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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11
12 Sokhon NELMS;

13
14 Petitioner,

15 v.

16 Kristi NOEM, Secretary, Department of
17 Homeland Security; Pam BONDI, Attorney
18 General; IMMIGRATION AND
19 CUSTOMS ENFORCEMENT; and Todd
20 LYONS, Acting Los Angeles Field Office
21 Director, Immigration and Customs
22 Enforcement.

23 Respondents.

Civil Case No.:

**PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1
2 1. Petitioner Sokhon Nelms is a 71 year old citizen of Cambodia who is subject
3 to a final order of removal. She already has been held in custody and was released in 2017
4 because she could not be removed to Cambodia.

5 2. Petitioner also has been diagnosed with a brain tumor and is undergoing
6 medical monitoring to determine if surgery is required.

7 3. By law, Petitioner cannot be detained without 14 days notice, based on the
8 permanent injunction issued in *Chhoeun v. Marin*, 8:17-cv-01898-CJC (GJSx) (C.D. Cal.
9 Apr. 27. 2020).

10 4. Nevertheless, Petitioner was called in to report to immigration authorities on
11 October 7, 2025 and to bring photos, even though her regularly scheduled report date was
12 set for November 17, 2025.

13 5. Petitioner was unable to appear on October 7, 2025 because she was required
14 to see her doctor on that same date regarding her medical condition. Her husband went in
15 her place, and it was clear that immigration authorities intended to detain Petitioner on that
16 date.

17 6. In fact, immigration authorities have violated the *Chhoeun* injunction and
18 detained Cambodian citizens without providing the required notice.

19 7. However, regardless of *Chhoeun*, Immigration and Customs Enforcement
20 (ICE) cannot detain noncitizens who have been released on final orders of removal without
21 evidence of changed circumstances that their removal is now reasonably foreseeable. To
22 do so violates the Immigration and Nationality Act, Due Process, and the regulations.

23 8. Petitioner will suffer significant hardship if she is detained by immigration
24 authorities.

25 9. In the past, Cambodia has refused to accept her or to issue a passport.
26 However, if the government is able to obtain travel documents to Cambodia, she and her
27 husband plan to leave as required.
28

1 10. Petitioner seeks an order preventing her detention by immigration authorities
2 without evidence that Cambodia is willing to accept her for removal.

3
4 **JURISDICTION AND VENUE**

5 11. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute);
6 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United
7 States Constitution Article I, Section 9 (Suspension Clause).

8 12. Venue properly lies within the Central District of California under 28 U.S.C.
9 § 1391, because this is a civil action in which Respondents are agencies of the United
10 States, Petitioner is detained in this District, and a substantial part of the events or
11 omissions giving rise to this action occurred in the District.

12 **PARTIES**

13 13. Petitioner Sokhon Nelms, formerly Sokhon Khourn, is a citizen of Cambodia
14 who resides in Los Angeles, California.

15 14. Respondent Kristi Noem is the Secretary of the Department of Homeland
16 Security (“DHS”), and is sued in her official capacity. The Secretary of Homeland
17 Security is charged with the administration and enforcement of immigration laws. 8
18 U.S.C. § 1103(a).

19 15. Respondent Pam Bondi is the Attorney General of the United States and is
20 sued in her official capacity as the head of the Department of Justice. The Attorney
21 General is responsible for the fair administration of the laws of the United States.

22 16. Respondent Immigration and Customs Enforcement is the agency responsible
23 for the detention of noncitizens.

24 17. Respondent Todd Lyons is the Acting Director of the Los Angeles Field
25 Office of the Immigration and Customs Enforcement, Department of Homeland
26 Security, and is sued in his official capacity. Respondent Lyons is responsible for the
27 detention of noncitizens in the Los Angeles district.
28

FACTS

18. Petitioner is a native and citizen of Cambodia who entered the United States as a nonimmigrant in 2002. She has resided in the United States since that time.

19. In July 2012, Petitioner was married to Billy Helms, a United States citizen and veteran. They live together in Los Angeles, California.

20. Petitioner's husband is a veteran and suffers from Post Traumatic Stress Disorder.

21. In 2014, Petitioner was convicted of conspiracy and witness tampering in violation of 18 U.S.C. § 1512(k) and 18 U.S.C. § 1512(b)(1), and was sentenced to 18 months in prison.¹

22. Petitioner was then placed into removal proceedings on May 27, 2015 before the immigration judge and was detained pursuant to a warrant of arrest.

23. On December 14, 2016, the immigration judge ordered removal. No appeal was filed.

24. Petitioner was released from immigration detention on May 31, 2017 because she could not be removed from the United States.

25. Petitioner has reported regularly on an order of supervision to Immigration and Customs Enforcement (ICE) after her 2017 release. She has not violated the terms of her order of supervision or any criminal laws.

26. In March 2025, Petitioner began experiencing fluctuations in blood pressure, dizziness, nausea, insomnia, and excessive vomiting. She sought out a specialist and was diagnosed with a brain tumor.

27. Petitioner must see a doctor regularly because the tumor continues to grow and she has a magnetic resonance imaging (MRI) appointment every month. It is vital that she continue to see her doctor to monitor her symptoms and the brain tumor.

¹ Petitioner's husband was also convicted of bribery and witness tampering and was sentenced to 51 months in prison.

1 28. Petitioner last appeared before ICE to report on her order of supervision on
2 September 15, 2025, when she was issued a new order of supervision and told to return on
3 November 17, 2025 to report.

4 29. However, on October 3, 2025, Petitioner and her husband received a phone
5 call from a person who refused to identify themselves. They both spoke with the woman
6 on the phone who said to report to ICE on Tuesday at 8:00 a.m. October 7, 2025 with four
7 passport photos.

8 30. Petitioner was not able to attend the interview because she had an appointment
9 at that same time with her doctor.

10 31. Her husband attended the appointment but had to leave to attend the medical
11 appointment with his wife.

12 32. By law, Petitioner cannot be detained without the 14 day notice required by
13 the permanent injunction in *Chhoeun v. Marin*, 8:17-cv-01898-CJC (GJSx) (C.D. Ca. Apr.
14 27, 2020).

15 33. Despite this injunction, ICE has detained Cambodian nationals without
16 providing the required notice.

17 34. Respondents have not provided any evidence that Cambodia, or any other
18 country, is willing to accept Petitioner.

19 35. If Cambodia is willing to accept Petitioner, she and her husband will leave the
20 United States.

21 36. Petitioner is terrified of being detained because she requires medical
22 monitoring for her health condition. She seeks an order from this Court that she not be
23 detained absent notice and evidence that changed circumstances exist such that her removal
24 from the United States is reasonably foreseeable.

CAUSES OF ACTION

COUNT ONE

(VIOLATION OF 8 U.S.C. § 1231(a)(6) AND DUE PROCESS)

(RE-DETENTION AFTER MORE THAN 180 DAYS IN CUSTODY)

37. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

38. The Administrative Procedure Act (APA) provides that a court shall hold unlawful and set aside an agency action that is “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(C).

39. The Immigration and Nationality Act authorizes a post-removal-period detention of six months to allow the United States to effectuate removal. 8 U.S.C. § 1231(a)(6). *Zadvydas v. Davis*, 533 U.S. 678 (2001).

40. Once removal is no longer foreseeable, it is a violation of 8 U.S.C. § 1231(a)(6) and Due Process to hold a noncitizen in immigration detention.

41. *Zadvydas* places the burden on the alien to show, after a detention period of six months, that there is “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. *Pelich v. I.N.S.*, 329 F.3d 1057, 1059 (9th Cir. 2003).

42. Petitioner was already detained and released in 2017 because she could not be removed. She was held in excess of six months and has established that there was not a significant likelihood of removal.

43. The burden is now on the government to prove that Petitioner has a significant likelihood of removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(j). The government has not met that burden.

44. Petitioner cannot be detained absent a showing that her removal is reasonably foreseeable.

COUNT TWO

**(Violation of Revocation of Release Regulation, 8 C.F.R. § 241.13(i)(2)
and Due Process)**

45. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

46. The APA provides that a court shall hold unlawful and set aside an agency action that is “without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

47. An agency’s failure to follow its regulations that are meant to protect fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S. 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998).

48. DHS regulations authorize the revocation of an order of release only when “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.” 8 C.F.R. § 241.13(i)(2).

49. The regulation at 8 C.F.R. § 241.13(i)(2) is designed to protect the fundamental interest of liberty, and the failure to follow the regulation is a violation of due process.

50. This regulation places the burden on the government to demonstrate that there are new circumstances which now establish that removal is reasonably foreseeable, consistent with the requirements of *Zadvydas*.

51. The detention of Petitioner is a violation of 8 C.F.R. § 241.13(i)(2) and Petitioner’s due process rights without evidence of changed circumstances that Petitioner’s removal is reasonably foreseeable.

COUNT THREE

**(Violation of Revocation Regulation, 8 C.F.R. § 241.4(l)
and Due Process)**

52. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

53. The APA provides that a court shall hold unlawful and set aside an agency action that is “without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

54. An agency’s failure to follow its regulations that are meant to protect fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S. 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998).

55. The regulation at 8 C.F.R. § 241.4(l) authorizes the revocation of release only where there has been a violation of the conditions of release or there has been a determination by the Executive Associate Commissioner that “(i) The purposes of release have been served; (ii) The alien violates any condition of release; (iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien; or (iv) The conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.”

56. The regulation at 8 C.F.R. § 241.4(l) is designed to protect the fundamental interest of liberty, and the failure to follow the regulation is a violation of due process.

57. None of the circumstances under 8 C.F.R. § 241.4(l) have been met, in violation of the regulation at 8 C.F.R. § 241.13(i)(3) and in violation of Due Process.

58. If such determinations have been met, Petitioner has not been notified of such determinations in violation of due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner not be re-detained until there is evidence that her removal is reasonably foreseeable and a travel document has been obtained;
- c. Order that Petitioner continue to report to ICE under the terms of her original Order of Supervision;
- d. Award reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law; and
- e. Order further relief as this Court deems just and appropriate.

Dated: October 20, 2025

Respectfully Submitted,

S/Stacy Tolchin

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