

1 Stacy Tolchin (CA SBN #217431)
2 *Email: Stacy@Tolchinimmigration.com*
3 Law Offices of Stacy Tolchin
4 776 E. Green St., Suite 210
5 Pasadena, CA 91101
6 Telephone: (213) 622-7450
7 Facsimile: (213) 622-7233

8 Counsel for Petitioner

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

12 Long TON,

13 Petitioner,

14 v.

15 Kristi NOEM, Secretary, Department of
16 Homeland Security; Todd LYONS, in his
17 official capacity as Acting Director of U.S.
18 Immigration and Customs Enforcement; Pam
19 BONDI, Attorney General of the United
20 States; Ernesto SANTACRUZ Jr., Acting
21 Director, Los Angeles ICE Field Office; and
22 Fereti SEMAIA, Warden, Adelanto ICE
23 Processing Center.

24 Respondents.

No.

**Petition for Writ of Habeas
Corpus**

Immigration Case

INTRODUCTION

1. Petitioner Long Ton files this petition for writ of habeas corpus seeking his release from the custody of the Department of Homeland Security (DHS). Petitioner has been detained at the Adelanto Immigration and Customs Enforcement (ICE) processing center for more than 180 days.

2. Petitioner is a Vietnamese citizen who has resided in the United States since 1980, when he was admitted as a refugee when he was under the age of two. He is married to a United States citizen and has United States citizen children.

3. On July 19, 2007, Petitioner was ordered removed by an immigration judge due to a conviction. He was released from custody in December 2007, just shy of the six month mark, because the government was unable to remove him from the United States.

4. Petitioner reported regularly to DHS on an order of supervision but was taken into custody on May 2, 2025, and has been held since that time.

5. It has now been more than 180 days since Petitioner's May 2, 2025 detention. The government is unable to remove Petitioner.

6. Petitioner's detention violates the Immigration and Nationality Act and Petitioner's right to Due Process.

JURISDICTION AND VENUE

7. This Court has jurisdiction over the present action based on 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (Federal Question), and 28 U.S.C. § 1346(b) (Federal Respondent).

8. Venue is properly with this Court pursuant to 28 U.S.C. § 1391(e)(1) because this is a civil action in which Respondents are employees or officers of the United States, acting in their official capacity; and a substantial part of the events or omissions giving rise to the claim occurred within the Central District of California,

1 and there is no real property involved in this action.

2 9. Further, pursuant to Braden v. 30th Judicial Circuit Court of Kentucky,
3 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the
4 Central District of California, the judicial district in which Petitioner is currently
5 detained.

6 **PARTIES**

7 10. Petitioner Long Ton was born in Hong Kong in a refugee camp and is a
8 citizen of Vietnam. He is currently detained at the Adelanto ICE Processing Center.

9 11. Respondent Kristi Noem is the Secretary of the Department of Homeland
10 Security. She is responsible for the implementation and enforcement of the
11 Immigration and Nationality Act and oversees ICE, which is responsible for
12 Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner.
13 She is sued in her official capacity.

14 12. Respondent Todd Lyons is the Acting Director of ICE and has authority
15 over the operations of ICE. In that capacity and through his agents, Respondent
16 Lyons has broad authority over the operation and enforcement of the immigration
17 laws. Respondent Lyons is sued in his official capacity.

18 13. Respondent Pam Bondi is the Attorney General of the United States. She
19 is responsible for the Department of Justice and is sued in her official capacity.

20 14. Respondent Ernesto Santacruz Jr. is the Acting Director of the Los
21 Angeles Field Office of ICE's Enforcement and Removal Operations division. As
22 such, he is the custodian of all persons held at the ICE facilities in the Los Angeles
23 Field Office. He is Petitioner's immediate custodian and is responsible for his
24 detention. He is sued in his official capacity.

25 15. Respondent Fereti Semaia is the Warden of the of the Adelanto ICE
26 Processing Center, Adelanto, California, where Petitioner is detained. He has
27 immediate physical custody of Petitioner and is sued in his official capacity.
28

FACTUAL ALLEGATIONS

16. Petitioner was born in 1979 in a refugee camp in Hong Kong to parents who were Vietnamese citizens. He is a citizen of Vietnam.

17. He was admitted to the United States on December 17, 1980 as a refugee when he was under the age of two.

18. Petitioner has resided in the United States for almost 45 years.

19. Petitioner got in with the wrong crowd when he was growing up and was friends with gang members. In 2000, at the age of 22, he was in a shopping mall in Orange, California when his friends got involved in a fight. At that time, a gang injunction was in place.

20. One of the friends used a knife in the fight and punctured the lung of another person, who died as a result.

21. Petitioner was not present during the fight and did not witness the events, but was convicted on April 8, 2002 of voluntary manslaughter as a result of the underlying gang injunction and felony murder rule.

22. Petitioner was sentenced to six years in custody for voluntary manslaughter and eight months in custody for the gang offense. He served six years and then was transferred to immigration detention.

23. Petitioner was placed into removal proceedings and was ordered removed by an immigration judge on July 19, 2007.

24. Petitioner was released just prior to six months later because he could not be removed.

25. Petitioner was regularly reporting to ICE since 2007 on an order of supervision.

26. Petitioner married his wife on December 4, 2013. His wife became a U.S. citizen in 2006 and they have three U.S. citizen children, ages 4, 7 and 9.

1 27.They are also guardians for Petitioner's brother's two children, ages 8 and
2 12, because his brother died in 2015 and he has been raising the children since then.

3 28.Petitioner works steadily and has not had any other convictions since the
4 2002 conviction.

5 29.Further, Petitioner was granted a certificate of rehabilitation on September
6 10, 2021 from the criminal court. On May 7, 2025, Petitioner's conviction was
7 vacated and he was resentenced to a conviction under California Penal Code § 245
8 for assault, with a sentence of 364 days.¹

9 30.On May 2, 2025, Petitioner went to report to immigration and was
10 detained. He is currently in immigration detention in Adelanto, CA.

11 31.On June 3, 2025, ICE submitted a request for a travel document to China.

12 32.On August 3, 2025, ICE conducted a 90-day custody review and
13 determined that Petitioner would remain in custody because Petitioner was a danger
14 to others and flight risk. In addition, ICE determined that Petitioner's removal is
15 reasonably foreseeable in that he can be removed to Hong Kong.

16 33.On October 28, 2025, ICE communicated that Petitioner would be
17 continued to be detained after October 29, 2025, and that ICE headquarters will
18 have jurisdiction on continued detention or release. ICE further communicated that
19 the request for travel document remains pending.

20 34.Petitioner has been held in detention in excess of six months and his
21 removal is not reasonably foreseeable. His detention is in violation of the
22 Immigration and Nationality Act and Due Process.

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28 ¹ A motion to reopen was filed with the immigration judge which was denied, and
that case is currently on appeal at the Board of Immigration Appeals.

1 **CAUSES OF ACTION**

2 **COUNT ONE**

3 **(VIOLATION OF 8 U.S.C. § 1231(a)(6))**

4 ***(Detention in Excess of Six Months)***

5
6 35. Petitioner incorporates the allegations in the paragraphs above as though
7 fully set forth here.

8 36. The Immigration and Nationality Act authorizes a post-removal-period
9 detention of six months to allow the United States to effectuate removal. 8 U.S.C. §
10 1231(a)(6). Zadvydas v. Davis, 533 U.S. 678 (2001).

11 37. There is good reason to believe that there is no significant likelihood of
12 Petitioner's removal in the reasonably foreseeable future.

13 38. Respondents do not have evidence sufficient to demonstrate that Petitioner's
14 removal is reasonably foreseeable.

15 39. Petitioner is being held in violation of 8 U.S.C. § 1231(a)(6) and
16 Zadvydas v. Davis, 533 U.S. 678 (2001).

17
18 **COUNT TWO**

19 **(VIOLATION OF DUE PROCESS)**

20 ***(Indefinite Detention)***

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22 40. Petitioner incorporates the allegations in the paragraphs above as though
23 fully set forth here.

24 41. Indefinite detention violates the Fifth Amendment's Due Process Clause.
25 Zadvydas v. Davis, 533 U.S. at 682, 689.

26 42. There is no significant likelihood of Petitioner's removal in the reasonably
27 foreseeable future.

28 43. Respondents do not have evidence sufficient to demonstrate that Petitioner's

1 removal is reasonably foreseeable.

2 44. Petitioner's detention in excess of six months without such evidence of
3 imminent removal is a violation of Due Process.

4
5 **PRAYER FOR RELIEF**

6 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 7 (1) Assume jurisdiction over this matter;
8 (2) Order that Respondents file a Response to this Petition for Writ
9 of Habeas Corpus within seven (7) days;
10 (3) Declare that Petitioner's detention is unlawful;
11 (4) Order that Petitioner be released from detention under the terms
12 of his original order of supervision;
13 (5) Award reasonable costs and attorneys' fees; and
14 (6) Grant such further relief as the Court deems just and proper.

15 Dated: October 30, 2025

Respectfully submitted,

17 By: /s/ Stacy Tolchin

18 STACY TOLCHIN (SBN 217431)

19 Stacy@tolchinimmigration.com

MEGAN BREWER (SBN 268248)

20 Law Offices of Stacy Tolchin

776 E. Green St. Suite 210

21 Pasadena, CA 91101

22 Telephone: (213) 622-7450

Facsimile: (213) 622-7233

23 Email: Stacy@Tolchinimmigration.com
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