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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DUNG HOANG NGUYEN,

Petitioner,

v.

WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY, ET AL.,

Respondents.

CASE NO. 1:25-CV-01708-AC (HC)

OPPOSITION TO PETITIONER'S HABEAS
CORPUS PETITION

I. INTRODUCTION

Petitioner Dung Hoang Nguyen ("Petitioner") is a native and citizen of Vietnam who is subject to a final order of removal and detained pursuant to discretionary detention authority under 8 U.S.C. §1231(a)(6).

II. FACTUAL AND PROCEDURAL BACKGROUND

Petitioner is a native and citizen of Vietnam. Ex. 1 at 5. He became a lawful permanent resident in 1980. *Id.*

On March 18, 1991, Petitioner was convicted in the Superior Court of California in Santa Clara County for the felony offense of Attempted Murder in violation of California Penal Code Section 187 and sentenced to serve 10 years in the California Department of Corrections. *Id.* at 1 (certified conviction record). Accordingly, in 2003 when Petitioner applied for reentry as a lawful permanent resident, he was denied based on Section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act and was served a Notice to Appear. *Id.* at 4-5. On June 17, 2003, an Immigration Judge issued a Final

1 Order of Removal. *Id.* at 6.

2 According to ICE attorneys, Petitioner has been in custody since July 25, 2025, when he was
3 detained by Dallas ICE ERO Agents when he reported to the Dallas ERO Field Office. He is being held
4 in ICE custody until his removal to Vietnam.

5 III. LEGAL FRAMEWORK

6 Congress enacted a multi-layered statute that provides for the continued civil detention of aliens
7 pending removal. *See Prieto-Romero v. Clark*, 534 F.3d 1053, 1059 (9th Cir. 2008). The detention and
8 removal of aliens, like Petitioner, who are subject to a final order of removal issued after removal
9 proceedings, is governed by 8 U.S.C. § 1231. Under this statute, there is a 90-day “removal period,”
10 during which detention is mandatory. 8 U.S.C. § 1231(a)(1), (2); *Zadvydas v. Davis*, 533 U.S. 678, 683
11 (2001). Once the mandatory removal period ends, U.S. Immigration and Customs Enforcement (ICE)
12 has discretion to continue detaining aliens pending their removal. 8 U.S.C. § 1231(a)(6). Here, as
13 Petitioner acknowledges, he is subject to a final removal order and thus is being detained pursuant to
14 ICE’s authority under 8 U.S.C. § 1231(a)(6). *See* ECF No. 1 at 1, 7-8.

15 In *Zadvydas v. Davis*, the Supreme Court held that 8 U.S.C. § 1231(a)(6) did not authorize the
16 government to detain a removable alien indefinitely beyond the 90-day statutory removal period; rather,
17 the Court construed the statute to contain an implicit “reasonable time” limitation. 533 U.S. at 682. The
18 Court concluded that six months was a presumptively reasonable period of detention which should be
19 read into the statute. *Id.* at 701. After six months, an alien is entitled to habeas relief only if he or she
20 can show that there is “good reason to believe that there is no significant likelihood of removal in the
21 reasonably foreseeable future.” *Id.* The Ninth Circuit has explained that *Zadvydas* requires an alien to
22 show that he or she is “stuck in a ‘removable-but-unremovable limbo,’ as the petitioners in *Zadvydas*
23 were.” *Prieto-Romero v. Clark*, 534 F.3d at 1063 (internal citation omitted). That is, the alien must
24 show he “is unremovable because the destination country will not accept him or his removal is barred by
25 our own laws.” *Id.* (citing *Zadvydas*, 533 U.S. at 697).

26 IV. ARGUMENT

27 Petitioner’s detention is lawful. The Petitioner’s post-removal-period detention has not yet
28 exceeded the presumptively reasonable six-month period set forth in *Zadvydas*. He has failed to sustain

1 his burden of showing there is no significant likelihood of removal in the reasonably foreseeable future.
2 As of this date, Petitioner's detention is still presentively reasonable and the Court should deny the
3 Petition.

4
5 **V. CONCLUSION**

6 For the foregoing reasons, the Court should find that Petitioner's detention continues to be lawful
7 under 8 U.S.C. § 1231(a)(6), and deny the Petition for Writ of Habeas Corpus.

8 Dated: December 30, 2025

ERIC GRANT
United States Attorney

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10 By: /s/ Veronica Alegria
11 VERONICA M.A. ALEGRIA
12 Assistant United States Attorney
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