

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241  
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REFERENCE

LCWP 5.4  
(Rule Number/Section)

# UNITED STATES DISTRICT COURT

for the District of Arizona

FILED	LODGED
RECEIVED	COPY
JUL 10 2025	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

NGO VAN QUAN  
Petitioner

M. MARTINEZ  
ICE / IRO / DHS  
Respondent

(name of warden or authorized person having custody of petitioner)

Case No. CV25-02407-PHX-DJH--JFM  
(Supplied by Clerk of Court)

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

### Personal Information

- (a) Your full name: NGO VAN QUAN  
(b) Other names you have used: \_\_\_\_\_
- Place of confinement:  
(a) Name of institution: Central Arizona Florence Correctional Complex  
(b) Address: P.O. BOX 6300  
Florence, AZ 85132  
(c) Your identification number: # [REDACTED]
- Are you currently being held on orders by:  
☒ Federal authorities ☐ State authorities ☒ Other - explain:  
ICE / IRO / DHS Final order of Removal
- Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☒ Being held on an immigration charge  
☒ Other (explain): Post Removal order detention

### Decision or Action You Are Challenging

- What are you challenging in this petition:  
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention  
☒ Immigration detention  
☐ Detainer  
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)  
☐ Disciplinary proceedings

☒ Other (explain):

I have been through the 180 days period Now ICE continue to hold me another 180 days again. It may put me into the hardship and false Imprisonment

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

US district Court  
401 W. Washington St, phoenix, AZ 85003-2118

(b) Docket number, case number, or opinion number:

#

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Final Order of Removal

(d) Date of the decision or action: May 12, 2005

### Your Earlier Challenges of the Decision or Action

#### 7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

N/A

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal:

#### 8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

\_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

\_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

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If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 3-31-2025
- (b) Date of the removal or reinstatement order: MAY 12 2005
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

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If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Result: \_\_\_\_\_
- (4) Date of result: \_\_\_\_\_
- (5) Issues raised: \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Case number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: \_\_\_\_\_
- (b) Name of the authority, agency, or court: \_\_\_\_\_
- (c) Date of filing: \_\_\_\_\_
- (d) Docket number, case number, or opinion number: \_\_\_\_\_
- (e) Result: \_\_\_\_\_
- (f) Date of result: \_\_\_\_\_
- (g) Issues raised: \_\_\_\_\_

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**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Zadvydas V. Davis, 533 U.S. 678, 70112001  
"Zadvydas Claim"

(a) Supporting facts (Be brief. Do not cite cases or law.):

I am filing a habeas petition under Zadvydas V. Davis,  
533 U.S. 678, 70112001  
Because I received a final order of removal  
over 20 years ago and I am still detained  
and waiting for my removal. my 180 has already been

(b) Did you present Ground One in all appeals that were available to you?

serve after the report  
order by the court.

☐ Yes☒ No

GROUND TWO: Article 1 General Provisions

(a) Supporting facts (Be brief. Do not cite cases or law.):

In the case of a citizen of Vietnam who immigrated to the United States  
from a third country where that person had a permanent residence  
and who has been ordered removed from the United States the U.S. Government  
will seek to return that person to the third country or consider  
allowing that person to stay in the U.S. before requesting removal to Vietnam.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes☐ NoN/A

GROUND THREE: Trinh V Homan 466 F. Supp  
3d 1077. Trinh entered the United State  
with his family as 4 years old in 1980.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Agreement between the Government of the United States of America  
and the Government of the Socialist Republic of Vietnam on the  
acceptance of the return of Vietnamese citizens. ICE's policy is  
that pre-1995 immigrant are generally unlikely to be deported  
and should be released within 90 days of receiving a deportation

(b) Did you present Ground Three in all appeals that were available to you?

(see exhibit 1)

order.

☐ Yes☐ NoN/A

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**GROUND FOUR:**

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do:

Good reason to believe that my removal is not significantly likely to occur in the reasonably foreseeable future. Therefore Respondents lack authority to continue detaining Petitioner.

**Prayer For Relief**

Wherefore Petitioner respectfully requests that the Court grant the following relief:

A. Assume Jurisdiction Over this matter;

B. Issue an Order pursuant to 28 U.S.C. § 2243 directing Respondents to show cause why the Writ of habeas corpus should not be granted;

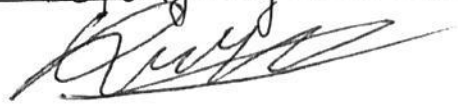
C. Grant the Writ of habeas corpus and Order Petitioner's immediate release from ICE custody;

D. Issue a Court's order directing Respondents to send a notice to every detainee (who received a deportation order) that when ICE request travel document from their country and to inform detainees whether travel document has been issued or not.

E. Grant any other and further relief as the Court deems just and proper.

Date: 7-1-25

Respectfully Submitted.



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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

central ARizona Florence correctional complex

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 7-1-25

  
\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Signature of Attorney or other authorized person, if any

1 Name: NGO, VAN QUAN

2 A Number: #A [REDACTED]

3 Address: P.O BOX 6300

4 Florence, Arizona

5 85132

6 PRO SE

7  
8  
9 UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

10 Name: NGO, VAN QUAN,

11 Petitioner,

12 v.

13 ESTEPA  
14 M Martinez; ICE/ERO  
15 DHS

16 Respondents.  
17  
18  
19

Case No.

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

20  
21  
22 Petitioner [name] NGO VAN QUAN petitions this Court for a writ  
23 of habeas corpus to remedy Petitioner's indefinite detention by Respondents.  
24

25 **JURISDICTION AND VENUE**

26 1. This Court has subject matter jurisdiction and may grant relief under 28 U.S.C. §  
27 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 1331 (federal question).  
28 This Court also has jurisdiction to hear this case under the Suspension Clause of Article I of the

1 United States Constitution. *INS v. St. Cyr*, 533 U.S. 289 (2001).

2 2. Because Petitioner challenges his or her custody, jurisdiction is proper in this  
3 Court. While the courts of appeals have jurisdiction to review removal orders through petitions  
4 for review, *see* 8 U.S.C. §§ 1252(a)(1) and (b), the federal district courts have jurisdiction under  
5 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness of their  
6 detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001); *Nadarajah v. Gonzales*, 443  
7 F.3d 1069, 1075-76 (9th Cir. 2006).

8 3. Petitioner has exhausted any and all administrative remedies to the extent required  
9 by law.

10 4. Venue is proper in the District of ~~Arizona~~ pursuant to 28 U.S.C §§  
11 1391(b) and (e) because a substantial part of the events or omissions giving rise to these claims  
12 occurred in this district. All material decisions have been made at the ~~Arizona~~ Field Office  
13 of Immigration and Customs Enforcement (ICE), which has authority over the detention of  
14 Petitioner and is located in this judicial district. *See, e.g., Sales P. v. Kaiser*, No. 22-CV-03018-  
15 DMR, 2022 WL 17082375, at \*5 (N.D. Cal. Nov. 18, 2022) (holding the Northern District is the  
16 proper forum for habeas petition filed by noncitizen detained at Golden State Annex facility  
17 under the purview of the San Francisco FOD); *Ameen v. Jennings*, No. 22-CV-00140-WHO, 2022  
18 WL 1157900, at \*4-5 (N.D. Cal. Apr. 19, 2022) (collecting cases) (same); *Zepeda Rivas v.*  
19 *Jennings*, 445 F. Supp. 3d 36, 39 (N.D. Cal. 2020) (same with regards to petitioners held at Mesa  
20 Verde Detention Facility and Yuba County Jail under the purview of the San Francisco FOD).

21 **PARTIES**

22 5. Petitioner is a noncitizen who is currently detained by Immigration and Customs  
23 Enforcement (ICE) at the [name of detention facility] Central Arizona Florence  
24 in [city, state] Florence, Arizona Correctional Complex

25 6. Respondent Field Office Director for the Arizona Field Office of ICE ("A2  
26 FOD") has the authority to order Petitioner's release or continued detention. As such, Respondent  
27 A2FOD is a legal custodian of Petitioner.  
28

7. Respondent Director of ICE ("ICE Director") is the head of ICE, an agency within the United States Department of Homeland Security that detains and removes certain noncitizens. Respondent ICE Director is a legal custodian of Petitioner.

8. Respondent Secretary of the United States Department of Homeland Security ("DHS Secretary") is responsible for the implementation and enforcement of the immigration laws and oversees ICE. As such, Respondent DHS Secretary has ultimate custodial authority over Petitioner.

9. Respondent Attorney General of the United States ("U.S. A.G.") is the head of the United States Department of Justice, which oversees the immigration courts. Respondent U.S. A.G. shares responsibility for enforcement of the immigration laws with Respondent DHS Secretary.

10. All Respondents are sued in their official capacities.

**FACTUAL ALLEGATIONS**

11. Petitioner [name] NGO, VAN QUAN was born in [country] VIETNAM.

12. Petitioner entered the United States on or about [date] 5/28/1988.  
Petitioner's immigration history is as follows: Refugee Status

13. Petitioner's criminal history is as follows: Auto Burglary

14. Petitioner was detained by Immigration and Customs Enforcement on or about

1 [date] 3/31/2025. Petitioner has remained in ICE custody since that date.

2 15. An Immigration Judge ordered Petitioner removed from the United States on or  
3 about [date] 5/12/2005. Petitioner [circle one] DID / DID NOT appeal  
4 the Immigration Judge's decision to the Board of Immigration Appeals (BIA). The BIA dismissed  
5 Petitioner's appeal on [date, if applicable] N/A.

6 16. Petitioner received a document titled "Decision to Continue Detention" from ICE  
7 on or about [date] 6/29/25. Petitioner received a <sup>First</sup> ~~second~~ "Decision to  
8 Continue Detention" from ICE on or about [date] N/A.

9 17. Petitioner has cooperated fully with all of ICE's efforts to remove Petitioner.

10 Petitioner has cooperated with ICE in the following ways: By taken photo,  
11 finger print and answered the questionnaire  
12 forms.

13 18. Nonetheless, ICE has been unable to remove Petitioner from the United States.  
14 ICE is unlikely to be able to remove Petitioner because: I m under  
15 protection of Refugee status after escape  
16 the Viet Nam Government and become refugee status  
17 he never return to Viet Nam nor that he gain  
18 U.S citizen

19 **LEGAL FRAMEWORK**

20 19. In *Zadvydas v. Davis*, the Supreme Court held that the immigration statute 8  
21 U.S.C. § 1231(a)(6) does not allow ICE to detain a noncitizen indefinitely while attempting to  
22 carry out removal. 533 U.S. 678, 689 (2001). Because of the "serious constitutional problem"  
23 posed by indefinite detention, the Court read the statute to limit a noncitizen's detention to "a  
24 period reasonably necessary to bring about that alien's removal from the United States." *Id.*

25 20. The Court also recognized six months as the "presumptively reasonable period" of  
26 post-removal order detention. *Id.* at 701. After six months, once the noncitizen provides "good  
27 reason to believe that there is no significant likelihood of removal in the reasonably foreseeable  
28

1 future," the burden shifts to the government to rebut that showing. *Id.* Moreover, "as the period of  
2 prior postremoval confinement grows, what counts as the 'reasonably foreseeable future'  
3 conversely would have to shrink." *Id.*

4 21. In *Clark v. Martinez*, the Supreme Court held that its ruling in *Zadvydas* applies  
5 equally to noncitizens who have never been admitted to the United States. 543 U.S. 371 (2005).

6 **CLAIM FOR RELIEF**

7 **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT**

8 22. The foregoing allegations are realleged and incorporated herein.

9 23. Petitioner's continued detention is unlawful and violates 8 U.S.C. § 1231(a)(6) as  
10 interpreted by the Supreme Court in *Zadvydas*. The six-month presumptively reasonable period of  
11 detention has expired and Petitioner has provided good reason to believe that his or her removal is  
12 not significantly likely to occur in the reasonably foreseeable future. Therefore, Respondents lack  
13 authority to continue detaining Petitioner.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Petitioner respectfully requests that the Court grant the following relief:

- 16 a. Assume jurisdiction over this matter;  
17 b. Issue an order pursuant to 28 U.S.C. § 2243 directing Respondents to show cause  
18 why the writ of habeas corpus should not be granted;  
19 c. Grant the writ of habeas corpus and order Petitioner's immediate release from  
20 custody;  
21 d. Grant any other and further relief as the Court deems just and proper.

22  
23 Date: 7-1-25

24 Signature: \_\_\_\_\_

25  
26  
27  
28  
Petitioner