FILED
U.S. District Court
District of Kansas
04/20/2026
Clerk, U.S. District Court
By: SND Deputy Clerk

In The United States District Court
For The District Of Kansas

Phu Le
Pro Se, Petitioner

V.

26-3095-JWL

Misty Mackey, Mark Wayne Mullins,
Todd Blanche, and Todd Lyons
Respondents

PETITIONER FOR WRIT OF HABEAS CORPUS (28 U.S.C § 2241) AND MEMORANDUM IN SUPPORT.

I. INTRODUCTION

1. Petitioner Phu Le, is detained by immigration and Customs Enforcement (ICE) for the second time for the sole purpose of removal to Vietnam. Previously ICE has failed to remove petitioner to the same country on or about 2004.
2. Petitioner continued detention has become unreasonably indefinite because removal is not significantly likely in the reasonable future under Zadvydas V. Davis.
3. Petitioner was previously released under a yearly supervision, with requirements to check in once a year, ICE shouldn't re-detain petitioner without complying with 8 C.F.R.§ 241.13(i) including an individualized determination based on changed circumstances that removal has become significantly likely, and with required notice/interview procedure.
4. Petitioner is seeking immediate release under appropriate supervision, or other appropriate relief.

II. JURISDICTION AND VENUE

5. 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.
6. 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.

III. PARTIES

7. Petitioner, Phu Le (A[redacted]
8. Misty Mackey, CCA Warden
9. Mark Wayne Mullins, Secretary department of Homeland Security.
10. Todd Blanche, Acting Attorney General of the United States.
11. Todd Lyons, Acting Director, ICE

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

IV. FACTUAL BACKGROUND

13. Petitioner Phu Le, is a native of Vietnam, petitioner entered the United States with inspection in 1990 in California. Petitioner is 52 years of age and has resided in the United States for 36 years.
14. Petitioner at the age of around 17 years old, with his family; mother, step-father, and two younger sisters, fled Vietnam due to Communism, they traveled through Thailand where they stayed for almost 5 days, then traveled to Japan where they stayed for a day and then finally arrived to the United States through California LAX in April of 1990.
15. Petitioner's parents gave birth to a baby girl, after migrating to the United States. He has 3 three sisters in total, one born a U.S citizen.
16. Petitioner graduated High School in Long Beach California, and then enrolled in a Cosmetology Beauty College for a course in Nail Tech; where he graduated and acquired a license.
17. On or about 1995, Petitioner after getting his license in Nail Tech moved to Atlanta GA, where he began working as a Nail technician at a Nail Salon.
18. On or about late 1995 to early 1996, petitioner was convicted of Involuntary Manslaughter and was sentenced to 8 years in the Georgia State Department of Corrections.
19. While Incarcerated, petitioner suffered a severe seizure which caused him some memory loss.
20. On or about 2004, upon release from prison, petitioner was picked up by ICE, cause while incarcerated, an immigration judge ordered him deported.
21. Petitioner was held by ICE for roughly 5-6 months and then released on an order of supervision with a once a year reporting to the ICE office in downtown St Louis Missouri, where he relocated to after release to reside with his uncle.
22. Petitioner Phu Le sought employment as a nail tech at STL Nail Tech, a nail salon in the suburbs of St Louis and has been gainfully employed there since.
23. Petitioner Phu Le has upon release from ICE, obeyed all laws, state and federal and has reported when scheduled with ICE with no violations.
24. On November 6th 2025, petitioner went to the ICE office for his scheduled reporting and was informed that he would be detained for removal to Vietnam due to the New Administration.
25. Petitioner has been detained by ICE for 6 months now with no foreseeable likelihood of removal to Vietnam in the near future.

V. LEGAL STANDARD

26. Under Zadvydas, Post-Order detention under 8 U.S.C § 1231 (a)(6) is limited to the period "Unreasonably necessary" to achieve removal, six months is presumptively reasonable, and after that the noncitizen may obtain relief by showing no significant likelihood of removal in the reasonably foreseeable future, shifting burden to the Government to rebut.
27. Individuals previously released under supervised release procedures, ICE regulation allows re-detention only if "On account of changed circumstances," ICE determines there is a significant likelihood of removal in the reasonably foreseeable future, and ICE must provide required notice and a prompt formal interview. 8 C.F.R § 241.13(i)

VI. CLAIMS FOR RELIEF

Count One: Unlawful, unreasonably indefinite detention under 8 U.S.C. § 1231 (a)(6) as construed by Zadvydas.

28. Petitioner re-alleges and incorporates by reference paragraphs 1-27.
29. Petitioner has been detained for about six months during his second detention.
30. Petitioner's removal is not significantly likely in the reasonably foreseeable future because ICE has detained petitioner but has shown no concrete progress in this case, such as Issued Travel Document, Confirmed Acceptance Date, Confirmed Itinerary, or Confirmed Consular Issuance.
31. Under Zadvydas, continued detention is no longer authorized where removal is not reasonably foreseeable, and the Court should order release subject to appropriate supervision conditions.

COUNT TWO: FIFTH AMENDMENT DUE PROCESS

32. Continued detention without a realistic prospect of removal becomes punitive and violates due process.
33. The lack of meaningful procedures and the absence of individualized justification for re-detention further violates due process.

COUNT THREE: PROLONGED DETENTION WITH NO SIGNIFICANT LIKELIHOOD OF REMOVAL VIOLATES DUE PROCESS AND ZADVYDAS.

34. Petitioner re-alleges and incorporates by reference paragraphs 1-33.
35. The Supreme Court held that Post-Final-Order detention may not be indefinite, after six months, if the detainee shows " no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing."
36. As detention continues, "what counts as reasonably foreseeable future" would have to shrink.
37. The district of Kansas applied these principle and ordered release where the petitioner met the burden and the Government's showing was too general and non-specific in Vegas V. Noem (D. Kan. September 29, 2025)
38. ICE cannot satisfy its burden to rebut petitioner's showing with case-specific evidence of a significant likelihood of removal in the reasonably foreseeable future.

COUNT FOUR: DETENTION IN VIOLATION OF INA AND INTERIM REGULATIONS 66 FED. REG. 56967 (NOV 14, 2001)

39. Petitioner re-alleges and incorporates by reference paragraphs 1-38.
40. Petitioner's removal is not foreseeable and therefore his detention violates a Supreme Courts response and Interim Regulations.
41. Special Circumstances justifying continued detention are:
    - **A.** If the Alien has a highly Contagious Disease that is a threat to public safety;
    - **B.** If his release would have serious adverse foreign policy consequences;
    - **C.** If there are security or terrorism concerns, and
    - **D.** If release would pose a special danger to the public. 8 C.F.R. 241.13 (b)-(d)(f)
42. There are no special circumstances that exist to justify Petitioners continued detention:
    - **A.** Petitioner is not a Alien with " Highly Contagious Disease" posing a danger to the public.
    - **B.** Petitioner's release would not cause "Serious Adverse Foreign Policy

Consequences."

C. Petitioner was not and is not now detained on account of security or terrorism concerns.

D. Petitioner did not commit a crime of violence as defined in 18. U.S.C. 16 as would classify him as " Special Dangerous" under the Interim Regulation 8 C.F.R. 241.14(f)(i), and his release therefore would not pose a special danger to the public.

43. Since there is no significant likelihood of Petitioners removal in the reasonably foreseeable future, and because none of the Special Circumstances exist here to justify Petitioner's detention, continuing to detain him would be in violation of INA and the Interim Regulations, which is Constitutionally Impermissible.

COUNT FIVE: PUBLIC INTEREST

44. Petitioner re-alleges and incorporates by reference paragraphs 1-43.

45. Petitioner has suffered a small memory loss due to a severe seizure.

46. Petitioner is on medication for high cholesterol and high blood pressure.

47. Petitioner's income has been vital as the major source of income for his aged mother and grandmother who still reside in Long Beach California, and can't afford rent and other resources due to the high cost of living; and are now undergoing a financial hardship.

VII REQUEST FOR RELIEF

Petitioner respectfully asks the Court to :

A. Grant the Petition and Order Petitioner's immediate release from ICE custody, subject to appropriate conditions of supervision; and /or

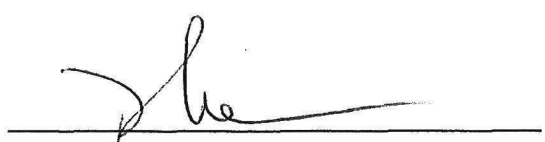
B. Order Respondents to provide an immediate custody review that complies with 8 C.F.R.§ 241.13 (i) and Zadvydas, and to release Petitioner absent a demonstrated significant likelihood of removal in the reasonably foreseeable future; and

C. Grant any further relief the Court deems just and proper.

PHU LE

VIII VERIFICATION

I _____, 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]
Phu Le
100 Highway Terrace,
Leavenworth KS 66048

4/8/26

Dear honorary Judge or Officer, my name is Mai Le of 72 age. Mother to Phu Le [redacted] who is currently being held in this facility. Phu is a very loyal son who has been working in America for a long time. He is a great Nail Technician that is very friendly to all those around him. It's a very social job so he has talked to many customers and kept them coming back. I have a medical history of a stroke on the left side of my body and had problems with my gallbladder, gallstones, Phu has been supporting me on my health. As I am getting older it seems more problems arises, I just hope to see my son released and back in California again.

Missing my son Phu very much,

Mai Le