FILED
U.S. District Court
District of Kansas
04/17/2026
Clerk, U.S. District Court
By: SND Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BROS KONG

Pro Se, Petitioner

26-3092-JWL

V.

MISTY MACKEY, MARK WAYNE MULLINS
TODD BLANCHE AND TODD LYONS

Respondents

PETITION FOR WRIT OF HABEAS CORPUS UNER 28 U.S.C.§ 2241

INTRODUCTION

1. Petitioner Bros Kong, is a legally admitted refugee and a long time resident of the United States of America. Petitioner is currently detained by Immigration and Customs Enforcement (ICE) pursuant to 8 U.S.C § 1231(a)(6). Petitioner has been continuously detained since February 5th of 2026. Petitioner Bros Kong has been detained multiple times by ICE to no avail and his removal was administratively final on or about late 2006 to early 2007. There is no significant likelihood of his removal in the near foreseeable future, and his continued detention is in violation of his fifth amendment right to Due Process under the principles established by the Supreme Court in Zadvydas V. Davis, 533 U.S. 678 (2001). Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus ordering his immediate release from physical custody under appropriate Order of Supervision.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 2241 because petitioner is "in custody in violation of the constitution or laws or treaties of the United States." Federal Courts have jurisdiction to review Habeas challenges by noncitizens to the lawfulness of their immigration detention, including Post-removal-order detention under 8 U.S.C. §1231(1). This Court also has jurisdiction under 28 U.S.C.§ 1331 and Declaratory Judgment Act, and Nationality Act (INA) the Administrative Procedure Act (APA), and the Fifth Amendment.
3. Venue is proper because petitioner is confined at Core Civic (CCA) in Leavenworth Kansas within this district and his immediate custodian Misty Mackey is within the Courts jurisdiction.

PARTIES

4. Petitioner, Bros Kong (A# [redacted])
5. Misty Mackey, CCA Warden
6. Mark Wayne Mullins, Secretary Department of Homeland Security.
7. Todd Blanche, Acting Attorney General of the United States.
8. Todd Lyons, Acting Director ICE

9. All Government Respondents are sued in their official capacity.

FACTUAL BACKGROUND

10. Petitioner is a native of Cambodia, and enter the United States with his family; mother, older brother and sister and younger sister as refugees fleeing Persecution and War in 1981.
11. Petitioner and family were sponsored by [redacted] in Springfield Mo.
12. Petitioner was 2 years of age when his family migrated to the United States, and were admitted to the united states with inspection on or about 1982.
13. Petitioner Bros Kong is 47 years old as of today and is a proud father of three children born US citizens, 2 girls and a boy; daughters ages 16 and 11 and a son age 14.
14. Bros Kong parents are deceased at the time of this filing.
15. Bros Kong is an active member of his Church and often participates in church functions, like food drives and helps provide free hair cuts to kids that the church helps in the community with his acquired skill as a barber.
16. Petitioner is gainfully employed as a Kitchen Manager in his family owned oriental food business for well over 30 years.
17. Petitioner Bros Kong served time for Possession of a firearm, and has DWI on his record which affected his Legal Permanent Resident (LPR) status and put him on ICE radar.
18. Petitioner Bros Kong has been detained multiple times by ICE, with the first run in on or about 2003, when ICE picked up and held him for roughly a month and then released him on a $2000 bail that was posted by his family.
19. On or about late 2006 to early 2007, Petitioner was again picked up by ICE and re-detained for roughly 7 months and then released on a Order of Supervision, when his removal was deemed not foreseeable.
20. On February 5th of 2026, petitioner was again picked up and re-detained after he went to court to settle a traffic infraction, and has been held since.
21. During this time, ICE has been unable to remove petitioner again to his home country, Cambodia and has provided little to no information about any concrete steps taken toward petitioner's removal or any time frame of removal.
22. Throughout his detention period, petitioner has fully cooperated with every request made by ICE, by providing necessary information and completing forms when asked.
23. During his entire detention, petitioner was not provided with any interview opportunity with ICE to challenge his prolonged detention.
24. At the time of this filing, ICE has not been able to secure a Travel Document, Laissez-passer, or a passport from the Cambodian Government. Without such documents, petitioner removal will not be possible due to the lack of layover countries permission.
26. Furthermore ICE has not been able to show that the Cambodian Government is willing to issue documents in the foreseeable future, and petitioner believes that ICE has reached a dead end since there has not been any updates in regards to his removal in the foreseeable future.

LEGAL FRAMEWORK

27. Under Zadvydas V. Davis, 533 U.S. 678 (2001), post removal order detention is presumptively reasonable for six months.
28. After six months (180) days, if noncitizens provides "good reason to believe that there is no significant likelihood of removal in the reasonable foreseeable future" the government must rebut that showing with evidence.

29. "Once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." Zadvydas, 533 U.S. At 699.

CLAIMS FOR RELIEF

First Claim for Relief: Statutory Claims Under 8 U.S.C. § 1231(a) as Interpreted by Zadvydas V. Davis.

30. Petitioner re-alleges and incorporates by referencing paragraphs 1-29.
31. Petitioner has been detained beyond six months after the entry of removal order became final.
32. Petitioner has presented good reason to believe that there is no significant likelihood of removal in the reasonable foreseeable future, due to lack of response or refusal from the Cambodian Government to issue petitioner a travel document , Laissez-passer or a passport.
33. Respondents have not provided evidence sufficient to rebut petitioner showing that removal is not significantly likely in the reasonably foreseeable future, nor have they explained the cause of such prolonged silence from Cambodia's Government regarding their requests.
34. Under Zadvydas continued detention under these circumstances exceeds the authority granted by 8 U.S.C§ 1231 (a)(6) and is unlawful.
35. Accordingly, petitioners continued detention violates the INA and must cease.

Second Claim for Relief: The Fifth Amendment Violation.

36. Petitioner re-alleges and incorporates by referencing paragraphs 1-35.
37. The fifth amendment prohibits arbitrary and indefinite civil detention that is not reasonably related to a legitimate governmental purpose.
38. Any legitimate purpose that might initially justified petitioners detention such as facilitating removal have dissipated because removal is not significantly likely in the foreseeable future.
39. Continued detention is excessive and disproportionate in relation to any legitimate governmental interest and therefore violates substantive due process.

Third Claim for Relief: The Purpose of Detention Effecting Removal No Longer Exists.

40. Petitioner re-alleges and incorporates by referencing paragraphs 1-39.
41. The Statutory scheme contemplates detention only as long as necessary to effect removal. 8 U.S.C. § 1231 (a)(i)(A) gives a 90 day removal period; then § 1231(a)(6) gives discretionary further detention only if removal is reasonably foreseeable.
42. Once it becomes apparent that removal is no longer "reasonably foreseeable", continued detention becomes punitive in nature, which raises due process concern. Zadvydas, 533 U.S. At 690.

Fourth Claim for Relief: Constitutional and Human Rights Concerns.

43. Petitioner re-alleges and incorporates by referencing paragraphs 1-42.
44. Indefinite detention without release or bond hearing raises serious due process and liberty interest issues. See e.g., Congress Research Service note: "indefinite detention raises 'serious constitutional concern'"
45. The burden on the government must increase when liberty is at stake.

Fifth Claim for Relief: No Meaningful Prospect of Removal.

46. Petitioner re-alleges and incorporates by referencing paragraphs 1-45.
47. Cambodia has a well documented history of refusing acceptance to its own nationals, particularly those returning involuntarily.
48. U.S. Courts have repeatedly recognized that removal is not foreseeable when the receiving country is unwilling or unpredictable.
49. "The absence of a repatriation agreement and a foreign government's consistent refusal to issue travel document weighs heavily against a finding of foreseeable removal." Abdi V. Nielsen, 287 F. Supp. 3D 327, 334 (W.D.N.Y. 2018).
50. Cambodia's strained diplomatic relationship with the United States further undermines ICE claim that removal is imminent.
51. Petitioner has been detained now for the third time.
52. The Burden has therefore shifted to the government to show that removal to Cambodia is significantly likely in the reasonably foreseeable future.

Sixth Claim for Relief: Public Interest.

53. Petitioner has close ties in the United States, including Children, , Fiancee, Brother, Sister, Uncles, Aunts, Friends and a Church Community.
54. Continued detention is causing petitioner and his loved ones significant physical, emotional, and psychological harm, particularly given the indefinite and uncertain nature of the confinement.
55. Petitioner is very involved with his children and is their financial support, and plays a major role in the assistance of the growth and prosperity of their family business.

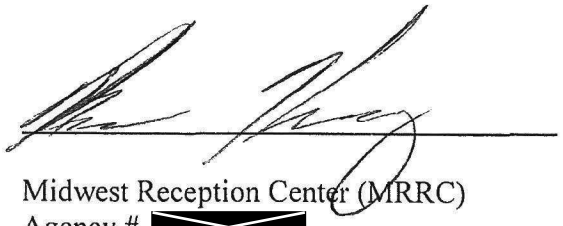
PRAYER FOR RELIEF

Petitioner respectfully asks the Court to :

A. Issue a Writ of Habeas Corpus ordering Respondents to show CAUSE;
B. Grant the Petition and Order Petitioner's immediate release from ICE custody, subject to appropriate conditions of supervision; and /or
C. Grant any further relief the Court deems just and proper.

VERIFICATION

I Bros Kong, declare under penalty of perjury under the laws of the United States that I am Petitioner in the above entitled action; that I have read the foregoing petition for Writ Of Habeas Corpus and knowingly contend, therefore that the same is true and correct to the best of my knowledge, information, and belief.



Midwest Reception Center (MRRC)
Agency # [redacted]
Bros Kong
[redacted]