

JUDGE KATHLEEN CARDONE

UNITED STATES COURT
FOR THE WESTERN DISTRICT OF TEXAS

Truong Quoc Nguyen



Petitioner,

v.

Pam Bondi, ATTORNEY GENERAL,
Kristi Noem, SECRETARY OF THE
DEPARTMENT OF HOMELAND
SECURITY, Maria Deandra Ybara,
U.S. ICE FIELD OFFICE DIRECTOR,
Angel C. Garcia, ASSISTANT FIELD
OFFICE DIRECTOR OF EL PASO
PROCESSING CENTER.

Respondents

FILED
JAN 08 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

EP 26CV0020

Civil Action No.
PETITION FOR A WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. §2241, BY A
PERSON SUBJECT TO
INDEFINITE IMMIGRATION
DETENTION.

BACKGROUND

Petitioner, Truong Quoc Nguyen, hereby petition this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, and to enjoin Petitioner's continued unlawful detention by the Respondent. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows.

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the El Paso Processing Center in El Paso, Texas. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, 28 U.S.C. §2241(c)(1), and the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. §2241, Art.I §9, cl. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. §1331, as Petitioner is presently in custody under color of the authority of the United States., and such custody is in violation of the Constitution, laws, or treaties of the United States. See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) ("We conclude that §2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention."); *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) ("at its historical core, the writ of habeas corpus has served as a means of reviewing the legality of executive detention, and it is in that context that its protections have been strongest.") *Clark v. Martinez*, 543 U.S. 371 (2005) (holding that *Zadvydas* applies to aliens found inadmissible as well as removable).

VENUE

3. Venue lies in the Western District of Texas, because Petitioner is currently detained in the territorial jurisdiction of this Court, at the El Paso Processing Center. 28 U.S. C. §1391.

EXHAUSTION OF REMEDIES

4. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action. After the Supreme Court decision in *Zadvydas*, the Department of Justice issued regulations governing the custody of aliens removed. See 8 C.F.R. §241.4. Petitioner received a final order of removal in the year of 2000. 90-Days after the removal order the Petitioner was released from custody and placed on Order of Supervision. The decision was based upon the Petitioner not being deportable in the foreseeable future. The Petitioner was again detained by ICE on June 6, 2025 even though there were not any violations and the Order of Supervision was not broken and ICE did not obtain travel documents.

5. For further clarity the Petitioner has already been detained by ICE before and after multiple attempts to remove the Petitioner to the country of Vietnam ICE released the Petitioner from custody and placed him on the Order of Supervision. The decision to release him from custody was based on the fact that Vietnam does not recognize the Petitioner as their citizen.

6. No statutory exhaustion requirements apply to Petitioner's claim of unlawful detention.

PARTIES

7. Petitioner was first taken into ICE custody in the year of 2000, and was placed on Order of Supervision in that same year. The Petitioner was again detained on June 6, 2025 and has remained in ICE custody continuously since that date. Petitioner was ordered removed in the year of 2000. Petitioner is currently detained at the El Paso Processing Center.

8. Resopondent Pam Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such, Pam Bondi has ultimate custodial authority over Petitioner.

9. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the INA.

As such, Kristi Noem is the legal custodian of Petitioner.

10. Respondent Maria Deanda Ybara is the ICE Field Office Director of the EOIR Field Office of ICE and is Petitioner's immediate custodian. *See Vasquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), cert. Denied, 122 S. Ct. 43 (2001).

11. Respondent Angel C. Garcia is the Assistant Field Office Director of El Paso Processing Center, where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

STATEMENT OF THE FACTS

12. I, Truong Quoc Nguyen, Petitioner, was born in Vietnam on  1968. I immigrated to the United States on May 31st, 1991. I became a Lawful Permanent Resident in 1991.

13. In the year of 1999 I was incarcerated for Grand Theft and after finishing my prison sentence I was detained by Immigration authorities.

14. In the year of 2000 I was ordered to be removed from the United States to the country of Vietnam. Due to Vietnam not accepting me, after 90-Days, I was released from custody and placed on Order of Supervision.

15. I had a troubled past that caused me to re-offend and I have been incarcerated a total of three times. Every time the Immigration authorities would reinstate my Order of Supervision.

16. The last time I was released from incarceration was in the year of 2011. At that time ICE placed me on Order of Supervision and required of me to report monthly and then annually.

17. For the past 14 years I have been working and living a quite life. I continued to report for my Order of Supervision monthly and later I was required to report annually.

18. When I reported for my annual check-in on June 6, 2025 ICE detained me without giving me any cause. I did not violate my Order of Supervision and ICE did not obtain travel documents.

19. I have been in ICE custody for 210-Days as of January 2, 2026.

20. I have not received travel documents and Vietnam will not accept me. I have had very little communication with ICE in regards to my removal proceedings.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

21. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that 8 U.S.C. §1231(a)(6), when “read in light of the Constitution’s demands, limits an alien’s post-removal-period detention to a period reasonably necessary to bring about that alien’s removal from the United States.” 533 U.S. at 689. A “habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal.” *Id.* at 699. If the individual’s removal “is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by the statute.” *Id.* at 699-700.

22. In determining the length of a reasonable removal period, the Court adopted a “presumptively reasonable period of detention” of six months. *Id.* at 701. After six months, the government bears the burden of disproving an alien’s “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” See *Zhou v.*

Farquharson, 2001 U.S. Dist. LEXIS 18239, *2-*3 (D. Mass. Oct. 19, 2001) (quoting and summarizing *Zadvydas*). Moreover, “for detention to remain reasonable, as the period of prior

post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Zadvydas*, 533 U.S. at 701. ICE’s administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien’s removal in the reasonably foreseeable future. See 8 C.F.R. §241.4 (k)(2)(ii).

23. Evidence showing successful repatriation of other persons to the country at issue is not sufficient to meet the government’s burden to establish that an alien petitioner will be deported in the reasonably foreseeable future. See *Thompson v. INS*, 2002 U.S. Dist. LEXIS 23936 (E.D.La. September 16, 2002) (government failed to show that alien’s deportation to Guyana was reasonably foreseeable where the government offered historical statistics of repatriation to Guyana, but failed to show any response from Guyana on the application for travel documents that INS and the petitioner had requested). Rather for the government to meet its burden of showing that an alien’s repatriation is reasonably foreseeable, it must provide some meaningful evidence particular to the individual petitioner’s case.

24. An alien who has been detained beyond the presumptive six months should be released where the government is unable to present documented confirmation that the foreign government at issue will agree to accept the particular individual in question. See *Agbada v. John Ashcroft*, 2002 U.S. Dist. LEXIS 15797 (D. Mass. August 22, 2002) (court “will likely grant” habeas petition after fourteen months if ICE is “unable to present document confirmation that the Nigerian government has agreed to [petitioner’s] repatriation”); *Zhou*, 2001 U.S. Dist. LEXIS 19050 at *7 (W.D. Wash. February 28, 2002) (government’s failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicated that there was no significant likelihood of petitioner’s removal in the reasonably foreseeable future).

CLAIMS FOR RELIEF COUNT ONE STATUTORY VIOLATION

25. Petitioner re-alleges and incorporates by reference paragraphs 1 through 24 above.

26. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the U.S. Supreme Court in *Zadvydas*. The six-month presumptively reasonable period for continued removal efforts has expired and the petitioner has now been detained for the initial 90-days in 2000 and now for an additional 210-days as of January 2, 2026 resulting in a total of 300-days of detention with no changes to the Petitioner's deportation in the foreseeable future. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone after six months where deportation is not reasonably foreseeable is unreasonable and in violation of 8 U.S.C. §1231(a). 533 U.S. at 701.

COUNT TWO SUBSTANTIVE DUE PROCESS VIOLATION

27. Petitioner re-alleges and incorporates by reference paragraphs 1 through 26 above.

28. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. See, e.g., *Tamv.INS*, 14 F.Supp.2d 1184 (E.D. Cal 1998) (aliens retain substantive due process rights).

29. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The U.S. Supreme Court in *Zadvydas* thus interpreted 8 U.S.C. §1231(a) to allow continued detention only for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interest—to effect the alien's removal. See *Kay v. Reno*, 94 F.Supp.2d 546, 551 (M.D. Pa. 2000) (granting writ of habeas corpus, because petitioner's substantive due

process rights were violated, and noting that “If deportation can never occur, the government’s primary legitimate purpose in detention—executing removal—is nonsensical.”)

COUNT THREE PROCEDURAL DUE PROCESS VIOLATION

30. Petitioner re-alleges and incorporates by reference paragraphs 1 through 29 above.

31. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this case has been denied that opportunity. ICE does not make decisions concerning aliens’ custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner’s right to procedural due process.

PRAYER FOR RELIEF

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

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody, under reasonable conditions of supervision;
- 3) Order Respondents to refrain from transferring the Petitioner out of the jurisdiction of the ICE EOIR Field Office of El Paso Processing Center Director during the pendency of these proceedings and while the Petitioner remains in Respondent’s custody; and

I affirm, under penalty of perjury, that the foregoing is true and correct. Respectfully submitted
this *January 5, 2026*.



Truong Quoc Nguyen, *Pro Se*



El Paso SPC

8915 Montana Ave

El Paso, Texas 79925

I, Truong Quoc Nguyen, certify that a true copy of the above document (Petition for Writ of Habeas Corpus) was served on January 5, 2026, upon the following:

Western District Court of Texas

Albert Armendariz, Sr. United States Courthouse

525 Magoffin Avenue

Room 105

El Paso, Texas 79901

by placing a copy of the above in the mail system at the facility where I am detained.



Truong Quoc Nguyen, *Pro Se*