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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

12 BAO TIN NGUYEN,

13 Petitioner,

14 v.

15 JASON STREEVAL, Warden of Stewart Detention
Center,

16 KRISTEN SULLIVAN, Field Office Director of
Immigration and Customs Enforcement, Enforcement
17 and Removal Operations, Atlanta Field Office;

18 TODD LYONS, Acting Director of Immigration and
Customs Enforcement;

19 MARKWAYNE MULLIN, Secretary, U.S.
20 Department of Homeland Security; and

21 TODD BLANCHIE, Acting U.S. Attorney General,

22 Respondents.

Case No.

A- 

**PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Challenge to Unlawful Detention
Under 28 U.S.C. § 2241

INTRODUCTION

23
24
25 1. This case concerns the unlawful re-detention of Petitioner Bao Tin Nguyen
26 (“Mr. Nguyen”) in direct contravention of a federal court order granting his release under
27 *Zadvydas v. Davis*, 533 U.S. 678 (2001), and the Government’s subsequent attempt to

1 coerce his removal without due process.

2
3 2. On March 31, 2026, the United States District Court for the District of
4 Arizona granted Mr. Nguyen's petition for writ of habeas corpus, after the Government
5 conceded that it could not establish a "significant likelihood of removal in the reasonably
6 foreseeable future." The Court ordered Mr. Nguyen's immediate release from custody
7 under appropriate conditions. The Government confirmed compliance with that order the
8 following day, representing to the Court that Mr. Nguyen had been released pursuant to the
9 Court's directive.

10
11 3. Following his release, Mr. Nguyen was placed under an Order of
12 Supervision ("OSUP") and complied with all conditions imposed by Immigration and
13 Customs Enforcement ("ICE"), including appearing for scheduled check-ins as directed.

14
15 4. On April 21, 2026, twenty-one days after Mr. Nguyen's release, he appeared
16 at the Atlanta ICE Field Office for a routine check-in pursuant to his OSUP, bringing with
17 him documentation of his lawful release and compliance with supervision. Instead of
18 conducting a routine supervision appointment, ICE officers summarily re-detained him
19 without notice, explanation, or any allegation that he had violated the terms of his
20 supervision. ICE confiscated his release documentation and returned him to custody.

21
22 5. Mr. Nguyen's re-detention occurred without any change in circumstances
23 that would justify renewed custody under 8 U.S.C. § 1231(a)(6) or *Zadvydas*. The
24 Government has not identified any country willing to accept him, nor has it obtained travel
25 documents or otherwise demonstrated that his removal is now significantly likely in the
26 reasonably foreseeable future—the very deficiency that led to the grant of habeas relief.
27

1 6. On April 23, 2026, while detained, ICE officers attempted to coerce Mr.
2 Nguyen into signing documents agreeing to his removal to Vietnam, despite the fact that
3 an Immigration Judge has granted him withholding of removal to Vietnam and he cannot
4 lawfully be removed there. Mr. Nguyen refused to sign.

5
6 7. ICE has provided no lawful basis for Mr. Nguyen's re-detention, no notice
7 of any revocation of his Order of Supervision, and no opportunity to be heard. Nor has ICE
8 provided notice of any intended removal to a third country or afforded him the procedural
9 protections required before such a transfer may occur.

10
11 8. Mr. Nguyen now faces the imminent risk of unlawful removal and
12 continued indefinite detention in violation of the Immigration and Nationality Act, the Due
13 Process Clause of the Fifth Amendment, and binding Supreme Court precedent.

14
15 9. This Court should intervene immediately to enforce its prior order, enjoin
16 Respondents from removing Mr. Nguyen, and order his immediate release from custody.

17 **JURISDICTION & VENUE**

18
19 10. This Court has jurisdiction under 28 U.S.C. §§ 2241 et seq.; the Declaratory
20 Judgment Act, 28 U.S.C. §§ 2201 et seq.; the All Writs Act, 28 U.S.C. § 1651; and the Fifth
21 Amendment to the United States Constitution.

22 11. Federal district courts have jurisdiction to hear habeas claims by noncitizens
23 challenging the lawfulness of their immigration detention. *See Zadvydas v. Davis*, 533 U.S.
24 678 (2001).

25
26 12. This Court also has federal question jurisdiction under 28 U.S.C. § 1331
27

1 and authority under the Administrative Procedure Act (“APA”) to “hold unlawful and set
2 aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not
3 in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable in habeas
4 proceedings. 5 U.S.C. § 703. The APA affords a right of review to a person who is
5 “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702.
6

7 13. This Court has authority under the All Writs Act to issue all writs necessary
8 or appropriate in aid of its jurisdiction, including to preserve the status quo and prevent the
9 unlawful removal of Petitioner while this Court considers his claims.
10

11 14. Venue is proper in this District pursuant to 28 U.S.C. §§ 2241(a),
12 2241(c)(3), and 1391(b)(2) and (e)(1) because Petitioner is detained within this District at
13 Stewart Detention Center and is in the custody of Respondents within this District. A
14 substantial part of the events or omissions giving rise to this action—including Petitioner’s
15 re-detention and ongoing confinement—occurred within this District.
16

17 PARTIES

18 15. Petitioner Bao Tin Nguyen is a native and citizen of Vietnam who was
19 granted withholding of removal on September 17, 2025. He is currently detained at the
20 Stewart Detention Center.
21

22 16. Respondent Jason Streeval is the Warden of Stewart Detention Center,
23 where Mr. Nguyen is being detained. He is Mr. Nguyen’s immediate legal custodian and
24 thus a proper respondent in this habeas action. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435
25 (2004).
26

27 17. Respondent Kristen Sullivan is the Field Office Director for Immigration

1 and Customs Enforcement (“ICE”), Enforcement and Removal Operations, Atlanta Field
2 Office. She is responsible for overseeing ICE detention operations within this District and
3 for decisions regarding Petitioner’s detention and re detention. She is a legal custodian of
4 Mr. Nguyen.

5
6 18. Respondent Todd Lyons is the Acting Director of U.S. Immigration and
7 Customs Enforcement and is responsible for ICE’s detention and removal operations
8 nationwide. He is sued in his official capacity.

9
10 19. Respondent Markwayne Mullin is the Secretary of the U.S. Department of
11 Homeland Security and is responsible for the administration and enforcement of the
12 immigration laws of the United States. He is sued in his official capacity.

13
14 20. Respondent Todd Blanche is the Acting Attorney General of the United
15 States and is responsible for the administration of immigration laws, including oversight
16 of detention and removal proceedings. He is sued in his official capacity.

17 **LEGAL FRAMEWORK**

18 **I. WITHHOLDING OF REMOVAL**

19
20 21. Noncitizens in removal proceedings may seek protection from removal
21 through asylum, withholding of removal, and relief under the Convention Against Torture
22 (“CAT”). *See* 8 U.S.C. §§ 1158, 1231(b)(3); 8 C.F.R. § 1208.16.

23
24 22. To obtain withholding of removal, a noncitizen must demonstrate that it is
25 “more likely than not” that his “life or freedom would be threatened” on account of a
26 protected ground if removed to a particular country. 8 U.S.C. § 1231(b)(3); 8 C.F.R. §
27 1208.16.

1 23. When withholding of removal is granted, the noncitizen remains subject to
2 a final order of removal, but the government is prohibited from removing him to the country
3 of feared persecution. *See Johnson v. Guzman Chavez*, 141 S. Ct. 2271, 2283 (2021).

4
5 24. Although DHS may seek to remove a noncitizen granted withholding to a
6 third country, the statute imposes strict limitations on the designation of such countries.
7 *See* 8 U.S.C. § 1231(b)(2).

8
9 25. Critically, before effectuating removal to a third country not previously
10 designated, DHS must provide notice and a meaningful opportunity for the noncitizen to
11 raise fear-based claims, including eligibility for CAT protection. *See DVD v. DHS*, No.
12 1:25-cv-10676 (D. Mass. Mar. 23, 2025).

13
14 26. As a practical matter, removal of individuals granted withholding to third
15 countries is exceedingly rare, further underscoring the limited likelihood of such removal
16 occurring in the reasonably foreseeable future.

17 **II. DETENTION UNDER 8 U.S.C. § 1231 AND ZADVYDAS**

18 27. Once a removal order becomes administratively final, DHS may detain a
19 noncitizen during a 90-day “removal period.” 8 U.S.C. § 1231(a)(1)-(2).

20
21 28. After that period, continued detention is governed by 8 U.S.C. § 1231(a)(6),
22 which permits detention only for a period reasonably necessary to effectuate removal.

23
24 29. In *Zadvydas v. Davis*, the Supreme Court held that § 1231(a)(6) does not
25 authorize indefinite detention and established a six-month presumptive limit on post-final-
26 order detention. 533 U.S. 678, 701 (2001).

27

1 30. Where there is “good reason to believe that there is no significant likelihood
2 of removal in the reasonably foreseeable future,” the Government must rebut that showing
3 or release the noncitizen. *Id.*

4 **III. RELEASE UNDER ORDER OF SUPERVISION (OSUP)**

5 31. When DIIS determines that removal is not reasonably foreseeable, it must
6 release the noncitizen under conditions of supervision. *See* 8 U.S.C. § 1231(a)(3); 8 C.F.R.
7 § 241.4(j).
8

9 32. A noncitizen released under an Order of Supervision (“OSUP”) is permitted
10 to remain at liberty subject to specified conditions, including reporting requirements.
11

12 33. DHS may not arbitrarily revoke an OSUP and re-detain a noncitizen absent
13 a lawful basis, such as violation of supervision conditions or a material change in
14 circumstances demonstrating that removal has become significantly likely. 8 C.F.R. § 241.4
15

16 34. The revocation of an OSUP and resulting re-detention constitutes a
17 deprivation of liberty and must comport with the Due Process Clause of the Fifth
18 Amendment, including notice and an opportunity to be heard.
19

20 **IV. LIMITS ON RE-DETENTION FOLLOWING HABEAS RELIEF**

21 35. Where a federal court has granted habeas relief under *Zadvydas* and ordered
22 release, the Government may not evade that ruling by re-detaining the noncitizen absent
23 materially changed circumstances.
24

25 36. Re-detention without new evidence demonstrating a significant likelihood
26 of removal in the reasonably foreseeable future violates 8 U.S.C. § 1231(a)(6), the Due
27 Process Clause, and the prior habeas determination.

1 **V. THIRD-COUNTRY REMOVAL AND “SAFE THIRD COUNTRY”**
2 **ARRANGEMENTS**

3 37. The Government has recently entered into agreements with certain
4 countries, including the Republic of Palau, concerning the potential transfer of third-
5 country nationals.

6 38. These agreements are discretionary, require case-by-case acceptance by the
7 receiving country, and do not guarantee that any particular individual will be accepted for
8 transfer.
9

10 39. Such arrangements require advance coordination, documentation, and
11 acceptance by the receiving country and therefore do not, standing alone, establish a
12 significant likelihood of removal in the reasonably foreseeable future.
13

14 40. Moreover, regardless of any such agreement, the Government must provide
15 constitutionally adequate notice and an opportunity to seek protection before effectuating
16 removal to a third country.
17

18 41. Courts have made clear that DHS may not summarily remove a noncitizen
19 to a third country without first providing meaningful procedural protections. Most recently,
20 in *D.V.D. v. DHS*, No. 1:25-cv-10676 (D. Mass. Mar. 23, 2025), the court ordered that prior
21 to effectuating third-country removal, DHS must: (1) provide written notice identifying the
22 proposed country of removal; (2) provide a meaningful opportunity for the noncitizen to
23 raise a fear of removal to that country; (3) conduct reasonable fear screening procedures
24 where appropriate; and (4) provide sufficient time for the noncitizen to seek reopening of
25 immigration proceedings.
26
27

1 42. These requirements reflect fundamental due process protections and ensure
2 that individuals are not removed to countries where they may face persecution or torture
3 without an opportunity to be heard.
4

5 43. In addition, third country removal arrangements including recent
6 agreements with countries such as the Republic of Palau are discretionary, require case-
7 by-case acceptance by the receiving country, and involve multiple layers of coordination
8 and approval. They do not guarantee that any particular individual will be accepted or that
9 removal can be effectuated within any defined timeframe
10

11 44. Accordingly, the mere existence of such agreements does not establish a
12 “significant likelihood of removal in the reasonably foreseeable future” under *Zadvydas*,
13 nor can it justify continued detention absent compliance with required procedural
14 safeguards.
15

16 45. Any attempt to effectuate third-country removal without these protections
17 would violate the Due Process Clause of the Fifth Amendment and governing law.
18

19 **STATEMENT OF FACTS**

20 46. Petitioner Bao Tin Nguyen (“Mr. Nguyen”) is a native and citizen of
21 Vietnam.
22

23 47. Mr. Nguyen entered the United States on or about January 20, 2025, seeking
24 protection based on persecution he experienced in Vietnam.

25 48. On September 17, 2025, an Immigration Judge granted Mr. Nguyen
26 withholding of removal, finding that it is more likely than not that his life or freedom would
27

1 be threatened on account of a protected ground if he were removed to Vietnam. Both parties
2 waived appeal, and the order became administratively final that same day. *See Exhibit C,*
3 *IJ Order.*

4
5 49. As a result of that order, Mr. Nguyen cannot be removed to Vietnam. *See* 8
6 U.S.C. § 1231(b)(3); 8 C.F.R. § 1208.16.

7
8 50. Following the finality of his removal order, Mr. Nguyen remained detained
9 in ICE custody pursuant to 8 U.S.C. § 1231.

10
11 51. After more than six months of post-final-order detention, Mr. Nguyen filed
12 a petition for writ of habeas corpus in the United States District Court for the District of
13 Arizona challenging his continued detention under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

14
15 52. On March 31, 2026, the court granted Mr. Nguyen's habeas petition after
16 the Government conceded that it could not establish a "significant likelihood of removal in
17 the reasonably foreseeable future," and ordered his immediate release from custody. *See*
18 **Exhibit A**, *Habeas Order*.

19
20 53. The Government confirmed compliance with that order on April 1, 2026,
21 representing to the court that Mr. Nguyen had been released pursuant to the Court's
22 directive. *See Exhibit B*, *Notice of Compliance*.

23
24 54. Following his release, Mr. Nguyen was placed under an Order of
25 Supervision ("OSUP") and complied with all conditions imposed by ICE, including
26 appearing for scheduled check-ins as directed.

27
55. On April 21, 2026, Mr. Nguyen appeared at the Atlanta ICE Field Office for

1 a routine check-in pursuant to his OSUP. He brought with him documentation reflecting
2 his lawful release and compliance with supervision.

3
4 56. Instead of conducting a routine check-in, ICE officers summarily re-
5 detained Mr. Nguyen without prior notice, explanation, or any allegation that he had
6 violated the terms of his supervision.

7
8 57. ICE officers confiscated Mr. Nguyen's release documentation and returned
9 him to custody.

10
11 58. At no point did ICE provide Mr. Nguyen with notice of any revocation of
12 his Order of Supervision, nor did it afford him any opportunity to be heard.

13
14 59. ICE has not identified any new facts or changed circumstances that would
15 justify Mr. Nguyen's re-detention. In particular, ICE has not identified any country willing
16 to accept him or otherwise demonstrated that his removal is now significantly likely in the
17 reasonably foreseeable future.

18
19 60. On April 23, 2026, while detained, ICE officers attempted to coerce Mr.
20 Nguyen into signing documents agreeing to his removal to Vietnam, despite the fact that
21 his removal to Vietnam is prohibited by the final order granting withholding of removal.
22 Mr. Nguyen refused to sign.

23
24 61. ICE has not provided Mr. Nguyen with notice of any intended removal to a
25 third country, nor has it provided him with any opportunity to raise fear-based claims or
26 seek protection from such removal.

27 62. Mr. Nguyen now remains detained despite (1) a prior federal court order

1 granting his release based on the lack of any foreseeable removal, (2) his full compliance
2 with all conditions of supervision, and (3) the absence of any lawful basis for renewed
3 detention.

4
5 63. Absent intervention by this Court, Mr. Nguyen faces continued unlawful
6 detention and the risk of removal in violation of federal law and the Constitution.

7
8 64. Upon information and belief, ICE has recently identified a group of
9 noncitizens—including individuals from Vietnam and Laos who were previously granted
10 habeas relief and released from custody—for potential removal to third countries pursuant
11 to newly implemented transfer agreements.

12
13 65. Mr. Nguyen's re-detention under circumstances nearly identical to those
14 individuals—including re-detention following release under an Order of Supervision—
15 strongly suggests that he may be targeted as part of this effort.

16
17 66. In light of these developments, there is a substantial and imminent risk that
18 Respondents will attempt to remove Mr. Nguyen to a third country without providing
19 notice or an opportunity to seek protection, in violation of federal law and the Constitution.

20 **ARGUMENT AND GROUNDS FOR RELIEF**

21 **I. GROUND I: PETITIONER'S RE-DETENTION VIOLATES 8 U.S.C. §**
22 **1231(a)(6) AND ZADVYDAS BECAUSE THERE IS NO SIGNIFICANT**
23 **LIKELIHOOD OF REMOVAL IN THE REASONABLY FORESEEABLE**
24 **FUTURE.**

25 67. Petitioner's detention is governed by 8 U.S.C. § 1231(a)(6), which
26 authorizes detention only for a period reasonably necessary to effectuate removal.

27 68. In *Zadvydas v. Davis*, the Supreme Court held that § 1231(a)(6) does not

1 permit indefinite detention and limits detention to the period during which removal is
2 reasonably foreseeable. 533 U.S. 678, 689, 701 (2001).

3
4 69. Once a noncitizen provides “good reason to believe that there is no
5 significant likelihood of removal in the reasonably foreseeable future,” the Government
6 must rebut that showing or release the individual. *Id.* at 701.

7
8 70. Petitioner has already satisfied this standard—and the Government has
9 recently conceded it.

10
11 71. Just twenty-one days before Petitioner’s re-detention, in prior habeas
12 proceedings, the Government expressly acknowledged that it could not establish a
13 “significant likelihood of removal in the reasonably foreseeable future,” and a federal court
14 ordered Petitioner’s immediate release on that basis.

15
16 72. That determination remains controlling absent materially changed
17 circumstances.

18
19 73. No such changed circumstances exist here.

20
21 74. The Government has not identified any new country willing to accept
22 Petitioner, has not obtained travel documents, and has not presented any new evidence
23 suggesting that removal has become significantly likely in the reasonably foreseeable
24 future.

25
26 75. Petitioner still cannot be removed to Vietnam due to his grant of withholding
27 of removal.

1 76. The Government’s unexplained reversal—re-detaining Petitioner just three
2 weeks after conceding that removal was not foreseeable—cannot satisfy its burden under
3 *Zadvydas*.
4

5 77. Because removal is not reasonably foreseeable, Petitioner is entitled to
6 immediate release under appropriate conditions of supervision.
7

8 **II. GROUND II: PETITIONER’S RE-DETENTION VIOLATES THE DUE**
9 **PROCESS CLAUSE BECAUSE ICE SUMMARILY REVOKED HIS ORDER**
10 **OF SUPERVISION WITHOUT NOTICE OR OPPORTUNITY TO BE HEARD**

11 78. Following his release pursuant to a federal court order, Petitioner was placed
12 under an Order of Supervision (“OSUP”) and permitted to remain at liberty subject to
13 specified conditions.
14

15 79. Petitioner fully complied with all conditions of his supervision, including
16 appearing for scheduled check-ins as directed by ICE.
17

18 80. On April 21, 2026, Petitioner appeared for a routine ICE check-in as
19 required by his OSUP.
20

21 81. At that check-in—while complying with the very conditions of his
22 release—ICE officers summarily re-detained Petitioner.
23

24 82. ICE did not provide Petitioner with advance notice that his Order of
25 Supervision would be revoked.
26

27 83. ICE did not allege that Petitioner had violated any condition of his
supervision.

1 84. ICE did not provide any explanation for its decision to re-detain him.

2
3 85. ICE did not provide Petitioner with any opportunity to be heard before
4 depriving him of his liberty.

5 86. The revocation of Petitioner's release and resulting detention constitute a
6 significant deprivation of liberty protected by the Due Process Clause of the Fifth
7 Amendment.
8

9 87. Due process requires, at a minimum, notice and an opportunity to be heard
10 before the Government may deprive an individual of liberty, absent exigent circumstances.
11

12 88. No exigent circumstances existed here.
13

14 89. ICE has not identified any violation of supervision conditions, any change
15 in circumstances, or any other lawful basis justifying the summary revocation of
16 Petitioner's OSUP.
17

18 90. ICE's actions were arbitrary and fundamentally unfair.
19

20 91. The Government's conduct is particularly egregious because Petitioner was
21 re-detained at the very check-in required by his conditions of release, transforming
22 compliance into the basis for renewed custody.

23 92. Such conduct undermines the regulatory framework governing post-order
24 supervision and violates basic principles of due process.
25

26 93. Accordingly, Petitioner's re-detention violates the Due Process Clause of
27 the Fifth Amendment and must be set aside.

1 **III. GROUND III: PETITIONER’S RE-DETENTION IS UNLAWFUL BECAUSE**
2 **IT CONTRAVENES A PRIOR FEDERAL COURT ORDER GRANTING HIS**
3 **RELEASE**

4 94. On March 31, 2026, the United States District Court for the District of
5 Arizona granted Petitioner’s petition for writ of habeas corpus under *Zadvydas v. Davis*,
6 533 U.S. 678 (2001), after the Government conceded that it could not establish a significant
7 likelihood of removal in the reasonably foreseeable future. **Exh. A.**

8
9 95. The court ordered Petitioner’s immediate release from custody under
10 appropriate conditions.

11
12 96. The Government confirmed compliance with that order on April 1, 2026,
13 representing to the court that Petitioner had been released. **Exh. B.**

14
15 97. Just twenty-one days later, on April 21, 2026, ICE re-detained Petitioner
16 without identifying any new facts or changed circumstances.

17
18 98. The Government may not evade or nullify a federal court’s habeas
19 determination by re-detaining a petitioner absent materially changed circumstances
20 demonstrating that detention has become lawful.

21 99. No such changed circumstances exist here.

22
23 100. The Government has not identified any country willing to accept Petitioner,
24 has not obtained travel documents, and has not presented any new evidence demonstrating
25 that removal is now significantly likely in the reasonably foreseeable future.

26
27 101. Petitioner’s re-detention therefore directly contravenes the basis on which

1 the prior court granted habeas relief.

2
3 102. Petitioner's re-detention in this jurisdiction, rather than in the jurisdiction
4 where the prior habeas relief was granted, further underscores that the Government has
5 continued his detention without establishing any lawful basis for doing so

6
7 103. Absent materially changed circumstances, the prior habeas determination
8 that Petitioner's detention is unlawful remains controlling.

9
10 104. This Court has the authority to enforce federal law and prevent the
11 Government from continuing to detain Petitioner in violation of that determination.

12 105. Accordingly, Petitioner's re-detention is unlawful and must be set aside.

13 **IV. GROUND IV: ANY ATTEMPT TO REMOVE PETITIONER WITHOUT**
14 **PROVIDING NOTICE AND AN OPPORTUNITY TO SEEK PROTECTION**
15 **WOULD VIOLATE THE FIFTH AMENDMENT**

16
17 106. The Fifth Amendment's Due Process Clause prohibits the Government from
18 removing a noncitizen without providing notice and a meaningful opportunity to be heard.

19
20 107. These protections apply with particular force where the Government seeks
21 to remove a noncitizen to a country other than the one designated in the removal order.

22
23 108. Courts have recognized that, before effectuating removal to a third country,
24 the Government must provide notice of the proposed country of removal and a meaningful
25 opportunity for the noncitizen to raise fear-based claims, including eligibility for protection
26 under the Convention Against Torture.

27 109. Petitioner has not been provided with notice of any intended removal to a

1 third country.

2
3 110. Petitioner has not been afforded any opportunity to raise fear-based claims
4 or seek protection from removal to any such country.

5
6 111. Instead, while detained, ICE officers attempted to coerce Petitioner into
7 signing documents agreeing to removal to Vietnam a country to which he cannot lawfully
8 be removed due to his grant of withholding of removal.

9
10 112. Upon information and belief, ICE has recently begun identifying
11 noncitizens—including individuals from Vietnam and Laos who were previously released
12 following successful habeas petitions—for potential removal to third countries pursuant to
13 newly implemented transfer arrangements.

14
15 113. Petitioner's re-detention under materially identical circumstances,
16 combined with ICE's attempt to secure his agreement to removal, creates a substantial and
17 credible risk that Respondents may attempt to remove him to a third country without
18 providing the required procedural protections.

19
20 114. Any such removal would violate the Due Process Clause, governing
21 statutes, and binding precedent.

22
23 115. The risk of removal without notice or an opportunity to seek protection
24 constitutes irreparable harm.

25
26 116. Absent immediate intervention by this Court, Petitioner faces the imminent
27 risk of unlawful removal in violation of his constitutional and statutory rights.

PRAYER FOR RELIEF

1 WHEREFORE, Petitioner respectfully requests that this Court:

- 2 a. Assume jurisdiction over this matter;
- 3 b. Issue a writ of habeas corpus and declare that Petitioner's continued detention
- 4 violates 8 U.S.C. § 1231(a)(6), the Due Process Clause of the Fifth Amendment, and
- 5 governing law;
- 6 c. Order Petitioner's immediate release from custody under reasonable conditions of
- 7 supervision;
- 8 d. Enjoin Respondents from removing Petitioner from the United States unless and until
- 9 they provide constitutionally adequate notice and a meaningful opportunity to seek
- 10 protection from removal, including any required fear-based screening and access to
- 11 reopening procedures;
- 12 e. Enjoin Respondents from transferring Petitioner outside this District or otherwise
- 13 altering his custodial status in a manner that would frustrate this Court's jurisdiction
- 14 or ability to grant effective relief;
- 15 f. Enjoin Respondents from re-detaining Petitioner absent materially changed
- 16 circumstances demonstrating that his removal is significantly likely in the reasonably
- 17 foreseeable future, consistent with *Zadvydas v. Davis*;
- 18 g. Order Respondents to comply with all applicable statutory, regulatory, and
- 19 constitutional requirements governing post-order supervision, custody determinations,
- 20 and third-country removal procedures;
- 21 h. Grant declaratory relief that Respondents' actions are unlawful and unconstitutional;
- 22 i. Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to
- 23 Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and
- 24
- 25
- 26
- 27

j. Grant such other and further relief as this Court deems just and proper.

Dated: April 28, 2026

Respectfully submitted,

/s/ Eszter Bardi

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Attorneys for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of
Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition.
Based on those discussions, I hereby verify that the factual statements made in the attached
Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this April 28, 2026, in Phoenix, AZ.

/s/ Spencer C. Lee
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