

1 **Tai Truong**

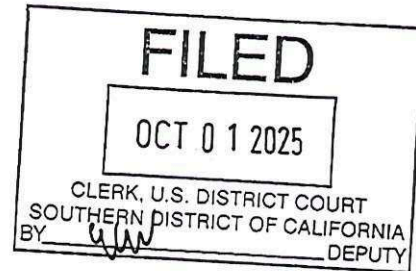
2 A# [REDACTED]

3 Otay Mesa Detention Center

4 P.O. Box 439049

5 San Diego, CA 92143-9049

6 Pro Se¹



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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 TAI TRUONG,

11 Petitioner,

12 v.

13 KRISTI NOEM, Secretary of the
14 Department of Homeland Security,
15 PAMELA JO BONDI, Attorney General,
16 TODD M. LYONS, Acting Director,
17 Immigration and Customs Enforcement,
18 JESUS ROCHA, Acting Field Office
19 Director, San Diego Field Office,
20 CHRISTOPHER LAROSE, Warden at
21 Otay Mesa Detention Center,

22 Respondents.

CIVIL CASE NO.: '25CV2597 JES MMP

**Petition for Writ
of
Habeas Corpus**

[28 U.S.C. § 2241]

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25 ¹ Mr. Truong is filing this petition for a writ of habeas corpus with the assistance
26 of the Federal Defenders of San Diego, Inc., who drafted the instant petition. That
27 same counsel also assisted the petitioner in preparing and submitting his request
28 for the appointment of counsel, which has been filed concurrently with this
petition, and all other documents supporting the petition. Federal Defenders has
consistently used this procedure in seeking appointment for immigration habeas
cases. The Declaration of Kara Hartzler in Support of Appointment Motion
attaches case examples.

INTRODUCTION

Tai Truong is a citizen of Laos who is currently detained in Otay Mesa Detention Center. In 1979, Mr. Truong came to the United States and became a lawful permanent resident. In 2015, he was ordered removed on the basis of a California sex offense. But several weeks ago, a criminal defense attorney filed a motion to vacate this conviction on constitutional grounds. A hearing on this motion is scheduled for October 2, 2025.

Officials from Immigration and Customs Enforcement (ICE) claim that they have travel documents for Mr. Truong and that he will be removed soon. But if his conviction is vacated, Mr. Truong will immediately file a motion to reopen his immigration case and move to terminate removal proceedings. If this motion is successful, Mr. Truong will be restored to the status of a lawful permanent resident.

Procedural due process prevents the government from deporting Mr. Truong before the agency adjudicates his motion to reopen. In *Chhoeun v. Marin*, 306 F. Supp. 3d 1147, 1151 (C.D. Cal. 2018), a district court granted the habeas petition for a group of Cambodian detainees and ordered the same relief Mr. Truong seeks here—a stay of removal to adjudicate his motion to reopen. To return Mr. Truong to the status quo, this Court should also order that he be released and prevent ICE from removing him to a third country during the adjudication of his motion. For these reasons, this Court should grant habeas relief.

STATEMENT OF THE CASE

I. Mr. Truong was a lawful permanent resident who was ordered removed on the basis of a state criminal conviction.

Tai Truong and his family entered the United States from Laos as refugees in 1979. Exhibit A, Truong Declaration at ¶ 1. Mr. Truong became a lawful permanent resident and remained so until 2015, when he was ordered removed due to a sex offense. *Id.* at ¶ 2. After he was ordered removed, ICE detained him and attempted to obtain travel documents to deport him to Laos. *Id.* at ¶ 3. But when ICE was unable to deport him after five months, he was released on an order of supervision. *Id.* at ¶ 3.

For the next decade, Mr. Truong remained in the United States on this order of supervision. He has no other criminal convictions. *Id.* at ¶ 3.

II. Mr. Truong is detained and hires a criminal attorney to vacate his prior conviction.

On July 12, 2025, as he was driving to his father's funeral, Mr. Truong was pulled over by four unmarked vehicles. *Id.* at ¶ 5. ICE officers arrested him and brought him to the downtown ICE office for several days before taking him to Otay Mesa Detention Center. *Id.*

Approximately one week after he was taken into custody, Mr. Truong was able to contact a criminal defense attorney to try to vacate his prior conviction. *Id.* at ¶ 7. On September 8, 2025, this attorney filed a motion to vacate this conviction in California state court. *Id.* A hearing on this motion is currently scheduled for October 2, 2025. *Id.*

On approximately September 24, 2025, a deportation officer told Mr. Truong that they had obtained his travel documents. *Id.* at ¶ 6. The officer told him that he would be deported to Laos soon. *Id.*

1 **III. The government is carrying out deportations to third countries without**
2 **providing sufficient notice and opportunity to be heard.**

3 The Trump administration reportedly has negotiated with at least 58
4 countries to accept deportees from other nations. Edward Wong et al, *Inside the*
5 *Global Deal-Making Behind Trump's Mass Deportations*, N.Y. Times, June 25,
6 2025. On June 25, 2025, the New York Times reported that seven countries—
7 Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and Rwanda—
8 had agreed to accept deportees who are not their own citizens. *Id.* Since then, ICE
9 has carried out highly publicized third country deportations to South Sudan and
10 Eswatini.

11 The Administration has reportedly negotiated with countries to have many
12 of these deportees imprisoned in prisons, camps, or other facilities. The
13 government paid El Salvador about \$5 million to imprison more than 200
14 deported Venezuelans in a maximum-security prison notorious for gross human
15 rights abuses, known as CECOT. *See id.* In February, Panama and Costa Rica
16 took in hundreds of deportees from countries in Africa and Central Asia and
17 imprisoned them in hotels, a jungle camp, and a detention center. *Id.*; Vanessa
18 Buschschluter, *Costa Rican court orders release of migrants deported from U.S.*,
19 BBC (Jun. 25, 2025). On July 4, 2025, ICE deported eight men to South Sudan.
20 *See Wong, supra.* On July 15, ICE deported five men to the tiny African nation of
21 Eswatini, where they are reportedly being held in solitary confinement. Gerald
22 Imray, *3 Deported by US held in African Prison Despite Completing Sentences*,
23 *Lawyers Say*, PBS (Sept. 2, 2025). Many of these countries are known for human
24 rights abuses or instability. For instance, conditions in South Sudan are so
25 extreme that the U.S. State Department website warns Americans not to travel
26 there, and if they do, to prepare their will, make funeral arrangements, and appoint
27 a hostage-taker negotiator first. *See Wong, supra.*
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1 On June 23 and July 3, 2025, the Supreme Court issued a stay of a national
2 class-wide preliminary injunction issued in *D.V.D. v. U.S. Department of*
3 *Homeland Security*, No. CV 25-10676-BEM, 2025 WL 1142968, at *1, 3 (D.
4 Mass. Apr. 18, 2025), which required ICE to follow statutory and constitutional
5 requirements before removing an individual to a third country. *U.S. Dep't of*
6 *Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153 (2025) (mem.); *id.*, No. 24A1153, 2025
7 WL 1832186 (U.S. July 3, 2025). On July 9, 2025, ICE rescinded previous
8 guidance meant to give immigrants a “‘meaningful opportunity’ to assert claims
9 for protection under the Convention Against Torture (CAT) before initiating
10 removal to a third country” like the ones just described. Exhibit D, ICE
11 Memorandum on Third Country Removals, July 9, 2025.

12 Under the new guidance, ICE may remove any immigrant to a third country
13 “without the need for further procedures,” as long as—in the view of the State
14 Department—the United States has received “credible” “assurances” from that
15 country that deportees will not be persecuted or tortured. *Id.* at 1. If a country fails
16 to credibly promise not to persecute or torture releasees, ICE may still remove
17 immigrants there with minimal notice. *Id.* Ordinarily, ICE must provide 24 hours’
18 notice. But “[i]n exigent circumstances,” a removal may take place in as little as
19 six hours, “as long as the alien is provided reasonably means and opportunity to
20 speak with an attorney prior to the removal.” *Id.*

21 Upon serving notice, ICE “will not affirmatively ask whether the alien is
22 afraid of being removed to the country of removal.” *Id.* (emphasis original). If the
23 noncitizen “does not affirmatively state a fear of persecution or torture if removed
24 to the country of removal listed on the Notice of Removal within 24 hours, [ICE]
25 may proceed with removal to the country identified on the notice.” *Id.* at 2. If the
26 noncitizen “does affirmatively state a fear if removed to the country of removal”
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1 then ICE will refer the case to U.S. Citizenship and Immigration Services
2 (“USCIS”) for a screening for eligibility for withholding of removal and
3 protection under the Convention Against Torture (“CAT”). *Id.* at 2. “USCIS will
4 generally screen within 24 hours.” *Id.* If USCIS determines that the noncitizen
5 does not meet the standard, the individual will be removed. *Id.* If USCIS
6 determines that the noncitizen has met the standard, then the policy directs ICE to
7 either move to reopen removal proceedings “for the sole purpose of determining
8 eligibility for [withholding of removal protection] and CAT” or designate another
9 country for removal. *Id.*

10 CLAIMS FOR RELIEF

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12 Mr. Truong seeks the same relief that other district court judges in similar
13 situations have granted—a stay of removal pending the adjudication of his motion
14 to reopen his removal proceedings. Additionally, Mr. Truong seeks his release
15 during the adjudication of this motion and asks the Court to prevent the
16 government from removing him to a third country. These claims are taken in turn.

17 **I. First claim: Procedural due process prevents Mr. Truong’s removal** 18 **during the pendency of his motion to reopen.**

19 Mr. Truong has filed a motion to vacate the California conviction that
20 constituted the basis for his order of removal. A judge is scheduled to decide that
21 motion on October 2, 2025. If the judge vacates his conviction, Mr. Truong
22 intends to immediately file a motion to reopen his immigration proceedings,
23 which would restore him to lawful permanent resident status if granted.
24 Procedural due process prevents the government from removing him while these
25 motions are pending.
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1 That is precisely what the district court in *Chhoeun v. Marin*, 306 F. Supp.
2 3d 1147 (C.D. Cal. 2018), concluded. *See* Exhibit B, Copy of *Chhoeun v. Marin*,
3 306 F. Supp. 3d 1147 (C.D. Cal. 2018). In *Chhoeun*, a class of hundreds of
4 Cambodian nationals subject to old removal orders who ICE abruptly detained
5 and threatened with imminent deportation challenged the government's conduct
6 as a violation of Due Process, seeking a stay of removal so that they could pursue
7 their motions to reopen. *Id.* at 1151. Applying the procedural due process test in
8 *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976), the court granted the petitioners'
9 motion for a temporary restraining order, as well as a preliminary injunction. *Id.*
10 at 1159–63.

11 In balancing the familiar three *Mathews v. Eldridge* factors—the private
12 interest affected, the risk of erroneous deprivation, and the government's
13 interest—the court concluded that the factors weighed in favor of the petitioners.
14 First, the court found they “clearly have a strong liberty interest in remaining in
15 this country” because they “grown up in our communities, obtained gainful and
16 productive employment, and raised families of their own.” *Id.* at 1159–60. Second,
17 the court found that “the manner in which Petitioners were detained and the
18 conditions of detention have made it prohibitively difficult for Petitioners with
19 meritorious challenges to file motions to reopen”; thus, the petitioners “are at risk
20 of an erroneous deprivation of liberty *now*, if they are not afforded additional time
21 to file and litigate motions to reopen.” *Id.* at 1161. Finally, the court found that
22 “the relief that Petitioners seek does not materially impinge on the Government's
23 interests” because it required only a short delay. *Id.* Thus, the court granted relief,
24 holding that their removals be enjoined for 60 days to allow the petitioners to file
25 motions to reopen and extending that stay through the adjudication of the motions
26 for those who filed. *Id.* at 1151.

1 Here, the balancing of the factors is similar to *Chhoeun*. Mr. Truong has
2 been in the United States for nearly 45 years and has a strong interest in not being
3 removed. Moreover, the risk of erroneous deprivation of this interest is high
4 because ICE has told Mr. Truong it has travel documents for him and that he'll be
5 deported to Laos soon—even though his removal order and the conviction
6 underlying it may soon be vacated. Finally, any inconvenience to the government
7 is minimal—Mr. Truong seeks only a short delay to have a chance to adjudicate
8 his motion to reopen his removal proceedings. Because these factors weigh
9 heavily in Mr. Truong's favor, this Court should stay his removal pending the
10 adjudication of his motion to vacate his conviction and reopen his removal order.

11 **II. Second claim: the Court should order Mr. Truong released because**
12 **ICE failed to comply with its own regulations before re-detaining him.**

13 This Court should also order the government to release Mr. Truong because
14 it did not comply with its own regulations for redetention. A different district
15 court decision in the same Cambodian case provides a road map for doing so. *See*
16 *Exhibit C, Copy of Nak Kim Chhoeun v. Marin*, 442 F. Supp. 3d 1233 (C.D. Cal.
17 2020).

18 Under 8 C.F.R. § 241.4(l), ICE may re-detain an immigrant on supervision
19 only with an interview and a chance to contest a re-detention. When an immigrant
20 is specifically released after giving good reason why they cannot be removed, ICE
21 may only revoke a noncitizen's release and return them to ICE custody if they to
22 failure to comply with conditions of release, 8 C.F.R. § 241.13(i)(1), or if, "on
23 account of changed circumstances, the Service determines that there is a
24 significant likelihood that the [noncitizen] may be removed in the reasonably
25 foreseeable future." *Id.* § 241.13(i)(2).

1 The regulations further provide noncitizens with a chance to contest a re-
2 detention decision. ICE must “notif[y] [the person] of the reasons for revocation
3 of his or her release.” *Id.* § 241.13(i)(3). ICE must then “conduct an initial
4 informal interview promptly” after re-detention “to afford the alien an opportunity
5 to respond to the reasons for revocation stated in the notification.” *Id.* During the
6 interview, the person “may submit any evidence or information” showing that the
7 prerequisites to re-detention have not been met, and the interviewer must evaluate
8 “any contested facts.” *Id.* Neither regulation allows ICE to re-detain someone with
9 no interview and no chance to contest the decision. *Zhu v. Genalo*, No. 1:25-CV-
10 06523 (JLR), 2025 WL 2452352, at *8 n.3 (S.D.N.Y. Aug. 26, 2025) (finding that
11 either § 241.4 or § 241.13 led to the same result).

12 Here, ICE did not comply with any of these regulations before detaining
13 Mr. Truong. ICE did not claim that Mr. Truong failed to comply with the
14 conditions of release. Mr. Truong never received the interview required by
15 regulation. And no one from ICE has ever invited him to contest his detention.
16 Thus, the agency failed to follow its own regulations.

17 As in the second *Chhoeun v. Marin* decision, this Court should thus order
18 Mr. Truong released. Two years after its decision granting the Cambodian
19 petitioners a stay of removal, the district court enjoined the government from re-
20 detaining any class member without first providing notice. *See* Exh. C. Applying
21 the same three-factor *Mathews v. Eldridge* test, the court explained that notice of
22 detention “provides great value,” including giving the individual “an opportunity
23 to contact an attorney, gather any documents they have, make FOIA requests for
24 other documents, say goodbye to their families and loved ones, and wrap up their
25 affairs, including ensuring adequate childcare and notifying their employers.”
26 Exh. C, 442 F. Supp. 3d at 1249. Echoing the concerns here, the court determined
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1 that “[t]he extraordinary circumstances of this case—including the long-dormant
2 removal orders, changes in the law and in Petitioners' lives, the sudden and
3 unexpected threat of removal, and the barriers to accessing attorneys and
4 documents while in detention—have undermined Petitioners' ability to avail
5 themselves of the administrative procedures in place to protect them from
6 erroneous removals.” *Id.* at 1251. Thus, individuals “must be given notice so that
7 they may have adequate time and opportunity to contact attorneys and access the
8 system that has been constructed to prevent erroneous removals.” *Id.*

9 Other courts have released re-detained immigrants after finding that ICE
10 failed to comply with applicable regulations. *Cesay v. Kurzdorfer*, 781 F. Supp.
11 3d 137, 166 (W.D.N.Y. 2025); *You v. Nielsen*, 321 F. Supp. 3d 451, 463
12 (S.D.N.Y. 2018); *Rombot v. Souza*, 296 F. Supp. 3d 383, 387 (D. Mass. 2017);
13 *Zhu v. Genalo*, No. 1:25-CV-06523 (JLR), 2025 WL 2452352, at *7–9 (S.D.N.Y.
14 Aug. 26, 2025); *M.S.L. v. Bostock*, No. 6:25-CV-01204-AA, 2025 WL 2430267,
15 at *10–12 (D. Or. Aug. 21, 2025); *Escalante v. Noem*, No. 9:25-CV-00182-MJT,
16 2025 WL 2491782, at *2–3 (E.D. Tex. July 18, 2025); *Hoac v. Becerra*, No. 2:25-
17 cv-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025); *Liu*, 2025
18 WL 1696526, at *2; *M.Q. v. United States*, 2025 WL 965810, at *3, *5 n.1
19 (S.D.N.Y. Mar. 31, 2025). “[B]ecause officials did not properly revoke
20 petitioner's release pursuant to the applicable regulations, that revocation has no
21 effect, and [Mr. Truong] is entitled to his release (subject to the same Order of
22 Supervision that governed his most recent release).” *Liu*, 2025 WL 1696526, at
23 *3. This Court should follow the examples in these cases and order Mr. Truong
24 released.

1 **III. Claim 3: ICE may not remove Mr. Truong to a third country without**
2 **adequate notice and an opportunity to be heard.**

3 In addition to unlawfully detaining him, ICE's policies threaten
4 Mr. Truong's removal to a third country without adequate notice and an
5 opportunity to be heard. This Court should order that the government may not do
6 so without notice.

7 U.S. law enshrines protections against dangerous and life-threatening
8 removal decisions. By statute, the government is prohibited from removing an
9 immigrant to any third country where they may be persecuted or tortured, a form
10 of protection known as withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A).
11 The government "may not remove [a noncitizen] to a country if the Attorney
12 General decides that the [noncitizen's] life or freedom would be threatened in that
13 country because of the [noncitizen's] race, religion, nationality, membership in a
14 particular social group, or political opinion." *Id.*; *see also* 8 C.F.R. §§ 208.16,
15 1208.16. Withholding of removal is a mandatory protection.

16 Similarly, Congress codified protections prohibiting the government from
17 removing a person to a country where they would be tortured. *See* FARRA 2681-
18 822 (codified as 8 U.S.C. § 1231 note) ("It shall be the policy of the United States
19 not to expel, extradite, or otherwise effect the involuntary return of any person to
20 a country in which there are substantial grounds for believing the person would be
21 in danger of being subjected to torture, regardless of whether the person is
22 physically present in the United States."); 28 C.F.R. § 200.1; *id.* §§ 208.16-
23 208.18, 1208.16-1208.18. CAT protection is also mandatory.

24 To satisfy due process, the government must provide notice of the third
25 country removal and an opportunity to respond. Due process requires "written
26 notice of the country being designated" and "the statutory basis for the
27 designation, i.e., the applicable subsection of § 1231(b)(2)." *Aden v. Nielsen*, 409
28 F. Supp. 3d 998, 1019 (W.D. Wash. 2019); *accord D.V.D. v. U.S. Dep't of*

1 *Homeland Sec.*, No. 25-cv-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May
2 21, 2025); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999).

3 The government must also “ask the noncitizen whether he or she fears
4 persecution or harm upon removal to the designated country and memorialize in
5 writing the noncitizen’s response. This requirement ensures DHS will obtain the
6 necessary information from the noncitizen to comply with section 1231(b)(3) and
7 avoids [a dispute about what the officer and noncitizen said].” *Aden*, 409 F. Supp.
8 3d at 1019. “Failing to notify individuals who are subject to deportation that they
9 have the right to apply for asylum in the United States and for withholding of
10 deportation . . . violates both INS regulations and the constitutional right to due
11 process.” *Andriasian*, 180 F.3d at 1041.

12 If the noncitizen claims fear, measures must be taken to ensure that the
13 noncitizen can seek asylum, withholding, and relief under CAT before an
14 immigration judge in reopened removal proceedings. The amount and type of
15 notice must be “sufficient” to ensure that “given [a noncitizen’s] capacities and
16 circumstances, he would have a reasonable opportunity to raise and pursue his
17 claim for withholding of deportation.” *Aden*, 409 F. Supp. 3d at 1009
18 (citing *Mathews v. Eldridge*, 424 U.S. 319, 349 (1976) and *Kossov v. I.N.S.*, 132
19 F.3d 405, 408 (7th Cir. 1998)); cf. *D.V.D.*, 2025 WL 1453640, at *1 (requiring the
20 government to move to reopen the noncitizen’s immigration proceedings if the
21 individual demonstrates “reasonable fear” and to provide “a meaningful
22 opportunity, and a minimum of fifteen days, for the non-citizen to seek reopening
23 of their immigration proceedings” if the noncitizen is found to not have
24 demonstrated “reasonable fear”); *Aden*, 409 F. Supp. 3d at 1019 (requiring notice
25 and time for a respondent to file a motion to reopen and seek relief).

26 “[L]ast minute” notice of the country of removal will not suffice,
27 *Andriasian*, 180 F.3d at 1041; accord *Najjar v. Lunch*, 630 Fed. App’x 724 (9th
28 Cir. 2016), and for good reason: To have a meaningful opportunity to apply for

1 fear-based protection from removal, immigrants must have time to prepare and
2 present relevant arguments and evidence. Merely telling a person where they may
3 be sent, does not give them a meaningful chance to determine whether and why
4 they have a credible fear.

5 The policies in the June 6, 2025, memo do not adhere to these
6 requirements. First, under the policy, ICE need not give immigrants *any* notice or
7 *any* opportunity to be heard before removing them to a country that—in the State
8 Department’s estimation—has provided “credible” “assurances” against
9 persecution and torture. By depriving immigrants of any chance to challenge the
10 State Department’s view, this policy violates “[t]he essence of due process,” “the
11 requirement that a person in jeopardy of serious loss be given notice of the case
12 against him and opportunity to meet it.” *Mathews v. Eldridge*, 424 U.S. 319, 348
13 (1976) (cleaned up).

14 Second, even when the government has obtained no credible assurances
15 against persecution and torture, the government can still remove the person with
16 between 6 and 24 hours’ notice, depending on the circumstances. That is not
17 enough time for a detained person to assess their risk in the third country and
18 marshal evidence to support any credible fear—let alone a chance to file a motion
19 to reopen with an IJ. An immigrant may know nothing about a third country when
20 scheduled for removal, but if given the opportunity to investigate, immigrants
21 would find credible reasons to fear persecution or torture. Due process requires an
22 adequate chance to identify and raise these threats to health and life. This Court
23 must prohibit the government from removing Mr. Truong without these due
24 process safeguards.

25 **IV. This Court must hold an evidentiary hearing on any disputed facts.**

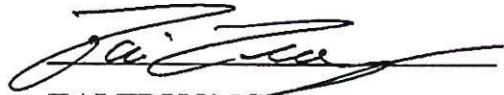
26 Resolution of a prolonged-detention habeas petition may require an
27 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009).
28 Mr. Truong hereby requests such a hearing on any material, disputed facts.

CONCLUSION

For those reasons, Mr. Truong requests that this Court order ~~the~~ a stay of removal and respondents to prove that there is a "significant likelihood of removal in the reasonably foreseeable future" and, if they do not, order his release. ~~Zadvydas, 533 U.S. at 701.~~ Moreover, this Court should prohibit the government from removing Mr. Truong to a third country without due process safeguards.

DATED: 9/17/2025

Respectfully submitted,



TAI TRUONG

Petitioner

PROOF OF SERVICE

I, the undersigned, caused to be served this Petition for Writ of Habeas Corpus

by e-mail to:

U.S. Attorney's Office, Southern District of California
Civil Division
880 Front Street
Suite 6253
San Diego, CA 92101

Date: 10-1-25


Kara Hartzler

EXHIBIT A

Tai Truong

A# [REDACTED]

Otay Mesa Detention Center

P.O. Box 439049

San Diego, CA 92143-9049

Pro Se¹

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

TAI TRUONG,

Petitioner,

v.

KRISTI NOEM, Secretary of the
Department of Homeland Security,
PAMELA JO BONDI, Attorney General,
TODD M. LYONS, Acting Director,
Immigration and Customs Enforcement,
JESUS ROCHA, Acting Field Office
Director, San Diego Field Office,
CHRISTOPHER LAROSE, Warden at
Otay Mesa Detention Center,

Respondents.

CIVIL CASE NO.:

**Declaration of
Tai Truong
in Support of Petition
for a Writ of Habeas Corpus**

I, Tai Truong, declare:

1. During the Vietnam War, my grandparents fled Vietnam and went to Laos. My parents were then born in Laos and so was I. My family then came to the United States in 1979 when I was two years old. I was admitted as a refugee and became a lawful permanent resident shortly thereafter.

¹ Mr. Truong is filing this motion and all associated documents with the assistance of the Federal Defenders of San Diego, Inc. Federal Defenders has consistently used this procedure in seeking appointment for immigration habeas cases. The Declaration of Kara Hartzler in Support of Appointment Motion attaches case examples.

2. In 1995, when I was 17 years old, I was arrested for a California sex offense. I was then convicted of this offense when I was 18 years old. I was released from criminal custody in October 2015 and immediately taken into ICE custody. I was then put in removal proceedings and ordered removed by an immigration judge on December 1, 2015, on the basis of that conviction.
3. After I was ordered deported, ICE kept me in detention and tried to deport me to Laos. But when they were unable to deport me after five months, they released me on March 4, 2016.
4. For the next nine years, I attended all my check in appointments. I had no other criminal convictions during this time.
5. On July 12, 2025, as I was on my way to my father's funeral, I was pulled over by four unmarked vehicles. ICE officers then arrested me and brought me to the downtown ICE office for several days and then to Otay Mesa Detention Center. I did not receive advance notice of this arrest, an interview, or a chance to contest my re-detention.
6. On September 24, 2025, an ICE officer told me that they had obtained my travel documents and I would be leaving on a flight to Laos soon.
7. In July 2025, about a week after I was arrested, I began working with a lawyer to try to vacate my conviction and reopen my immigration case. On September 8, 2025, my lawyer, Michael Hawkins, filed a writ with the California state court to vacate my conviction. A hearing is scheduled on this writ on October 2, 2025.
8. If I am able to vacate my conviction, I intend to immediately file a motion to reopen my immigration case.
9. I have no legal education or training, nor do I have access to the internet in custody. Because I am already paying Mr. Hawkins to assist me in my state criminal proceedings, I do not have the money to hire another attorney.

1 I declare under penalty of perjury that the foregoing is true and correct,
2
3 executed on September 17, 2025, in San Diego, California.

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5 
6 TAI TRUONG

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Declarant