render Mr. Dang's removal significantly likely in the reasonably foreseeable future.

37. Second, ICE can muster no evidence that any recent removals to Vietnam entered the United States as refugees prior to 1995. Even when asked for this information specifically by a federal court, ICE's response came up short. *Nguyen*, 2025 WL 1725791 at *4.

38. ICE's claim that there has been a change in circumstances that render Mr. Dang's removal likely lacks any support. Upon information and belief, ICE arbitrarily revoked Mr. Dang's OSUP and re-detained him to meet quotas for detention.

39. Mr. Dang has now been detained since May 20, 2025, or 86 days. Such detention is unlawful because ICE violated its own regulations and there remains no likelihood of his removal in the reasonably foreseeable future.

40. This detention is harming Mr. Dang.

41. First, he is separated from his U.S. citizen wife and U.S. citizen daughter.

42. Second, his small business is nearly shuttered because he ran the business full time.

43. Third, Mr. Dang has suffered serious mental anguish and depression from his detention. A fellow immigration detainee recently committed suicide at Moshannon Valley ICE Processing Center, which has caused Mr. Dang serious stress, mental anguish and depression.

44. Fourth, Mr. Dang has moved to reopen his removal order with the relevant immigration judge. The immigration judge initially denied it, but Mr. Dang is currently appealing that decision to the Board of Immigration Appeals.

45. Finally, he is being arbitrarily deprived of his freedom and liberty.

46. This Court should grant this habeas.

FIRST CAUSE OF ACTION
(Re-Detention in Violation of 8 C.F.R. § 241.13(i)(2))

47. Petitioner restates and realleges all allegations above as though restated here.

48. Mr. Dang is “in custody in violation of the Constitution or laws or treaties of the United States” because ICE’s decision to re-detain Mr. Dang “is not in compliance with 8 C.F.R. § 241.13(f), (i)(2).” *Nguyen*, 2025 WL 1725791 at *5.

49. ICE is required to follow its own regulations. *Chong v. Dist. Dir., I.N.S.*, 264 F.3d 378, 389 (3d Cir. 2001) (citing *United States ex rel Accardi v. Shaughnessy*, 347 U.S. 260 (1954)).

50. Mr. Dang was released from ICE custody in 2002 on an order of supervised release (“OSUP”).

51. He never violated a single term of the OSUP in 23 years.

52. To redetain an individual who has been released on an OSUP, ICE must comply with 8 C.F.R. § 241.13(i).

53. ICE did not revoke Mr. Dang’s OSUP and re-detain him because Mr. Dang violated the OSUP. Thus, 8 C.F.R. § 241.13(i)(1) is not relevant.

54. ICE revoked Mr. Dang’s OSUP and re-detained him under § 241.13(i)(2) because ICE claims there has been a change in circumstances and Mr. Dang’s removal is now significantly likely in the reasonably foreseeable future.

55. This determination, however, is invalid and illegal because:

- a. ICE did not provide Mr. Dang notice of the reasons for revocation in violation of § 241.13(i)(3).
- b. ICE Did not provide Mr. Dang an opportunity to respond to the reasons for revocation stated in the notification in violation of § 241.13(i)(3).
- c. ICE did not give Mr. Dang an opportunity to submit any evidence or information that shows there is no significant likelihood he will be removed in the reasonably foreseeable future in violation of § 241.13(i)(3).

- d. ICE did not conduct an evaluation of any contested facts relevant to the revocation in violation of § 241.13(i)(3).
- e. ICE never considered the factors at § 241.13(f) as part of any decision to revoke Mr. Dang's OSUP.
- f. ICE failed to carry its burden to show that there has been a change in circumstances that would make Mr. Dang's removal significantly likely in the reasonably foreseeable future;
- g. Mr. Dang's removal is not significantly likely in the reasonably foreseeable future because there is no evidence that Vietnam repatriates U.S. deportees who were resettled in the United States as refugees prior to 1995; and
- h. There is no indication that Mr. Dang's removal is significantly likely in the reasonably foreseeable future to any third country because Mr. Dang has not been notified of any attempts to remove him to a third country and he has not had a chance to contest any removal to a third-country.

56. Mr. Dang's current detention is unlawful and, therefore, this Court should grant this habeas petition.

SECOND CAUSE OF ACTION
(Unconstitutional Prolonged, Post-Removal Detention)

57. Petitioner restates and realleges all allegations above as though restated here.

58. After a noncitizen receives a final order of removal, ICE can detain them during the removal period and 90-days beyond without constitutional question. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

59. However, once the removal period has ended, *Zadvydas* only permits civil immigration detention so long as the noncitizen's removal is significantly likely in the reasonably foreseeable

future. Any moment beyond, the detention no longer serves the lawful, civil purpose, the detention becomes punitive, and the detention becomes unconstitutional.

60. Mr. Dang's removal period ended in 2002.

61. Thus, under *Zadvydas* and the U.S. Constitution, his detention becomes unconstitutional the moment there is no significant likelihood of his removal in the reasonably foreseeable future.

62. Mr. Dang cannot be removed to Vietnam. And ICE has taken no steps to remove Mr. Dang to a third country.

63. Thus, his current detention is unconstitutional because ICE cannot demonstrate there is a significant likelihood of his removal in the reasonably foreseeable future. It is not sufficient that Mr. Dang's removal *may* be possible; it must be significantly likely.

64. Because Mr. Dang's removal is not significantly likely in the reasonably foreseeable future, his current detention is unlawful.

PRAYER FOR RELIEF

65. Take jurisdiction over this case;

66. Issue an order to show cause to require Respondent to file a Return within 3 days and schedule a hearing within 5 days of Respondent's return;

67. Grant Petitioner's request and issue a writ of habeas corpus requiring Respondent to release Mr. Dang;

68. Order Respondent to pay Petitioner's reasonable attorney's fees under the Equal Access to Justice Act or any other provision of law; and

69. Enter any other order that justice so requires.

August 14, 2025

Respectfully submitted,

s/Christopher M. Casazza

CHRISTOPHER M. CASAZZA
Palladino, Isbell & Casazza, LLC
1528 Walnut St, Suite 1701
Philadelphia, PA 19102
(215) 576-9000
Chris@piclaw.com
PA Bar No.: PA309567

BRAD BANIAS
Banias Law LLC
602 Rutledge Avenue
Charleston, SC 29413
843.352.4272
brad@baniaslaw.com

pro hac vice forthcoming

Attorneys for the Plaintiff

