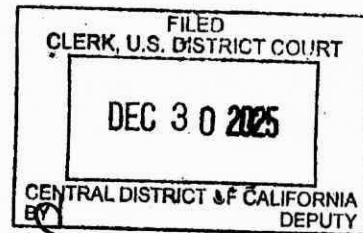


Hoang, Phuc Vinh

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Adelanto ICE Processing Center
Adelanto, CA 92301

Petitioner Pro Se



*Fee
DwQ*

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

EDCV26-46-WLH(ADS)

Hoang, Phuc Vinh

Petitioner,

**PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

V.

PAM BANDI,
KRISTI NEOM et al.,

Respondents.

Hoang, Phuc Vinh, hereby petition this court for a writ of habeas corpus to remedy petitioner unlawful detention by respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges the following:

STATUS & CUSTODY

1. Petitioner escaped the communist regime in the year 1979, left behind everything "I'd rather die on the high sea than live under the communist regime".
2. The petitioner risked his live, struggle and overwhelming dire danger to come to the United States under status of Political "Boat people" Asylum. The petitioner has been accorded the following immigrant Status Legal Permanent Resident (I-94).
3. Petitioner Hoang, Phuc Vinh, is currently in the physical custody of Respondents and U.S. Immigration and Customs Enforcement (ICE) at the Adelanto ICE Processing Center in California. Petitioner is under the direct control of Respondents and their Agents.
4. On August 25th 2025. Petitioner was detained by Immigration and Customs Enforcement (ICE) Petitioner has remained in ICE custody since that date. An Immigration Judge ordered Petitioner removed and Petitioner's removal order became final on March 3rd 1998, but ICE has been unable to remove Petitioner. Although petitioner has been order deport since 1998 more than 28 years ago, been release to society Petitioner try hard to comply with the law of ICE, been reporting every years therein. This time have not commit any crime.
5. There is no reason to detained Petitioner without any knowledge of good cause. Therefore is a final order of removal since 1998 approximately 28 years.
6. Taking into consideration of subject of matter, there is nothing important or consequential likelihood that petitioner will be removed from the Country in a reasonable foreseeable future *see generally Zadvydas v. Davis*, 533 U.S. 678, (2001)
7. Petitioner was held In Terminal island in San Pedro 1997, California, and then got out in 1998.
8. This is the second time held by ICE in Adelanto, Petitioner has been waiting for release in due process which is three to six limitations. My removal shall be expired on November 25, 2025. This time, I have not been charged with any crime. I always comply with the law and reported every year at ICE office. I am not a flight risk, nor danger to community.
9. Accordingly I respectfully request that the Court use its authority under 28 U.S.C. § 2243 to order the Respondents to file an answer and Return within 3 working days, unless they show good cause for additional time

10. In order to permit full judicial review of claims herein and requested relief. I also respectfully request that the court order the Respondents not to transfer Petitioner outside the jurisdiction of this Court pending consideration of this Petition.

JURISDICTION AND VENUE

11. This action arises under the Constitution of the U.S. and Immigration and Nationality Act (INA) 8 U.S.C. § 1101 et. Seq. As amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA) pub, L. No. 104-208, 110 Sta. 1570, and Administration Procedure Act (APA), 5 U.S.C. § 701 Et Se.

12. This Court has jurisdiction under 28 U.S.A. § 2241; art. I § 9,2 of the United States Constitution (Suspension Clause) and 28 U.S.C. § 1331, as Petitioner is presently in custody under control authority of racial inequality of Respondent Parties; there is a such custody is in violation of the Constitution, laws or treaties of the United States.

13. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the writs Act, 28 U.S.C. §1651.

14. Venue is proper in the U.S. District Court for the Central District of California due to Petitioner is currently being detained at the Adelanto ICE Processing Center in California

EXHAUSTION OF REMEDIES

15. There is no statutory exhaustion requirement for Petitioner challenging immigrant detention *see Araujo-Cortes v. Shanahan*, 35F. Supp. 3D 533,538 (S.D.N.Y. 2014).

16. I am not required to exhaust administrative venue to challenge my detention because the statutory authority subject me to mandatory detention and, as such, does not provide me with any meaningful administrative options with which to challenge my detention *see* 8 U.S.C. § 1226(c); *see also Cave v. east Meadow Union Free Sch. Dist.*, 514 F.3d 240,249 (2d Cir. 2008) (“The exhaustion requirements excused when exhaustion would be futile because the administrative procedure do not provide an adequate remedy.”) (citing *Hong v. Doe*, 484 U.S. 305,327 (1998)).

LEGAL ARGUMENT

17. The supreme Court has stated that “[f]reedom from . . . government custody [and] detention lies at the heart of the liberty that [the Due Process] Clause protects.

“*Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). The Supreme Court further noted in *Zadvydas* that “[a] statute permitting indefinite detention of a [non-citizen] would raise a serious constitutional problem.” *Id.* At 690.

18. The Due process clause applies to all person in the United States, “whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693; See also *Plyler v. Doe*, 475 U.S. 202, 201 (1982) (“[non-citizens], even [non-citizens] whose presence in this country is unlawful, have long been recognized as ‘persons’ guaranted due process of law by the fifth and fourteenth Amendments.”).

19. Congress authorized the DHS to detain non-citizens during a statutorily defined “removal period,” during which the Department may effectuate the non-citizen’s removal from the United States. 8 U.S.C. § 1231(a)(1). The removal period typically lasts for ninety days and starts at the latest of: (1) the date an order of removal becomes administratively final; (2) if a removal order is judicially reviewed and stay of removal has been ordered, the date of the court’s final order; or (3) the date the non-citizen is released from any detention other than for immigration purposes. 8 U.S.C. § 1231(a)(1)(B).

20. Under 8 U.S.C. § 1231(a)(2), non-citizens subject to final order of removal “shall” be detained during the first ninety days__the “removal period”__and they “shall” be removed during that period under § 1231(a)(1). Under 8 U.S.C. §1231(a)(6), however,

the government “may” continue detention beyond the 90-days removal period if a non-citizen falls within certain broad categories of removability or is determined “to be a risk to the community or unlikely to comply with the order of removal.” 8 U.S.C. § 1231(a)(6).

21. The supreme Court in *Zadvydas*, in order to avoid the serious due process concerns that would be presented by permitting detention for an indefinite period of time, construed 8 U.S.C. § 1231(a)(6) to authorize detention only when it is significantly likely that removal will occur in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 690. After a non-citizen meets his or her initial burden to show that no such likelihood of removal exists, the burden shifts to the Government to “respond with evidence sufficient to rebut [the non-citizen’s] showing.” *Id.* At 701.¹¹

22. If a court finds removal is reasonably foreseeable, the court may still order release, and may consider the risk posed by the individual o community safety in determining whether to do so. *Id.* At 700. While dangerousness may justify immigrant detention in certain cases, the Court “uph[o]ld[s] preventive detention based on dangerousness only when limited to specially dangerous individuals and subject to strong procedural protections.” *Id.* At 691.

23. My removal period began on March 1998, after release from ICE detention

24. My removal period expired on November25, 2025, ninety days after its initiation. I was detained beyond the ninety days pursuant to 8 U.S.C. § 1231(a)(6).

25. The DHS’s persistent inability to effectuate my removal provides threshold evidence that there is not a significant likelihood of removal in the foreseeable future. See *Senor v.barr*, 401 F. Supp. 3d 420,

430 (W.D.N.Y. 2019) (quoting *Singh v. Whitaker*, 362 F. Supp. 3d 93, 102-03 (W.D.N.Y. 2019)); see also *D'Alessandro v. Mukasey*, 628 F. Supp. 2d 368, 404 (W.D.N.Y. 2009) (“[T]he burden upon the [detained person] is not to demonstrate no reasonably foreseeable, significant likelihood of removal or show that his detention is indefinite[.]. . . Rather, . . . the [detained person] need only provide good reason to believe that removal is not significantly likely in the reasonably foreseeable future.”) (quoting parties’ briefing in the case) (internal quotation marks omitted).

26. Accordingly, unless the Respondent can supply sufficient evidence to the contrary, they should now release me from their custody because my “continued detention [has become] unreasonable and [is] no longer authorized by statute,” *Zadvydas*, 533 U.S. at 699-700.

27. Even if the court determines that removal is reasonably foreseeable, this court should order my release because I am not danger to the community. *Id.* at 700.

As well as I am always in compliance of the rules and regulation of law;

CLAIM FOR RELIEF

COUNT ONE:

PETITIONER’S PROLONGED POST-ORDER DETENTION VIOLATES THE UNITED STATES CONSTITUTION

28. I reallege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

29. Non-citizens who have been detained by DHS pursuant to its statutory authority under 8 U.S.C. § 1231(a) for over six months must be released from custody if there is

no significant likelihood that they will be removed in the reasonably foreseeable future.

30. Continuing to detain me under 8 U.S.C. § 1231(a)(6) while there is no significant likelihood of my removal in the reasonably foreseeable future deprives me of my “strong interest in liberty,” and therefore violates the Fifth Amendment of the United States Constitution. *U.S. v. Salerno*, 481 U.S. 739, 750 (1987). It further poses actual and substantial hardships and irreparable injuries to me.

31. I have no adequate remedy at law other than the instant petition for a writ of habeas corpus.

PRAYER FOR RELIEF

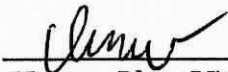
WHEREFORE, I pray that this Court grant the following relief:

1. Assume jurisdiction of this matter;
2. Use its authority under 28 U.S.C. § 2243 to:
 - i. Order the Respondent to file an answer and Return within 3 days of the filing of the petition, unless they can show good cause for additional time;
 - ii. Order Petitioner’s Reply be filed 15 days after the Court sets the deadline for Respondent’s Answer and Return;
 - iii. Order the Respondent not to transfer Petitioner outside the Central District of California during the pending of this Petition;
3. Issue a writ of habeas corpus ordering the Respondent to immediately release Petitioner with reasonable terms of supervised release; and
4. Grant any further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct.

DATED: 12/05/2025

Respectfully submitted,



Hoang, Phuc Vinh
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Adelanto ICE Processing Center
10250 Rancho Rd
Adelanto, CA 92301

CERTIFICATE OF SERVICE

I, Hoang, Phuc Vinh hereby certify that On 12/05/2025, I caused to be served a true copy of this forgoing Motion for a Writ of Habeas Corpus to the following address:

X. By sending via First Class mail to:

1. Office of the Clerk,
U.S District Court Central District of
California
225 East Temple St, Room 18
Los Angeles, CA 90012

2. DHS Chief Counsel
Department of Homeland Security
10250 Rancho Road
ADELANTO, CA 92301

I certify under the penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

Respectfully Submitted,

/s/  _____