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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ALASKA**
12

13 Son Hoang Vu,

14 Petitioner,

15 v.

16 Warden, Anchorage Correctional

17 Complex, et al.,

18 Respondents.

Case No. 3:26-cv-00027-SLG

**PETITIONER'S SUPPLEMENTAL
BRIEF REGARDING RECENT
FEDERAL HABEAS DECISIONS
ENFORCING 8 C.F.R. § 241.13(i)
REVOCATION PROCEDURES**

19 Petitioner submits this supplemental brief at the Court's request regarding recent
20 federal decisions granting habeas relief where ICE failed to strictly comply with the
21 mandatory revocation procedures in 8 C.F.R. § 241.13(i) when revoking Orders of
22 Supervision ("OSUP") and re-detaining noncitizens.

23 ***I. The mandatory minimum procedures in § 241.13(i) are enforceable restraints on
ICE's revocation authority***

24 §241.13(i) states:

25 (i) ***Revocation of release*** —

26 (1) ***Violation of conditions of release.*** Any alien who has
27 been released under an order of supervision under this
28 section who violates any of the conditions of release may be

1 returned to custody and is subject to the penalties described
2 in section 243(b) of the Act. In suitable cases, the HQPDU
3 shall refer the case to the appropriate U.S. Attorney for
4 criminal prosecution. The alien may be continued in
detention for an additional six months in order to effect the
alien's removal, if possible, and to effect the conditions under
which the alien had been released.

5 (2) **Revocation for removal.** The Service may revoke an
6 alien's release under this section and return the alien to
7 custody if, on account of changed circumstances, the Service
8 determines that there is a significant likelihood that the alien
9 may be removed in the reasonably foreseeable future.
10 Thereafter, if the alien is not released from custody following
the informal interview provided for in paragraph (h)(3) of
this section, the provisions of § 241.4 shall govern the alien's
continued detention pending removal.

11 (3) **Revocation procedures.** Upon revocation, the alien will
12 be notified of the reasons for revocation of his or her release.
13 The Service will conduct an initial informal interview
14 promptly after his or her return to Service custody to afford
15 the alien an opportunity to respond to the reasons for
16 revocation stated in the notification. The alien may submit
17 any evidence or information that he or she believes shows
18 there is no significant likelihood he or she be removed in the
19 reasonably foreseeable future, or that he or she has not
20 violated the order of supervision. The revocation custody
21 review will include an evaluation of any contested facts
22 relevant to the revocation and a determination whether the
23 facts as determined warrant revocation and further denial of
24 release.
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21 Section 241.13(i) authorizes ICE to revoke release under an OSUP only in limited
22 circumstances and prescribes mandatory revocation procedures. Under § 241.13(i)(2), ICE
23 may revoke release and return a person to custody only if, "on account of changed
24 circumstances," ICE "determines that there is a significant likelihood" of removal in the
25 reasonably foreseeable future.
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1 Critically, § 241.13(i)(3) then imposes minimum procedural safeguards. “Upon
2 revocation,” ICE must (among other things) notify the person of the reasons for revocation
3 and conduct an initial informal interview promptly after return to custody to allow a
4 response to the stated reasons.
5

6 Recent district court decisions across multiple jurisdictions treat these procedural
7 requirements as mandatory and enforce them under familiar administrative-law and due-
8 process principles, including the *Accardi doctrine*: when an agency fails to follow its own
9 binding regulations, that failure is itself unlawful and, where detention and release
10 procedures protect a liberty interest, a due-process violation.
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13 ***II. Recent decisions increasingly grant habeas relief where ICE fails to strictly
14 comply with § 241.13(i)’s revocation procedures***

15 **A. Courts require a real § 241.13(i)(2) determination *before* revocation and reject post
16 hoc or conclusory “changed circumstances” assertions**

17 1. S.D. Cal. (*Rokhfirooz v. Larose et al.*, No. 3:25-cv-02053-RSH-VET (S.D. Cal. Sept. 15,
18 2025)) - The court granted habeas where the government lacked any documented, pre-
19 revocation determination that changed circumstances made removal significantly likely,
20 and concluded that noncompliance with § 241.13(i) rendered detention unlawful and
21 required release.
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23 2. D. Minn. (*Yee S. v. Bondi et al.*, No. 0:25-cv-02782-JMB-DLM (D. Minn. Oct. 9, 2025)) -
24 The court ordered release where Respondents identified no legitimate changed
25 circumstances and failed to make a reasoned determination meeting § 241.13(i)(2)’s
26 standard.
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1 3. D. Minn. (*Faysal N. v. Noem et al. (Nuur)*, No. 0:25-cv-04641-JMB-DLM (D. Minn. Jan.
2 6, 2026)) - The court granted habeas where Respondents failed to meaningfully address
3 the regulation's individualized factors for the likelihood determination and did not
4 provide record support “in particular to” the petitioner that would justify concluding
5 removal had become significantly likely.
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7 4. D. Mass. (*Nguyen v. Hyde et al.*, No. 1:25-cv-11470-MJJ (D. Mass. June 20, 2025)) - The
8 court granted habeas and held that § 241.13(i) applies to re-detention after OSUP
9 release; it rejected conclusory reliance on generalized “repatriation agreement”
10 statements and demanded evidence supporting a genuine, individualized changed-
11 circumstances determination consistent with § 241.13(f) and (i)(2).
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13 5. E.D. Cal. (*Jimenez Garcia v. Chestnut*, No. 1:26-cv-00261-JLT-SKO (E.D. Cal. findings
14 and recommendations signed Feb. 20, 2026)) - The magistrate judge recommended
15 preliminary injunctive relief and immediate release, reasoning that the government's
16 “implied intent” to eventually complete a travel-document request did not constitute a
17 qualifying “changed circumstance” under § 241.13(i)(2).
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19 6. E.D. Cal. (*Vo v. Albarran*, No. 1:25-cv-01530-JLT-SKO (E.D. Cal. Jan. 22, 2026)) - The
20 court granted habeas and explained that respondents could not justify the original re-
21 detention by pointing to later-developed facts; in particular, the court noted that if travel
22 documents did not exist at or before re-detention, obtaining them months later cannot
23 retroactively supply the required basis for revocation.
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25 7. S.D. Cal. (*Yethier Clavelles Martinez v. Noem et al.*, Case No. 26-CV-752 JLS (VET)
26 (S.D. Cal. Feb. 27, 2026)) – The court granted habeas where ICE provided only a generic
27 reason (“to execute” a years-old final order) and failed to show a contemporaneous
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1 changed-circumstances basis; it rejected post hoc rationalizations and ordered immediate
2 release subject to the prior OSUP, with no re-detention absent compliance with §
3 241.13(i).

4 8. W.D. Okla. (*Chong Pham v. Bondi et al.*, Case No. CIV-25-1157-SLP (W.D. Okla. Nov.
5 20, 2025)) – The court adopted an R&R granting habeas, holding that ICE’s failure to
6 establish changed circumstances at the time of re-detention (and lack of written notice)
7 amounted to a due-process violation; it rejected “substantial compliance” and ordered
8 immediate release on the prior OSUP.
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10 9. E.D. Cal. (*Nguyen Dung Thanh v. Warden of Golden State Detention Facility*, No. 1:26-
11 cv-00352 DC CSK (E.D. Cal. Feb. 23, 2026) (order and findings and recommendations))
12 – The court found revocation unlawful where the notice lacked adequate, specific
13 changed circumstances and ICE failed to provide the prompt informal interview; it
14 emphasized ICE bears the burden in re-detention and recommended immediate release
15 restoring the status quo ante, with an injunction against re-detention absent compliance.
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17 10. E.D. Cal. (*Nhan Hoang Truong v. Andrews*, No. 1:26-cv-00449 DC CSK (E.D. Cal.
18 Mar. 2, 2026) (order and findings and recommendations)) – The court recommended
19 release where ICE requested travel documents only after re-detention, undermining any §
20 241.13(i)(2) “changed circumstances” determination, and where ICE provided neither
21 adequate notice nor a prompt informal interview.
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23 11. E.D. Cal. (*Azmy Abdelraauf El-Ghazaly v. Christopher Chestnut et al.*, No. 1:25-cv-
24 01621-DC-CKD (HC) (E.D. Cal. Dec. 4, 2025)) - The court granted a TRO and ordered
25 immediate release where the record did not show any contemporaneous 8 C.F.R.
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241.13(i)(2) "changed circumstances" determination at or before re-detention and the government could not rely on conclusory assertions after the fact.

12. E.D. Cal. (*Yan-Ling X. v. Lyons et al.*, No. 1:25-cv-01412-KES-CDB (HC) (E.D. Cal. Nov. 7, 2025)) - The court granted a preliminary injunction, held the *Zadvydas* burden-shifting framework does not apply to OSUP re-detention, and required ICE to carry the burden to show a significant likelihood of removal based on a genuine changed-circumstances showing (not merely that the case is "under current review" for travel documents).

13. C.D. Cal. (*Aleksey Muratov v. David Marin et al.*, Case No. 5:26-cv-00118-SPG-KES (C.D. Cal. Jan. 22, 2026)) - The court granted a TRO and found no valid pre-detention changed-circumstances determination where ICE did not even request travel documents until after re-detention (and after the Court ordered a response), underscoring that post hoc steps cannot substitute for the required contemporaneous determination.

14. E.D. Cal. (*Loc Chi Duong v. Warden, Golden State Annex Detention Facility et al.*, No. 1:25-cv-1771-DAD-CSK-P (E.D. Cal. Jan. 21, 2026) (F&Rs adopted Feb. 6, 2026)) - The court found revocation unlawful where ICE made no pre-revocation changed-circumstances determination, the notice inaccurately claimed the case was "under current review" for a travel document months before any request, and the record lacked evidence of the required prompt informal interview.

Takeaway: Courts are increasingly unwilling to treat revocation as valid unless ICE can show, on the contemporaneous record, a genuine pre-revocation § 241.13(i)(2)

determination grounded in facts—not merely predictions, implied intentions, or boilerplate supplied after the fact.

B. Courts strictly enforce § 241.13(i)(3)’s notice requirement: the person must be told the reasons for revocation in a usable way

1. S.D. Cal. (*Tran v. Noem et al.*, No. 3:25-cv-02391-BTM-BLM (S.D. Cal. Oct. 27, 2025))

- The court held that § 241.13(i)(3) requires notice that is effectively written and contains “all the reasons for the revocation,” rejecting the government’s attempt to rely on an I-213 form that did not state reasons supporting revocation.

2. E.D. Cal. (*Duong v. Charles et al.*, No. 1:25-cv-01375-SKO (E.D. Cal. Nov. 14, 2025)) -

The court granted habeas, holding that, even assuming *arguendo*, a legally sufficient “changed circumstances” determination-ICE violated § 241.13(i)(3)’s notice requirement because the person must “be notified of the reasons for revocation,” with those reasons “stated in the [written] notification.” The court also emphasized the absence of evidence of a prompt informal interview as required by § 241.13(i)(3).

3. D. Minn. (*Roble v. Bondi et al.*, No. 0:25-cv-03196-LMP-LIB (D. Minn. Aug. 25, 2025))

- The court granted habeas where ICE’s notice merely mirrored the regulatory standard and was not individualized; it held that parroting the regulation does not satisfy ICE’s obligation to provide the “reasons” for revocation under § 241.13(i)(3).

4. D. Minn. (*Sarail A. v. Bondi et al.*, No. 0:25-cv-02144-ECT-JFD (D. Minn. Sept. 3,

2025)) - The court granted habeas and explained that § 241.13(i)(3)’s procedure makes little sense if “reasons for revocation” can be satisfied by a generic reference to “change in circumstances”; the person cannot meaningfully respond to reasons never given.

1 5. S.D. Cal. (*Khachikian v. Casey et al.*, No. 3:25-cv-03737-GPC-JLB (S.D. Cal. Jan. 8,
2 2026)) - The court granted habeas and reiterated that the regulations mandate notice of
3 reasons for revocation and that “when ICE fails to follow its own regulations in revoking
4 release, the detention is unlawful, and the petitioner's release must be ordered.”
5

6 6. M.D. Fla. (*Perez v. Warden*, No. 2:26-cv-0009-SPC-DNF (M.D. Fla. Jan. 19, 2026)) -
7 The court granted habeas relief under the Accardi doctrine, holding that ICE violated due
8 process by revoking release without complying with the governing regulations and by
9 denying reasonable notice and a meaningful opportunity to be heard; citing Eleventh
10 Circuit authority, it added that the complete denial of an opportunity to be heard on a
11 material issue is never harmless error.
12

13 7. S.D. Cal. (*Yethier Clavelles Martinez v. Noem et al.*, Case No. 26-CV-752 JLS (VET)
14 (S.D. Cal. Feb. 27, 2026)) – The court held that telling a person only that ICE is re-
15 detaining them “to execute” an old final order is not a usable explanation of revocation;
16 without the specific changed circumstances, the person cannot meaningfully respond
17 under § 241.13(i)(3).
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19 8. W.D. Okla. (*Chong Pham v. Bondi et al.*, Case No. CIV-25-1157-SLP (W.D. Okla. Nov.
20 20, 2025)) – The court found § 241.13(i)(3) violated where ICE could not confirm written
21 notice and only provided a generalized oral statement; the court treated the defect as a
22 due-process violation warranting habeas relief.
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24 9. E.D. Cal. (*Nguyen Dung Thanh v. Warden of Golden State Detention Facility*, No. 1:26-
25 cv-00352 DC CSK (E.D. Cal. Feb. 23, 2026) (F&Rs)) – The court found notice deficient
26 where it merely asserted “changed circumstances” and claimed the case was under review
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1 for travel documents without record support; adequate notice must identify what actually
2 changed and why removal is now significantly likely.

3 10. E.D. Cal. (*Azmy Abdelraauf El-Ghazaly v. Christopher Chestnut et al.*, No. 1:25-cv-
4 01621-DC-CKD (HC) (E.D. Cal. Dec. 4, 2025)) - The court granted immediate-release
5 TRO relief where the government could not produce the formal Notice of Revocation of
6 Release or any documentation showing the detainee was provided specific reasons for
7 revocation; a person must be told what changed and why removal is now significantly
8 likely in order to respond meaningfully.

9
10 11. C.D. Cal. (*Aleksey Muratov v. David Marin et al.*, Case No. 5:26-cv-00118-SPG-KES
11 (C.D. Cal. Jan. 22, 2026)) - The court found a notice/record problem where ICE did not
12 serve revocation paperwork until more than a week after detention and the stated
13 "reason" for revocation ("under current review for a travel document") did not exist at
14 the time of revocation because the request was made only after detention; the court
15 treated that sequencing defect as supporting arbitrariness and due-process violations.

16
17 12. E.D. Cal. (*Loc Chi Duong v. Warden, Golden State Annex Detention Facility et al.*, No.
18 1:25-cv-1771-DAD-CSK-P (E.D. Cal. Jan. 21, 2026) (F&Rs adopted Feb. 6, 2026)) -
19 The court found the Notice of Revocation materially inaccurate (including an incorrect
20 removal-order date and a false claim that the case was "under current review" for travel
21 documents), and held that a notice stating only "changed circumstances" without
22 accurate, individualized reasons does not satisfy 8 C.F.R. 241.13(i)(3) or due process.

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24 13. E.D. Cal. (*J.R.M.J. v. Minga Wofford et al.*, No. 1:25-cv-01567-DC-SCR (E.D. Cal.
25 Nov. 26, 2025)) - Distinguishing contrary cases, the court found no likelihood of
26 success on a notice claim where ICE served a formal notice with dated, specific
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OSUP/ISAP violations and produced an "Alien Informal Interview" record; the decision underscores what adequate, usable notice looks like when the agency actually complies.

Takeaway: Courts treat § 241.13(i)(3) notice as a **precondition to meaningful process**. Boilerplate or conclusory notices—especially those that do not explain the specific “changed circumstances”—are routinely found insufficient.

C. Courts strictly enforce the “prompt” informal interview requirement in § 241.13(i)(3)

1. S.D. Cal. (*Soryadvongsa v. Noem et al.*, No. 3:25-cv-02663-AGS-DDL (S.D. Cal. Nov. 8, 2025)) - The court granted habeas where ICE waited 29 days after arrest to conduct the informal interview; the court held that does not qualify as “promptly” under the regulation.
2. S.D. Cal. (*Kerota v. Noem et al.*, No. 3:26-cv-00140-RBM-BLM (S.D. Cal. Jan. 23, 2026)) - The court granted habeas and expressly grounded relief in the failure to provide a prompt interview, and ordered release while emphasizing that future re-detention would require compliance with the “minimum” procedural requirements of §§ 241.4 and 241.13, including pre-deprivation notice describing the changed circumstances and a prompt informal interview.
3. S.D. Cal. (*Rokhfirooz v. Larose et al.*, No. 3:25-cv-02053-RSH-VET (S.D. Cal. Sept. 15, 2025)) - The court held the agency failed to follow § 241.13(i)'s procedural steps and ordered immediate release; it further invoked the foundational principle that agencies must follow their own regulations and that noncompliance renders the detention unlawful.

1 4. S.D. Cal. (*Duong v. Noem*, No. 3:26-cv-01002-JES-BJW (S.D. Cal. Feb. 27, 2026)) - The
2 court granted habeas and emphasized the absence of any evidence that the petitioner was
3 promptly provided the informal interview required by § 241.13(i)(3), while also
4 recognizing the protected liberty interest created by prior release on an Order of
5 Supervision.
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7 5. E.D. Cal. (*Nguyen v. Andrews*, No. 1:26-cv-00015-DAD-SCR (E.D. Cal. Feb. 2, 2026)) -
8 In an order and findings and recommendations, the magistrate judge recommended
9 granting habeas where the petitioner was re-detained during a check-in and denied the
10 required informal interview; the court further recommended that respondents not revoke
11 supervision again unless and until they comply with all procedures set forth in §
12 241.13(i), other applicable law, and due process.
13

14 6. S.D. Cal. (*Yethier Clavelles Martinez v. Noem et al.*, Case No. 26-CV-752 JLS (VET)
15 (S.D. Cal. Feb. 27, 2026)) – The court granted habeas where Respondents did not allege
16 any informal interview after re-detention and the record showed no opportunity to
17 respond to the revocation reasons.
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19 7. E.D. Cal. (*Nguyen Dung Thanh v. Warden of Golden State Detention Facility*, No. 1:26-
20 cv-00352 DC CSK (E.D. Cal. Feb. 23, 2026) (F&Rs)) – The court held § 241.13(i)(3)
21 violated where Respondents did not address the detainee’s claim that no prompt informal
22 interview was provided and the record contained no evidence of any interview.
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24 8. E.D. Cal. (*Nhan Hoang Truong v. Andrews*, No. 1:26-cv-00449 DC CSK (E.D. Cal. Mar.
25 2, 2026) (F&Rs)) – The court found the government violated § 241.13(i)(3) where
26 Respondents did not contest the allegation that ICE provided neither a prompt interview
27 nor any meaningful opportunity to respond.
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1 9. E.D. Cal. (*Loc Chi Duong v. Warden, Golden State Annex Detention Facility et al.*, No.
2 1:25-cv-1771-DAD-CSK-P (E.D. Cal. Jan. 21, 2026) (F&Rs adopted Feb. 6, 2026)) - The
3 court found no evidence of any "initial informal interview promptly" after re-detention
4 and rejected the government's reliance on a much later interview purportedly conducted
5 for a different custody-review regulation; the required 8 C.F.R. 241.13(i)(3) interview
6 must occur promptly after re-detention.
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8 10. C.D. Cal. (*Aleksey Muratov v. David Marin et al.*, Case No. 5:26-cv-00118-SPG-KES
9 (C.D. Cal. Jan. 22, 2026)) - The court found ICE failed to follow the revocation
10 procedures where notice and the asserted basis for revocation were not provided
11 contemporaneously and the government's key steps occurred only after re-detention,
12 supporting immediate release as the proper response to noncompliance.
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14 11. E.D. Cal. (*J.R.M.J. v. Minga Wofford et al.*, No. 1:25-cv-01567-DC-SCR (E.D. Cal.
15 Nov. 26, 2025)) - In denying TRO relief, the court credited ICE's documented informal
16 interview conducted four days after re-detention; the case illustrates that courts look to
17 the actual timing and documentation of the interview when assessing "promptly"
18 compliance.
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21 **Takeaway:** Several courts now treat "prompt" as a real timing requirement and grant
22 release where the interview is delayed until after the government has effectively locked in
23 the detention decision. Critically, Duong recognizes that prior release on an Order of
24 Supervision creates a protected liberty interest; revocation without the required prompt
25 interview therefore implicates Fifth Amendment Due Process, not merely a regulatory
26 misstep. In light of that strong pre-deprivation liberty interest, "promptly" should be
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1 construed to require an interview immediately or within only a very short period after re-
2 detention; when the government has already decided to take the person back into custody,
3 even a delay of a few days without an interview can defeat the regulation's purpose.
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5 **D. Remedy: Release under preexisting conditions (OSUP), often with an explicit “no**
6 **re-detention absent compliance” framing**

7 Across jurisdictions, the dominant remedy for § 241.13(i) noncompliance is
8 immediate release under the conditions that existed prior to the unlawful revocation, that is,
9 restoration of the status quo ante. See, e.g., *Duong v. Noem*, No. 3:26-cv-01002-JES-BJW
10 (S.D. Cal. Feb. 27, 2026) (recognizing the protected liberty interest created by release on an
11 Order of Supervision and granting release), *Roble v. Bondi et al.*, No. 0:25-cv-03196-LMP-
12 LIB (D. Minn. Aug. 25, 2025) (release ordered), *Sarail A. v. Bondi et al.*, No. 0:25-cv-
13 02144-ECT-JFD (D. Minn. Sept. 3, 2025) (release ordered under prior OSUP conditions),
14 and *Yee S. v. Bondi et al.*, No. 0:25-cv-02782-JMB-DLM (D. Minn. Oct. 9, 2025) (release
15 ordered under preexisting OSUP). Recent decisions continue this pattern. See, e.g., *Yethier*
16 *Clavelles Martinez v. Noem et al.*, Case No. 26-CV-752 JLS (VET) (S.D. Cal. Feb. 27,
17 2026) (ordering immediate release under preexisting OSUP and prohibiting re-detention
18 absent compliance); *Chong Pham v. Bondi et al.*, Case No. CIV-25-1157-SLP (W.D. Okla.
19 Nov. 20, 2025) (same); *Nguyen Dung Thanh v. Warden of Golden State Detention Facility*,
20 No. 1:26-cv-00352 DC CSK (E.D. Cal. Feb. 23, 2026) (F&Rs) (recommending injunction
21 against re-detention absent compliance). See also *Azmy Abdelraauf El-Ghazaly v.*
22 *Christopher Chestnut et al.*, No. 1:25-cv-01621-DC-CKD (HC) (E.D. Cal. Dec. 4, 2025)
23 (ordering immediate release and enjoining re-detention absent compliance); *Yan-Ling X. v.*
24 *Lyons et al.*, No. 1:25-cv-01412-KES-CDB (HC) (E.D. Cal. Nov. 7, 2025) (ordering
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1 immediate release and enjoining re-detention unless and until ICE obtains a travel document
2 and complies with 8 C.F.R. 241.4(l) and 241.13(i)); *Aleksey Muratov v. David Marin et al.*,
3 Case No. 5:26-cv-00118-SPG-KES (C.D. Cal. Jan. 22, 2026) (ordering release and
4 restoration of prior OSUP conditions); and *Loc Chi Duong v. Warden, Golden State Annex*
5 *Detention Facility et al.*, No. 1:25-cv-1771-DAD-CSK-P (E.D. Cal. Jan. 21, 2026) (F&Rs
6 adopted Feb. 6, 2026) (recommending immediate release and an injunction against re-
7 detention absent compliance).
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10 Some courts also make explicit that the government may pursue removal and may re-
11 detain later—but only in accordance with applicable regulations. Accordingly, the
12 appropriate remedy is not merely release in the abstract, but an order reinstating the prior
13 OSUP and enjoining re-detention unless and until ICE completes a full, compliant §
14 241.13(i) process. *Nguyen v. Andrews*, for example, recommends this prophylactic relief (no
15 re-revocation absent full compliance), which prevents the government from evading relief
16 through nominal release followed by immediate “parking lot” re-arrest. *Yan-Ling X.* and
17 *Muratov* illustrate this remedy framing: both courts ordered immediate release restoring the
18 last uncontested OSUP status quo and entered “no re-detention absent compliance”
19 injunction language to prevent immediate re-arrest without a lawful 8 C.F.R. 241.13(i)
20 process.
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24 ***III. Synthesis for this Court***

25 The decisions above reflect an emerging and increasingly consistent federal pattern:

26 1. Strict compliance matters. Courts evaluate whether ICE actually complied with the
27 required steps of § 241.13(i), not whether ICE can supply generalized declarations after the
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1 fact. Under the **Accardi doctrine**, failure to follow those mandatory procedures is itself
2 unlawful. See, e.g., *Aleksey Muratov v. David Marin et al.*, Case No. 5:26-cv-00118-SPG-
3 KES (C.D. Cal. Jan. 22, 2026) (ordering release where ICE lacked a pre-revocation
4 changed-circumstances determination) and *Azmy Abdelraauf El-Ghazaly v. Christopher*
5 *Chestnut et al.*, No. 1:25-cv-01621-DC-CKD (HC) (E.D. Cal. Dec. 4, 2025) (same).
6

7 2. Boilerplate is not “reasons.” A notice that merely recites “changed circumstances” or
8 mirrors the regulation is routinely held insufficient because it does not allow a meaningful
9 response. See, e.g., *Loc Chi Duong v. Warden, Golden State Annex Detention Facility et al.*,
10 No. 1:25-cv-1771-DAD-CSK-P (E.D. Cal. Jan. 21, 2026) (F&Rs adopted Feb. 6, 2026)
11 (notice inaccurate and not individualized) and *Yan-Ling X. v. Lyons et al.*, No. 1:25-cv-
12 01412-KES-CDB (HC) (E.D. Cal. Nov. 7, 2025) (rejecting conclusory “under current
13 review” notice where the record did not show a significant likelihood of removal).
14

15 3. Prompt means prompt. Substantial delays in providing the interview violate the regulation
16 and can independently support habeas relief; as Duong emphasizes, release on an Order of
17 Supervision creates a protected liberty interest, so the timing requirement must be read as a
18 pre-deprivation Due Process safeguard—not a discretionary scheduling guideline. See also
19 *Nguyen Dung Thanh v. Warden of Golden State Detention Facility*, No. 1:26-cv-00352 DC
20 CSK (E.D. Cal. Feb. 23, 2026) (F&Rs) (recognizing protected liberty interest upon
21 supervised release and requiring notice and opportunity to be heard); *Nhan Hoang Truong v.*
22 *Andrews*, No. 1:26-cv-00449 DC CSK (E.D. Cal. Mar. 2, 2026) (F&Rs) (same two-step due
23 process framework).
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1 4. Harmless-error arguments should be rejected. Because these regulations protect a
2 fundamental liberty interest and the interview requirement is the mechanism that makes the
3 revocation process meaningful, failure to provide the required interview is a structural
4 defect that cannot be cured by later assertions that removal was supposedly likely anyway.

5 5. Habeas relief is appropriate and commonly granted. Courts repeatedly conclude that
6 unlawful re-detention following noncompliant revocation procedures is “custody in
7 violation of the Constitution or laws” remediable under § 2241, and they order release under
8 prior OSUP conditions, often coupled with an express no-re-detention-until-compliance
9 limitation (as in *Nguyen v. Andrews*) to prevent immediate re-arrest absent a lawful §
10 241.13(i) process. See, e.g., *Azmy Abdelraauf El-Ghazaly v. Christopher Chestnut et al.*, No.
11 1:25-cv-01621-DC-CKD (HC) (E.D. Cal. Dec. 4, 2025); *Yan-Ling X. v. Lyons et al.*, No.
12 1:25-cv-01412-KES-CDB (HC) (E.D. Cal. Nov. 7, 2025); *Aleksey Muratov v. David Marin*
13 *et al.*, Case No. 5:26-cv-00118-SPG-KES (C.D. Cal. Jan. 22, 2026); and *Loc Chi Duong v.*
14 *Warden, Golden State Annex Detention Facility et al.*, No. 1:25-cv-1771-DAD-CSK-P (E.D.
15 Cal. Jan. 21, 2026) (F&Rs adopted Feb. 6, 2026).

16 ***IV. Application to this case (briefly)***

17 Respondents’ motion relies heavily on their assertion that ICE complied with § 241.13(i)
18 procedures in connection with Mr. Vu’s re-detention. The recent decisions summarized
19 above support two straightforward principles for this Court’s management of the merits:

20 1. The Court should require production of the operative, contemporaneous revocation record
21 (the written notice actually served; any § 241.13(i)(2) determination memorandum;
22 interview scheduling documentation; interview notes/recording/transcript; and any decision
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1 memo or approval), because courts evaluate compliance based on what existed at the time of
2 revocation. Courts are increasingly skeptical of post hoc narratives or declarations drafted
3 after a habeas petition is filed, and routinely reject boilerplate or after-the-fact summaries as
4 substitutes for the actual record. *Escalante v. Noem*, Civil Action No. 9:25-CV-00182-MJT
5 (E.D. Tex. Aug. 2, 2025), is especially instructive: the court declined to consider “new
6 evidence” first offered after the magistrate’s recommendation and found unfair prejudice in
7 the government’s delayed evidentiary presentation. And *Chong Pham v. Bondi et al.*, Case
8 No. CIV-25-1157-SLP (W.D. Okla. Nov. 20, 2025), rejected reliance on post hoc
9 declarations that did not demonstrate changed circumstances as of the re-detention date.
10 This approach is consistent with *Loc Chi Duong v. Warden, Golden State Annex Detention*
11 *Facility et al.*, No. 1:25-cv-1771-DAD-CSK-P (E.D. Cal. Jan. 21, 2026) (F&Rs adopted
12 Feb. 6, 2026), where the magistrate judge expressly ordered Respondents to submit the
13 revocation-related documents and noted the record did not include evidence of the required
14 interview or a custody review. It is also consistent with *Aleksey Muratov v. David Marin et*
15 *al.*, Case No. 5:26-cv-00118-SPG-KES (C.D. Cal. Jan. 22, 2026), which treated post hoc
16 travel-document requests and delayed paperwork service as evidence that no
17 contemporaneous 8 C.F.R. 241.13(i) determination existed.

18 2. If the record does not establish strict compliance with § 241.13(i), the ordinary remedy is
19 restoration of the status quo ante: release under prior supervision conditions, together with
20 an order barring re-detention unless and until Respondents complete a lawful revocation
21 process that fully complies with § 241.13(i).

22 **Requested Relief.** Petitioner respectfully requests that the Court grant habeas relief
23 and order Petitioner’s immediate release on the prior Order of Supervision (restoring the
24

1 status quo ante), enjoin re-detention unless and until Respondents complete a compliant §
2 241.13(i) revocation process (written notice of specific reasons and a prompt informal
3 interview), and order Respondents to produce the contemporaneous revocation record
4 described above so the Court can evaluate compliance on the real record rather than post
5 hoc summaries.
6

7 Respectfully submitted,
8 Dated: March 6, 2026

9 /s/ Daniel M. Huynh
10 **Daniel M. Huynh**
11 Pro Bono Counsel for Petitioner Son Hoang Vu
12

13 **CERTIFICATE OF SERVICE:** I hereby certify that on March 6, 2026, a true and correct
14 copy of the foregoing Supplemental Brief was served via the Court's CM/ECF system on
15 counsel for Respondents.
16

17
18 Dated: March 6, 2026.

19 Respectfully submitted,

20 /s/ Daniel M. Huynh

21 Daniel M. Huynh, Pro Bono Counsel for Petitioner
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