

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 25-cv-02836-LMP-JFD

Va Vang,

Petitioner,

v.

**RESPONDENTS' RESPONSE
TO THE SECOND ORDER
TO SHOW CAUSE**

Pamela Bondi, Todd Blanche,
Kristi Noem, Peter Berg, and
Warden of Freeborn County
Detention Center,

Respondents.

The Respondents hereby file this Memorandum in Response to Second Order to Show Cause (ECF 13). Petitioner was taken into ICE custody lawfully under 8 U.S.C. § 1231 to execute his long-standing final order of removal. Petitioner is a citizen of Laos. ICE has now obtained a travel document for Petitioner and ICE will remove him in the imminently. Therefore, this Court should deny Petitioner's request for a Temporary Restraining Order and Preliminary Injunction and dismiss the Petition.

RELEVANT FACTUAL BACKGROUND

Petitioner filed this present Petition on July 14, 2025. ECF 1. On July 15, the Court issued an Order to Show Cause directing Respondents to file a response to the Petition by July 24, and allowing Petitioner to file a reply to Respondents memorandum by August 4, 2025. ECF 3. On July 24, Respondent's filed a memorandum arguing that Respondents fully complied with the regulatory requirements in revoking Petitioner's release, Petitioner's detention does not violate the Due Process Clause of the Fifth Amendment, and that Petitioner is not entitled to injunctive relief or a Temporary Restraining Order. ECF 6, pp. 9-17.

On August 4 at 10:46 a.m., Petitioner submitted a response to Respondent's memorandum. ECF 11. Also, on August 4, ERO Headquarter – Removal Division (HQ/RIO) notified ERO St. Paul that they had a valid travel document issued by the Government of Laos for Petitioner and that his removal was scheduled to occur in August 2025. *See* Supplemental Declaration of Richard Pryd Jr. ("Supp. Pryd Decl.") ¶¶ 4-5. Later that day at 6:12 p.m. this Court issued a Second Order to Show Cause directing Respondent's to answer eleven questions by August 8, 2025. ECF 13. Respondents now submit this response.¹

ARGUMENT

¹ Now that ICE has obtained a travel document for Petitioner and his removal is imminent, it is Respondent's position that the questions in the Court's Second Order to Show Cause are moot.

Under the Supreme Court’s decision in *Zadvydas v. Davis*, a person subject to a final order of removal cannot, consistent with the Due Process Clause, be detained indefinitely pending removal. 533 U.S. at 699-700. *Zadvydas* established a temporal marker: post-final order of removal detention of six months or less is presumptively constitutional. *Id.* at 701; *see also Sokpa-Anku v. Paget*, No. 17-cv-1107 (DWF/KMM), 2018 WL 3130681, at *3 (D. Minn. June 8, 2018) (report and recommendation) (“Once a person is finally ordered removed from the United States, it is presumptively constitutional for the government to detain him for a 6-month period.”), *R&R adopted*, 2018 WL 3129002 (June 26, 2018). However, continued detention does not necessarily become unconstitutional after six months. Detention longer than six months still comports with due process if there is a “significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701.

In the present case, ICE is actively working to effectuate Petitioner's removal. ICE now has a travel document for Petitioner. Supp. Pryd Decl. ¶ 4. He will be deported imminently. *Id.* at ¶ 5. There is no question that there is a significant likelihood of removal in the reasonably foreseeable future. *See Kamara v. Oddo*, No. 3:24cv2249, 2025 WL 31031 at 4 (M.D. Penn. Jan. 27, 2025) (denying writ for habeas corpus because petitioner's removal will take place in the reasonably foreseeable future since ERO is in possession of a valid travel document.); *Martinez v. Field Office Director*, No. 3:22-cv-00670, 2022 WL 17903490 at (N.D. Ohio Dec. 23, 2022) (denying writ for habeas because the government is in possession of a travel document for petitioner and petitioner's removal will occur in the reasonably foreseeable future.). Petitioner even acknowledges that he can be removed once the government obtains a travel document for him. *See* ECF 11, p. 6 (stating "Petitioner cannot be removed to Laos until the government obtains a travel document for Petitioner that allows him to enter Laos."). Therefore, Petitioner's petition, like the petitions in *Kamara* and *Martinez*, must be denied since ICE has obtained his travel document and he will be removed imminently.

CONCLUSION

For all of the forgoing reasons, the Federal Respondents respectfully request that the Petition be dismissed.

Dated: August 7, 2025

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