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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 CONG VAN NGUYEN,
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Petitioner,
12
v.
13 TONYA L. ANDREWS, ET AL.,
14
Respondents.
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CASE NO. 1:25-CV-1815-KES-SKO

**RESPONSE TO PETITION FOR WRIT OF
HABEAS CORPUS; RESPONSE TO ORDER TO
SHOW CAUSE**

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17 Petitioner is a citizen and national of Vietnam who is subject to a final order of removal. *See*
18 *Habeas Pet.*, Dkt. No. 1, at 16. Petitioner's request for habeas corpus relief asks that this Court order
19 Petitioner's immediate release from Immigration and Customs Enforcement (ICE) custody.

20 Respondents¹ assert that Petitioner's final order of removal subjects him to mandatory detention
21 under 8 U.S.C. § 1231(a)(6). Respondents acknowledge that Petitioner has been detained for more than
22 six months, thus exceeding the period deemed presumptively reasonable in *Zadvydas*. *See Zadvydas v.*
23 *Davis*, 533 U.S. 678, 682 (2001). However, Respondents assert that Petitioner's detention continues to
24 serve legitimate governmental purposes. *See Prieto-Romero v. Clark*, 534 F.3d 1053, 1065 (9th Cir.

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26 ¹ A petitioner seeking habeas corpus relief should list only the officer with custody as the
27 respondent to the petition. 28 U.S.C. § 2242; *Rumsfeld v. Padilla*, 542 U.S. 426, 430 (2004); *Doe v.*
28 *Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024) (holding, that the warden of the private detention facility
at which a non-citizen alien was held was the proper § 2241 respondent). In this case, the proper
respondent is Tonya L. Andrews, the acting Warden of the California City Detention Center.

1 2008). Furthermore, under the *Zadvydas* framework, Petitioner bears the burden of providing “good
2 reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.”
3 *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Petitioner has failed to carry that burden. *But see Hoac v.*
4 *Becerra*, No. 2:25-cv-01740-DC-JDP, at *3 (E.D. Cal. July 16, 2025) (finding that, where an alien
5 subject to a final order of removal has previously been released, ICE may not re-detain the alien absent a
6 showing of changed circumstances).²

7 For the foregoing reasons, Respondents oppose Petitioner’s request for habeas relief.³

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9 Dated: January 14, 2026

ERIC GRANT
United States Attorney

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11 By: /s/ CHARLES CAMPBELL
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24 ² Given the similar legal standards involved, the Government submits this briefing as the entirety
25 of its response to Petitioner’s requests for both a temporary restraining order and a preliminary
injunction. The Government waives a hearing on this matter.

26 ³ Respondents acknowledge the minute order requirement that the government provide a copy of
27 the Petitioner’s A-file. However, in this particular case, Respondents respectfully request submission on
28 the existing record, where the facts of the case are undisputed and the petition does not request the
production of any documents. Respondents request that if, after review of the pleadings, the Court still
finds the submission of A-file documents to be necessary, that Respondents be given three additional
court days to comply with the document production order.