

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

TRUNG HOAI TRINH,

Petitioner.

v.

JASON STREEVAL, in his official capacity as
Warden, Stewart Detention Center.

Respondent.

Case No. _____

HEARING REQUESTED

Agency number: A 

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

1. Petitioner Trung Hoai Trinh (“Petitioner” or Mr. Trinh”) is a citizen of Vietnam who is currently detained at Stewart Detention Center (“Stewart”). He has been in the custody of the U.S. Immigration & Customs Enforcement (“ICE”) for more than six (6) months, since on or about August 27, 2025, when he was detained during an appointment with the Atlanta Field Office.
2. Like thousands of other Vietnamese nationals with final orders of removal, Mr. Trinh had been living in his community under supervised release for over a decade before Immigration and Customs Enforcement (ICE) abruptly revoked his release and arrested

him. Mr. Trinh remains detained at Stewart Detention Center in Lumpkin, Georgia.

3. Mr. Trinh entered the United States on or about December 27, 1990, in Los Angeles, California. He entered the United States as a Lawful Permanent Resident through consular processing with my family. He did not have any issues with border patrol when He arrived. When he arrived in the United States, he already had lawful permanent resident status. To his knowledge, the Vietnamese government has not issued him any travel documents even though he has had a final order of removal since 2001.

4. Mr. Trinh has now been detained for more than nine months, with a final order of removal, and there is no significant likelihood that he will be removed in the reasonably foreseeable future. He does not contest that he has a removal order or that ICE can remove him. But since he has been detained so long, he would like to either be removed to Vietnam or released. Mr. Trinh's detention, post-removal order, has become unconstitutionally prolonged under the framework set out in *Zadvydas v. Davis*, 533 U.S. 678 (2001). He therefore challenges his prolonged and indefinite detention as a violation of the Immigration and Nationality Act ("INA") and the Due Process Clause.

5. Mr. Trinh respectfully requests that this Court grant him a Writ of Habeas Corpus, ordering Respondent to release him from custody.

JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and art. I. sec. 9, cl. 2 of the U.S. Constitution (Suspension Clause), as Mr. Trinh is presently in custody under or by color of the authority of the United States, and he challenges his custody as in violation of the Constitution, laws, or treaties of the

United States.

PARTIES

1. Petitioner Trung Hoai Trinh (Mr. Trinh), is a native and citizen of Vietnam. He has been detained in Respondent's custody since on or about August 27, 2025, when ICE detained him at the Atlanta Field Office when he went for a check-in appointment.
2. Respondent Jason Streeval is the Warden of the Stewart Detention Center, a privately owned prison that contracts with ICE to detain non-citizens. He is responsible for overseeing the administration and management of that facility. Mr. Streeval is the immediate custodian of Petitioner. He is sued in his official capacity.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

Repatriation of Vietnamese Nationals

1. In 2008, after ten years of negotiation, Vietnam and the United States executed a repatriation agreement to govern the repatriation of certain Vietnamese immigrants with final orders of removal to Vietnam. Before this agreement was negotiated, Vietnam refused to repatriate the overwhelming majority of Vietnamese immigrants ordered removed from the United States.
2. The repatriation agreement officially opened the door for repatriation of Vietnamese immigrants who arrived in the United States on or after July 12, 1995. However, Vietnam continued to accept only a limited number of persons for repatriation each year. As Mr. Trinh entered the U.S. before July 12, 1995, he did not fit under the scope of that agreement.
3. In 2020, the U.S. and Vietnam entered into a Memorandum of Understanding (MOU) for the acceptance and repatriation of Vietnamese citizens who entered the U.S. before July 12, 1995, and currently have final orders of removal. Mr. Trinh fits into this category.

However, despite this MOU, Mr. Trinh has been detained with a final order of removal for more than nine months.

Mr. Trinh's Background and History

4. Petitioner is a citizen of Vietnam. He entered the United States as a Lawful Permanent Resident on or about December 27, 1990, via consular processing (Exh. 3).

5. Mr. Trinh has resided in the United States for more than thirty-five years. *Id.* During that time, he established substantial family, employment, and community ties in this country. *Id.*

6. Since entering the United States, Mr. Trinh has returned to Vietnam only twice, once in approximately 1996 and once in 1999. *Id.* Both of the trips were temporary, and he returned to the United States after each visit. *Id.* Since his last entry into the U.S., he was arrested and convicted of a crime in North Dakota, which triggered removability as an aggravated felony conviction. *Id.* While in criminal custody, he was placed in removal proceedings. *Id.* An Immigration Judge ordered his removal to Vietnam on November 20, 2001 (Exh. 2). Upon information and belief, Mr. Trinh waived the right to appeal, rendering the decision final that day. After his criminal sentence, Mr. Trinh was in ICE custody for about three months before he was released under an Order of Supervision (Exh. 3).

7. Mr. Trinh has worked consistently throughout his time in the United States, primarily in the nail salon industry. *Id.* He previously owned nail salons with his former spouse and has continued working in the industry following their divorce. *Id.*

8. Mr. Trinh has family residing in the United States. If released from detention, he intends to reside with his family members and continue working. *Id.*

9. Since being detained, ICE provided Mr. Trinh the Warning for Failure to Depart form (I-229a) on or about December 28, 2025 (Exh. 4). On April 27, 2026, ICE reviewed Mr. Trinh's custody status and decided to continue detention (Exh. 5).

10. To Mr. Trinh's knowledge, Vietnam has not issued a travel document (Exh. 3). Before he was detained, Mr. Trinh tried to obtain a travel document from the embassy, but the embassy never responded. *Id.* He recounts that officials visited his family's home in Vietnam in 2017 and asked questions about him, but that no travel document was issued. *Id.*

LEGAL FRAMEWORK

1. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that Under 8 U.S.C. § 1231 (a)(6), when read in light of the Constitution, demands and limits an alien's post-removal period to a reasonably necessary period 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 foreseeable; the court should hold continued detention unreasonable and no longer authorized by the statute." *Id.* at 699.

2. In determining the length of a reasonable removal period, the Court adopted a "presumptive reasonable period of detention" of six months. *Id.* at 701. After six months, the government bears the burden of disapproving of 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 2001 U.S. Dist. LEXIS 182239, 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

six months 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).

3. 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.

4. 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. Ashcroft*, 2002 U.S. Dist. LEXIS 15797(D Mass. August 22, 2001) (court "will likely grant" habeas petition after 14 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. Feb 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).

5. The Supreme Court reaffirmed and extended *Zadvydas* in *Clark v. Martinez*, 543 U.S. 371 (2005). There, the court held that the limitations recognized in *Zadvydas* apply equally to all

noncitizens detained under 8 U.S.C. § 1231 (a)(6), regardless of their particular immigration classification. The court explained that detention under 8 U.S.C. § 1231 (a)(6) is authorized only for a period reasonably necessary to effectuate removal and that the six-month presumptively reasonable detention period applies uniformly. Once a petitioner demonstrates that there is no significant likelihood of removal in the reasonably foreseeable future, continued detention is not authorized under the statute.

6. Courts within the Eleventh Circuit routinely recognized that *Zadvydas* governs challenges to prolonged post-removal-order detention brought pursuant to 28 U.S.C. § 2241. Since Mr. Trinh has been detained for beyond six months and presents evidence demonstrating that removal is not significantly likely in the reasonably foreseeable future, the burden shifts to the government to produce evidence showing that the removal remains reasonably foreseeable.

CLAIMS FOR RELIEF

Count One Statutory Violation

1. Mr. Trinh incorporates by reference all preceding paragraphs as though fully set forth herein.

2. Following the entry of a final order of removal, detention is governed by 8 U.S.C. § 1231. Under 8 U.S.C. § 1231 (a)(6), certain noncitizens may be detained beyond the statutory removal period. However, the government's authority to detain individuals under the provision is not unlimited.

3. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that Section 1231(a)(6) contains an implicit limitation on the government's detention authority. The Court explained that post-removal-order detention is permissible only for a period reasonably necessary to effectuate

removal. The Court further held that detention beyond six months is presumptively unreasonable where there is no significant likelihood of removal in the reasonably foreseeable future.

4. The Supreme Court later confirmed in *Clark v. Martinez*, 543 U.S. 371 (2005), that the limitations recognized in *Zadvydas* apply equally to all individuals detained pursuant to Section 1231(a)(6).

5. ICE has detained Mr. Trinh since August 27, 2025. He has been detained for approximately nine months following the execution of his final order of removal, well beyond the six-month presumptively reasonable period recognized by the Supreme Court.

6. Mr. Trinh has established a good reason to believe that there is no significant likelihood of his removal to Vietnam in the reasonably foreseeable future.

7. Mr. Trinh's removal became final on November 20, 2001. Despite the existence of an order for more than twenty-four years, Respondent has never successfully removed Petitioner to Vietnam.

8. Following a brief period of immigration detention after completion of his criminal sentence, the Respondent released Mr. Trinh under an Order of Supervision. He remained on an Order of Supervision for several years.

9. During those years, Mr. Trinh complied with ICE reporting requirements, renewed employment authorization, maintained employment, and remained available to immigration authorities. Respondent permitted Mr. Trinh to remain in the community because removal could not be effectuated.

10. To Mr. Trinh's knowledge, no travel document has been issued.

11. Mr. Trinh's decades-long history under an Order of Supervision, combined with the Respondent's inability to remove him since 2001 and the continued absence of travel documents,

demonstrates that his removal is not significantly likely to occur in the reasonably foreseeable future.

12. Respondent cannot justify Mr. Trinh's continued detention based upon mere speculation that travel documents may someday be issued. *Zadvydas* requires more than a theoretical possibility of removal. Rather, the respondent must present evidence demonstrating that Mr. Trinh's removal is significantly likely in the reasonably foreseeable future.

13. The government's inability to remove Mr. Trinh for more than two decades constitutes compelling evidence that continued detention is no longer reasonably related to effectuating his removal.

14. Because there is no significant likelihood that Mr. Trinh will be removed in the reasonably foreseeable future, Respondent's continued detention of Mr. Trinh exceeds the authority granted by 8 U.S.C. § 1231 (a)(6), as interpreted by the Supreme Court in *Zadvydas* and *Clark*.

15. Mr. Trinh's continued detention is therefore unlawful and must cease.

16. As a result of Respondent's unlawful detention, Mr. Trinh is entitled to immediate release under reasonable conditions of supervision pending any future efforts to effectuate his removal.

Count Two
Violation of the Fifth Amendment's Guarantee of Substantive Due Process

17. Mr. Trinh incorporates by reference all preceding paragraphs as though fully set forth herein.

18. The Fifth Amendment to the United States Constitution prohibits the federal government from depriving any person of liberty without due process of law.

19. Non-citizens physically present within the United States, including those subject to final orders of removal, are protected by the Due Process Clause of the Fifth Amendment.

20. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. Therefore, civil detention must bear a reasonable relationship to a legitimate governmental purpose and may not be excessive in relation to that purpose.

21. Immigration detention is civil rather than criminal in nature. Accordingly, detention may not be imposed as punishment and may continue only so long as it reasonably serves the government's legitimate regulatory interests.

22. In post-removal, the government's primary interest is effectuating an individual's removal from the United States.

23. While the Respondent possesses a legitimate interest in securing Mr. Trinh's removal, that interest does not authorize indefinite or potentially permanent detention where removal is not significantly likely to occur in the reasonably foreseeable future.

24. The Supreme Court recognized this constitutional limitation in *Zadvyas v. Davis*, 533 U.S. 678 (2001), explaining that once removal is no longer reasonably foreseeable, continued detention no longer bears a reasonable relationship to its stated purpose.

25. Mr. Trinh's continued detention has exceeded nine months and extends well beyond the six-month presumptively reasonable period identified by the Supreme Court.

26. More importantly, Mr. Trinh's removal order has existed since November 20, 2001, yet Respondent has been unable to effectuate his removal during the more than twenty-four years that have followed.

27. To Mr. Trinh's knowledge, Vietnam has never issued travel documents authorizing his return despite the government's efforts over many years to secure such documentation.

28. During his current detention, Mr. Trinh has fully cooperated with ICE's efforts to obtain a travel document.

29. Nevertheless, no travel documents have been issued, no removal date has been scheduled, and no evidence demonstrates that Mr. Trinh's removal is significantly likely to occur.

30. Under these circumstances, Mr. Trinh's continued detention no longer bears a reasonable relationship to the government's asserted purpose of effectuating removal.

31. Continued detention based solely upon the speculative possibility that Vietnam may someday issue travel documents violates the substantive protections guaranteed by the Fifth Amendment.

32. Since Mr. Trinh's detention no longer serves its purported regulatory purpose and because removal is not significantly likely in the future, Respondent's continued detention of Mr. Trinh constitutes an unconstitutional deprivation of liberty in violation of the Due Process Clause of the Fifth Amendment.

33. As a direct result of Respondent's unconstitutional conduct, Mr. Trinh continues to suffer from an ongoing loss of liberty, emotional distress, separation from family, and other harms associated with prolonged civil detention.

34. Mr. Trinh is entitled to immediate release under reasonable conditions of supervision and such other relief as this court deems.

Count Three
Violation of the Fifth Amendment's Guarantee of Procedural Due Process

35. Mr. Trinh incorporates by reference all preceding paragraphs as though fully set forth herein.

36. The Due Process Clause of the Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law.

37. Noncitizens physically present within the United States are entitled to procedural due process protections when the government seeks to deprive them of their liberty through civil

detention.

38. At a minimum, due process requires a meaningful opportunity to be heard at a meaningful time and in a meaningful manner before a neutral and impartial decision-maker.

39. As Mr. Trinh's detention becomes increasingly prolonged, the procedural safeguards required by the Constitution become more important.

40. Mr. Trinh has remained in immigration detention since August 27, 2025, well beyond the six-month presumptively reasonable period recognized by the Supreme Court.

41. Despite the substantial deprivation of liberty caused by Mr. Trinh's prolonged detention, Respondent has failed to provide Mr. Trinh with an adequate and meaningful procedure by which he may challenge his continued confinement.

42. ICE custody reviews are conducted by the same agency responsible for Mr. Trinh's detention and removal, rather than by a neutral and independent adjudicator

43. As a result of these procedural deficiencies, Mr. Trinh continues to suffer an unlawful deprivation of liberty.

44. Mr. Trinh is entitled to appropriate habeas relief, including immediate release under reasonable conditions of supervision or, alternatively, a prompt custody determination before a neutral and impartial decision-maker.

PRAYER FOR RELIEF

WHEREFORE Petitioner requests that the Court grant the following relief:

- a. Assume jurisdiction over this matter.
- b. Order Respondent to show cause why a writ of habeas corpus should not be granted “within three (3) days unless for good cause additional time, not exceeding twenty (20) days, is allowed,” that Petitioner be afforded one (1) week to file a response to Respondent’s return, and set a hearing on this Petition within one (1) week after Petitioner’s response is due, pursuant to 28 U.S.C. § 2243;
- c. Order that as part of their filing showing cause why the Petition should not be granted, Respondent provide all documents relevant to efforts made to obtain travel documents for Mr. Trinh, which Mr. Trinh does not have access to;
- d. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under Chapter 153 (habeas corpus) of Title 28;
- e. In the event that this Court determines that a genuine dispute of material fact exists regarding the likelihood of removal to Vietnam in the reasonably foreseeable future, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243. *Singh v. U.S. Attorney Gen.*, 945 F.3d 1310, 1315-16 (11th Cir. 2019);
- f. Grant a writ of habeas corpus ordering Respondent to immediately release Mr. Trinh from their custody;
- g. Enter preliminary and permanent injunctive relief enjoining Respondent from further unlawful detention of Mr. Trinh;
- h. Declare that Mr. Trinh’s detention without a bond hearing violates the Immigration and Nationality Act;
- i. Declare that Mr. Trinh’s detention violates the Due Process Clause of the Fifth Amendment;
- j. Enjoin Respondent from transferring Mr. Trinh’s outside of this judicial district pending litigation of this matter;
- k. Award reasonable attorney’s fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- l. Grant such further relief as this Court deems just and proper.

Dated: June 9, 2026

Respectfully submitted,

/s/ Matthew O. Boles

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner-Plaintiff's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. Based on those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

Dated: June 9, 2026

/s/Matthew Boles

Attorney for Petitioner