

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT COURT OF MINNESOTA
600 U.S. Courthouse Suite 202
300 South Fourth Street
Minneapolis, MN, 55415

CHIA NENG VUE

A# ~~XXXXXXXXXX~~

Petitioner,

v.

James Mchenry and Lisa Monaco,
US ATTORNEY GENERAL;
Kristi Noem,
SECRETARY OF DEPARTMENT OF
HOMELAND SECURITY;
Peter Berg,
FIELD OFFICE DIRECTOR FOR THE
MINNEAPOLIS FIELD OFFICE
Warden of Freeborn County Detention Center,

Respondents,

RECEIVED BY MAIL
JUL 11 2025

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA



**PETITION FOR PRELIMINARY INJUNCTION, TEMPORARY RESTRAIN ORDER
AND WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

Petitioner, CHIA NENG VUE, brings this preliminary injunction, temporary restrain order and writ of habeas corpus petition seeking immediate relief from unlawful detention. Petitioner requests that this Court issue a Writ of Habeas Corpus and direct Respondent to immediately release Petitioner from custody and enter preliminary and permanent injunctive relief enjoining [Respondent] from further unlawful detention of petitioner. Petitioner challenges the lawfulness

3. This court has jurisdiction under 28 U.S.C. 2241: art. I 9, cl. 2 of the United States Constitution (“Suspension Clause”); and 28 U.S.C. 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, law, or treaties of the United State. This court may grant relief pursuant to 28 U.S.C. 2241, 5 U.S.C. 702, and the All Writs Act, 28 U.S.C. 1651.

4. Petitioner has exhausted any and all administrative remedies to extend require by law.

VENUE

5. Pursuant to Braden v. 30th Judicial Circuit Ct., 410 U.S. 484, 495-96, 93 S. Ct. 1123, 35 L. Ed. 2d 443 (1973); Roman v. Ashcroft, 340 F.3d 314, 318-20 (6th Cir. 2003). Thus, because the petition indicates that Petitioner is currently incarcerated at Freeborn County Adult Detention Center in Minnesota, the proper venue for this action is the United States District Court for the District of Minnesota, the judicial district in which Petitioner resides.

PARTIES

6. Petitioner is STATELES. He was born in a refugee camp in Thailand but he is not a citizen of Thailand. Petitioner was taken into ICE custody on June 7, 2025, and has remained in ICE custody continuously since that date. Petitioner was ordered remove on October 31, 2003.

7. Respondent James Mchenry and Lisa Monaco is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Nationality Act (INA). As such, James Mchenry and Lisa Monaco has ultimate custodial authority over Petitioner.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Nationality Act (INA). As such, Kristi Noem is the legal custodian of Petitioner.

17. Petitioner was arrested in Minnesota and charged with Felon in possession of a firearm on 2012. Petitioner pleaded guilty to the charge and was sentence to 60 months.

Petitioner was released on May 15, 2015 to ICE custody. Petitioner was released under an order of supervision on May 15, 2015.

18. ICE tried obtaining respondent's travel documents from petitioner parents' country of origin and unsuccessfully failed to obtain them.

19. Petitioner was unlawfully and unconstitutionally detained by ICE officials on June 7, 2025. Petitioner was not given any reason for his detention violating his due process rights under the Fifth Amendment.

LEGAL FRAME OF WORK FOR RELIEF SOUGHT

20. Having released petitioner pursuant to 8 C.F.R. § 241.13, the government may not re-detain petitioner without satisfying 8 C.F.R. § 241.13 (i). ICE's decision to re-detain a noncitizen like Petitioner who has been granted supervised release is governed by ICE's own regulation requiring (1) an individualized determination (2) by ICE that, (3) based on changed circumstances, (4) removal has become significantly likely in the reasonably foreseeable future. See 8 C.F.R. § 241.13(i)(2). The first circuit determined the following: "The plain language of the regulation, however, does not allow a court in the first instance to make the required individualized finding. To the extent ICE claims that it made such a determination, the court should review that claim in light of the regulations instructing ICE on how it should make such a determination. See 8 C.F.R. § 241.13(f), (i)(2).

21. Respondent asserts petitioner's case is under current review by Laos. See notice of revocation. Respondent allegations does not account as change of circumstances. Respondent could have wait for Laos's response to their request before arresting petitioner.

26. Petitioner claims that the government lacked a valid warrant and that the government, having previously determined that his removal was "not possible or practicable," failed to follow its own regulations requiring ICE to determine that, "on account of changed circumstances, . . . there [was] a significant likelihood that [petitioner] may be removed in the reasonably foreseeable future." See 8 C.F.R. § 241.13(i)(2). He contends that, absent such an individualized finding, ICE lacked the legal authority to detain him and is therefore liable for false arrest and false imprisonment.

27. Petitioner does not challenge the decision to try to execute his removal. Petitioner claims that his renewed detention was unlawful because the government by failing to adhere to regulatory procedures, neither offered nor proved any "special justification" that existed at that time to outweigh his "constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356, 117 S. Ct. 2072, 138 L. Ed. 2d 501 (1997)).

CLAIMS FOR RELIEF

COUNT TWO

28. Petitioner re-alleges and incorporates by reference paragraphs 1 through 27 above.

29. Petitioner seek emergency relief in the form of preliminary injunctions. Petitioner further contends this court should enjoin respondent from re-detaining him without court approval. This injunction are governed by Rule 65 of the Federal Rules of Civil Procedure. Preliminary injunctive relief is "an extraordinary remedy" and "should be granted only in limited circumstances." *Kos Pharms., Inc. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir. 2004) (citing *AT&T v. Winback and Conserve Program, Inc.*, 42 F.3d 1421, 1426-27 (3d Cir. 1994)).

unlawful conduct that [Petitioner] challenged. See DR. Ashqar v. Larose, 2019 U.S. Dist. LEXIS 48082 (N.D. Ohio, Mar. 26, 2019)

33. In Kargbo v. Brott, 2016 U.S. Dist. LEXIS 87690, 2016 WL 3676162, at *2 (D. Minn.) the court stated the following: ("[T]his is not a case in which the government voluntarily ceased allegedly unlawful conduct but is free to restart such conduct at whim. To the contrary, by releasing Kargbo under 8 C.F.R. § 241.13, the government has placed itself under new legal limitations-limitations that did not exist at the time that Kargbo filed his habeas petitions and that make it impossible for the government to resume the objectionable conduct."). Put plainly, Petitioner challenged his post-order-of-removal detention. Should he be re-detained, it will be under 8 C.F.R. § 241.13. Thus, there is no reasonable expectation Petitioner will again suffer the same harm initially alleged. See Friends of the Earth, 528 U.S. at 190; Mosley, 920 F.2d at 415.

34. Petitioner alleges ICE should have obtain a travel document before they would have arrested him. Therefore, ICE is not following its own regulation and preliminary injunction should be granted.

CLAIMS FOR RELIEF

COUNT THREE

35. Petitioner re-alleges and incorporates by reference paragraphs 1 through 34 above.

36. Petitioner seeks an immediate release from custody and seeks a temporary restraining order ("TRO"). Rule 65 of the Federal Rules of Civil Procedure provides for a TRO, in pertinent part, as follows: (b)(1) Issuing Without Notice. The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss or damage will result to the movant before the adverse party can be heard in opposition, and (B) the

Respectfully submitted,



CHIA NENG VUE
A# [REDACTED]
Freeborn County Detention Center
Po Drawer 170
Albert Lea, MN 56007

Date: July 7, 2025

Certificate of Service

I hereby certify that on July 7, 2025 I filed the foregoing paper with the Clerk of the Court by mail and served a copy of this response by U.S. Mail to the Respondent's address:

U.S. Department of Justice
United States Attorney's Office
District of Minnesota
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN, 55415



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A# [REDACTED]
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Date: July 7, 2025