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13 UNITED STATES DISTRICT COURT FOR THE
14 CENTRAL DISTRICT OF CALIFORNIA

15 Osoth Manivong, Alien 

16 Petitioner,
17 v.

Case No. 2:25-mc-00071

18 PAMELA BONDI, in her official capacity as
19 Attorney General,

20 KRISTI NOEM, in her official capacity as
21 Secretary of the Department of Homeland
22 Security,

23 U.S. DEPARTMENT OF HOMELAND
24 SECURITY,

25 F. SEMAIA, in his official capacity as Warden of
26 Adelanto Detention Facility,

27 ERNESTO SANTACRUZ, JR., in his official
28 capacity as Acting ICE Field Office Director,
Respondents.

VERIFIED PETITION FOR
HABEAS CORPUS AND
COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY RELIEF

IMMIGRATION HABEAS
CASE

- 1
2 1. Osoth Manivong (Petitioner), by and through his undersigned counsel,
3 hereby files this petition for a writ of habeas corpus challenging the unlawful
4 revocation of his release on an order of supervision (OSUP) and his
5 continued detention without belief that his removal from the United States is
6 reasonably foreseeable.
7
- 8 2. Petitioner entered the United States as a refugee on June 17, 1986, at the age
9 of four years old, and was subsequently accorded lawful permanent residence
10 status retroactively to his date of entry. He graduated Savanna High School
11 in Anaheim, California in June 2000.
12
- 13 3. On December 28, 2001, he was convicted of a violation of California Health
14 and Safety Code section 11378 (possession for sale of a controlled
15 substance).
16
- 17 4. Petitioner was detained by Immigration and Customs Enforcement (ICE) on
18 or about February 4, 2009, under section 236 of the Immigration and
19 Nationality Act. He was served with a Notice to Appear on that same date,
20 charging him with deportability for having been convicted of an aggravated
21 felony.
22
- 23 5. On April 1, 2009, an Immigration Judge ordered Petitioner deported to Laos.
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- 1 6. On July 7, 2009, ICE issued a Decision of Post Order Custody Review,
2 noting that it had been “unable to remove” Petitioner from the United States,
3 and as such, was releasing him from custody.
4
- 5 7. On July 9, 2009, ICE released Petitioner on an OSUP. The OSUP required
6 Petitioner to check in with ICE periodically, beginning on August 4, 2009.
7 He has complied with the check in requirements for the last 16 years.
8
- 9 8. Petitioner’s parents, Thongmy Manivong and Phouang Manivong,
10 naturalized as U.S. citizens on June 27, 2012. Petitioner also has one U.S.-
11 citizen sibling.
12
- 13 9. Petitioner married his long-time U.S.-citizen partner, Angela Ann Boutdara,
14 on December 11, 2021. The couple have two U.S.-citizen children, Leory
15 Oso Manivong (born on February 25, 2017) and Leann Manivong (born on
16 October 15, 2012).
17
- 18 10. Prior to his re-detention, Petitioner was gainfully employed by Custom
19 Ingredients in San Clemente, California. He has worked for that employer
20 for 15 years.
21
- 22 11. Petitioner has had incurred no new criminal convictions since the time of his
23 release on an OSUP.
24
- 25 12. In June 2024, Petitioner filed a motion to vacate his drug conviction under
26 California Penal Code section 1473.7.
27
28

1 13. On July 7, 2025, Petitioner attended his regularly scheduled check in with
2 ICE in Santa Ana, CA. He was detained at that time and transported to
3 downtown Los Angeles by ICE. At the time of his detention, his attorney,
4 Rocio La Rosa, informed the arresting officers that he had a pending motion
5 to vacate his drug conviction. See Exhibit B. Nonetheless, ICE took him
6 into custody.
7
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9 14. Shortly after Petitioner was taken into ICE custody, his attorney, Rocio La
10 Rosa, inquired of the arresting officer whether he would be deported to Laos
11 or a third country. *See* Exhibit B. The officer responded that she did not
12 know because that determination would be made by a deportation officer
13 who would be assigned when Petitioner was eventually transferred to an ICE
14 detention center. *Id.* The officer did not know at which detention center
15 Petitioner would be detained. *Id.*
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18 15. Mere hours after his detention, the District Attorney assigned to Petitioner's
19 motion to vacate contacted his attorney, Sabrina Damast, to inform her that
20 she would not oppose vacatur of Petitioner's drug conviction and agreeing to
21 resolve the re-opened criminal case for a misdemeanor conviction for
22 creating a public nuisance. *See* Exhibit C. That matter is currently set for
23 hearing on August 1, 2025. *Id.*
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1 16. On information and belief, prior to his detention, Petitioner was given no
2 notice of ICE's intention to re-detain him, and he was not provided with any
3 information about why his OSUP was presumably revoked.
4

5 17. To date, the United States does not have a repatriation agreement with Laos.
6 *See Asian Law Caucus, "Resources for Southeast Asian Refugees Facing*
7 *Deportation," available at [https://www.asianlawcaucus.org/news-](https://www.asianlawcaucus.org/news-resources/guides-reports/resources-southeast-asian-refugees-facing-deportation)*
8 *resources/guides-reports/resources-southeast-asian-refugees-facing-*
9 *deportation* (accessed on July 9, 2025).
10
11

12 18. On information and belief, ICE has no particularized evidence that Petitioner
13 can be repatriated to Laos.
14

15 19. On information and belief, Petitioner has not received an individualized
16 hearing before a neutral decisionmaker to assess whether his recent re-
17 detention is warranted due to danger or flight risk.
18

19 **PARTIES**

20 20. Petitioner Osoth Manivong is a citizen of Laos and a former lawful
21 permanent resident of the United States, who is currently in the custody of
22 ICE at the Adelanto Detention Center in Adelanto, California.
23

24 21. Respondent Pamela Bondi, the Attorney General, is the highest-ranking
25 official within the Department of Justice (DOJ). Respondent Bondi has
26 responsibility for the administration and enforcement of the immigration
27
28

1 laws pursuant to 8 U.S.C. § 1103. As the Immigration and Nationality Act
2 (INA) has not been amended to reflect the designation of the Secretary of
3 the DHS as the administrator and enforcer of immigration laws, Respondent
4 Bondi is sued in her official capacity to the extent that 8 U.S.C. § 1102
5 gives her authority over immigration law.
6
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8 22. Respondent Kristi Noem, the Secretary of the DHS, is the highest-ranking
9 official within the DHS. Respondent Noem, by and through her agency for
10 the DHS, is responsible for the implementation of the INA, and for ensuring
11 compliance with applicable federal law. She is also responsible for the
12 detention of non-citizens by ICE. Respondent Noem is sued in her official
13 capacity as an agent of the government of the United States.
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16 23. The DHS is the agency responsible for detaining non-citizens, including
17 Petitioner.
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19 24. Respondent F. Semaia is the warden at Adelanto Detention Facility. He
20 oversees Petitioner's place of custody.
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22 25. Respondent Ernesto Santacruz, Jr. is the Acting Field Office Director of the
23 Los Angeles office of Immigration and Customs Enforcement. He oversees
24 the custody of all Immigration and Customs Enforcement detainees at the
25 Adelanto Detention Facility. Respondent Quinones is sued in his official
26 capacity as an agent of the government of the United States.
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JURISDICTION AND VENUE

26. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general federal question jurisdiction; 5 U.S.C. §§ 701 et seq., the Administrative Procedure Act (APA); habeas jurisdiction pursuant to 28 U.S.C. § 2241 et seq.; Art I, § 9, Cl. 2 of the United States Constitution (the Suspension Clause); and the common law. This action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution and the INA. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2001 et seq., and the All-Writs Act, 28 U.S.C. § 1651.

27. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of DHS conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

28. Venue is proper pursuant to 28 U.S.C. § 1391(e) because Respondents are agencies of the United States or officers or employees thereof acting in their official capacity or under color of legal authority; Petitioner is in the custody of the Los Angeles Field Office of Immigration and Customs Enforcement and the warden of the Adelanto Detention Center, both of which are in the jurisdiction of the Central District of California; and there

1 is no real property involved in this action.

2
3 **LEGAL BACKGROUND**

4 29. 8 U.S.C. § 1231(a) governs the detention of individuals who have been
5 ordered removed. The statute directs ICE to detain such individuals for 90
6 days while carrying out a removal order. *See* 8 U.S.C. § 1231(a)(2). This
7 90-day removal period begins when the removal order becomes final.
8 Absent an applicable exception, if ICE cannot remove a person within the
9 90-day removal period, they are released from custody subject to
10 supervision. 8 U.S.C. § 1231(a)(3).
11

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13 30. 8 U.S.C. § 1231(a)(6) permits detention beyond the normal 90-day removal
14 period, but even these exceptions do not authorize indefinite detention. *See*
15 *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001) (limiting ICE's detention
16 authority to a period "reasonably necessary" to carry out removal and
17 deeming detention impermissible when removal is not "reasonably
18 foreseeable").
19

20
21 31. The regulations permit release of a non-citizen subject to a removal order
22 after the 90-day removal period has elapsed if ICE determines that the non-
23 citizen "would not pose a danger to the public or a risk of flight, without
24 regard to the likelihood of the [non-citizen's] removal in the reasonably
25 foreseeable future." 8 C.F.R. § 241.13(b)(1). These released individuals are
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1 typically subject to an OSUP, as Petitioner has been for the last 16 years.

2 *See* 8 C.F.R. § 241.4(j); 8 C.F.R. § 241.13(h).

3
4 32. ICE may withdraw its approval for the release of a non-citizen if it can
5 effectual the individual's removal from the United States "in the reasonably
6 foreseeable future" or if the individual fails to comply with the conditions of
7 release. 8 C.F.R. § 241.13(h)(4). ICE may only revoke a non-citizen's
8 release if "there is a significant likelihood that the [non-citizen] may be
9 removed in the reasonably foreseeable future." *Id.* at § 241.13(i)(2). "Upon
10 revocation, the [non-citizen] will be notified of the reasons for revocation of
11 his [] release." *Id.* at § 241.13(i)(3).
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15 **FIRST CAUSE OF ACTION**

16 **UNLAWFUL REVOCATION OF RELEASE**

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18 33. Petitioner re-alleges and incorporates each allegation contained in
19 paragraphs 1-31.

20 34. Petitioner was previously detained by ICE and released because his removal
21 could not be effectuated. If he complies with the conditions of this OSUP,
22 Respondents have the authority to revoke his release only if there is a
23 significant likelihood that they can remove him in the reasonably foreseeable
24 future. *See* 8 C.F.R. § 241.13(i)(2).
25

26
27 35. Respondents revoked Petitioner's release without evidence that he can be
28 repatriated to Laos or deported to any other country. Indeed, at the time of

1 his detention, ICE had not even decided which country it would attempt to
2 deport Petitioner to, let alone whether such deportation could be effectuated
3 in the reasonably foreseeable future.
4

5 36. Respondents' actions are arbitrary, capricious, an abuse of discretion, and
6 contrary to law. 5 U.S.C. § 706(a)(2)(A). Petitioner is entitled to immediate
7 release on an OSUP.
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10 **SECOND CAUSE OF ACTION**

11 **VIOLATION OF PROCEDURES FOR REVOCATION OF RELEASE**

12 37. Petitioner re-alleges and incorporates each allegation contained in
13 paragraphs 1-31.
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15 38. The governing regulations require Respondents to notify Petitioner of the
16 reason for his re-detention. 8 C.F.R. § 241.13(i)(3). Respondents have not
17 complied with this obligation, nor have they yet provided him with an initial
18 interview at which he can respond to the purported reasons from revocation.
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20 *Cf. id.* As such, Petitioner is entitled to immediate release on OSUP until
21 ICE can provide the minimal process required by the regulation.
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THIRD CAUSE OF ACTION

**UNLAWFUL DETENTION WHERE REMOVAL IS NOT
REASONABLY FORESEEABLE**

39. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-31.

40. Post-removal order detention violated 8 U.S.C. § 1231(a)(6) where removal is not significantly likely to occur in the reasonably foreseeable future. *See also Zadvydas v. Davis*, 533 U.S. 678 (2001).

41. Detention where removal is not reasonably foreseeable also violates due process.

42. Petitioner was already detained during the 90-day removal period, until ICE determined it could not effectuate removal and released him on an OSUP. Given that the United States and Laos still do not have a repatriation treaty 16 years later, Petitioner has made an initial showing under *Zadvydas* that his removal is not significantly likely. *Id.* at 701. Respondents cannot rebut this showing, as they do not have any individualized evidence to believe that Petitioner's removal is reasonably foreseeable, as demonstrated by the statements of the arresting officer confirming that ICE had not yet even determined to which country it will try to deport Petitioner.

1 43. Petitioner's re-detention under these circumstances violates Section 1231
2 and the Due Process Clause under the U.S. Constitution.
3

4 44. Petitioner is entitled to immediate release on an OSUP.
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6 **FOURTH CAUSE OF ACTION**

7 **UNLAWFUL DETENTION WITHOUT INDIVIDUALIZED**
8 **DETERMINATIONS OF DANGER OR FLIGHT RISK**
9

10 45. Petitioner re-alleges and incorporates each allegation contained in
11 paragraphs 1-31.
12

13 46. Detention violates Section 1231 and the Due Process Clause of the U.S.
14 Constitution unless it is reasonably related to the government's purpose of
15 preventing flight and protecting the community. *Zadvydas*, 533 U.S. at 690-
16 91.
17

18 47. Before being re-detained, Petitioner lived in the community for 16 years, in
19 compliance with the terms of his OSUP. During that time, he married, raised
20 two minor children, was gainfully employed, and incurred no new criminal
21 violations. Petitioner has received no process to determine if his re-detention
22 is warranted.
23

24 48. Petitioner is entitled to an individualized determination by impartial
25 adjudicators as to whether detention is justified based on danger or flight
26 risk.
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PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Declare that Respondents have violated Petitioner's rights
3. Order Respondents to notify Petitioner of the reasons for the revocation of his release and provide Petitioner with a prompt interview as required by regulation;
4. Order Respondents to Release Petitioner from detention because they lack any individualized evidence that removal of Petitioner will occur in the reasonably foreseeable future;
5. Order Respondents to release Petitioner from detention absent an individualized determination by an impartial adjudicator that his detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release and/or supervision;
6. Enjoin Respondents from revoking Petitioner's release unless they have individualized evidence that his removal is reasonably foreseeable;
7. Enjoin Respondents from revoking Petitioner's release without providing him a determination by an impartial adjudicator that his detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release and/or supervision, at which hearing

1 Respondents will bear the burden of proof of demonstrating that Petitioner is
2 a flight risk or a danger to the community;

3
4 8. Award Petitioner his costs and reasonable attorneys' fees in this action as
5 provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and on
6 any further basis justified under law;

7
8 9. Grant such further relief as the Court deems just and proper.

9
10 **RESPECTFULLY SUBMITTED this 20th day of July, 2025**

/s/ Sabrina Damast

11 Sabrina Damast, CA Bar # 305710, NY Bar # 5005251

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18
19
20 **TABLE OF EXHIBITS**

21 **Exhibit A:** Order of Supervision Documents

22 **Exhibit B:** Declaration of Rocio La Rosa, Esq.

23 **Exhibit C:** Declaration of Sabrina Damast, Esq.
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