

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

UNITED STATES DISTRICT COURT

for the District of

☒ FILED	☐ LODGED
☐ RECEIVED	☐ COPY
JUL 28 2025	
CLERK U.S. DISTRICT COURT	
DISTRICT OF ARIZONA	
BY _____	DEPUTY

Nguyen Nam Ba

Petitioner

v.

Case No.

CV25-02671-PHX-GMS--ASB

(Supplied by Clerk of Court)

R Jones & Rasool & IEE/DHS

Respondent

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

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

Personal Information

- (a) Your full name: Nguyen Nam Ba

(b) Other names you have used: N/A
- Place of confinement:

(a) Name of institution: Central Arizona Florence Correctional

(b) Address: P.O. Box 6300
Florence AZ 85137

(c) Your identification number: A- [REDACTED]
- Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☒ Other - explain:
- 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: A- [REDACTED]

(c) Date of sentencing: 2017

☒ Being held on an immigration charge

☒ Other (explain): I've been having an order to remove/deported but the court IT is violated my Due process by deny me a right to adjust my status from refugee to PLR

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): Challenge the IS decision and deport's order due to me being possible U.S citizen

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: ICE / DHS at Orange county detention
606 S Olive St 15 floor Los Angeles CA 90014
- (b) Docket number, case number, or opinion number: A [REDACTED]
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Rights to Adjust my status from Refugee to PLR
Withholding of Remove
U.S Citizen as a child under Legal custody of Government U.S.
- (d) Date of the decision or action: 2017

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: _____
- (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: My country having the agreement that their won't take or accept any detainer that come to U.S before 1995, I did not appeal and just want to get out to gather evidence
Second appeal to file for Reopen.

8.

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: _____

(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: I was under state
arrest

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: B-17-25

(b) Date of the removal or reinstatement order: 2017

(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: _____

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: THE IJ/COURT deny me a Rights to Adjust my Status from Refugee to PLR

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

When I arrive to U.S in 1994 under refugee status of INA § 101(a)(42) INA § 207(c)(4) 8 C.F.R 207.9, I am under requirement to adjust my status to LPR after one year of continuous physical presence INA § 204(a)(1) & USC § 1159(a)(1). Right before one year expire my father pass away and I am become orphan under the custody of the

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

☐ Yes ☒ No

GROUND TWO: I am possible a automatic U.S citizen

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

When I come to U.S in 1994 with my father under refugee status before one year adjustment expire my father pass away and I become orphan the Government took me in and place me under their legal custody, there was adopting issue arise and request but the court deny the request of a request

(b) Did you present Ground Two in all appeals that were available to you? see attachment Ground 2

☐ Yes ☒ No

GROUND THREE:

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

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

☐ Yes ☒ No

Ground one Continue page 1

1 government, until I am 18, there was adoption
2 request but the court deny the adoption for that
3 reason the court under obligation to appointed the
4 guardian to conduct and help me to obtain my
5 adjustment and to make me become a citizen

6 Since my legal parent is a U.S government especially
7 I've declare to the court that when I am turn
8 18 I want to join/ and enter the Military Service
9 this declare was document everywhere in the Guardian
10 report acknowledge that the document citizen must
11 be prepare and I don't know if there was order by
12 the court to make me become citizen or not.

13 Base on information and believe the Juvenile Court
14 can automatic make me become U.S citizen while the
15 INS expect the everyone must go through their agency
16 process I am at the cross fire in this matter back then.

17 In 2016 I file my issue with the IJ/court raise
18 2 issue (1) is to request the court to terminate
19 the procedure and to allow me to readjustment of
20 status require by applicable law INA § 209 and
21 2) Withholding of removal under CAT. the
22 immigration court improper deny me

Ground one Continue page 1

1 government, until I am 18, there was adoption
 2 request but the court deny the adoption for that
 3 reason the court under obligation to appointed the
 4 guardian to conduct and help me to obtain my
 5 adjustment and to make me become a citizen
 6 Since my legal parent is a U.S government especially
 7 I've declare to the court that when I am turn
 8 18 I want to join/ and enter the Military Service
 9 this declare was document everywhere in the Guardian
 10 report acknowledge that the document citizen must
 11 be prepare and I don't know if there was order by
 12 the court to make me become citizen or not.
 13 Base on information and believe the Juvenile court
 14 can automatic make me become U.S citizen while the
 15 INS expect the everyone must go through their agency
 16 process I am at the cross fire in this matter back then,
 17 In 2016 I file my issue with the IJ/court raise
 18 2 issue (1) is to request the court to terminate
 19 the procedure and to allow me to adjustment of
 20 status require by applicable law INA § 209 and
 21 2) Withholding of removal under CAT, the
 22 immigration court improper deny me when I am
 23 provide the evidence report from the United Nation
 24 indicated that the CAT condition in Vietnam still
 25 active and that the United Nation and the Vietnam
 26 CAT issue is still under evaluation and the country
 27 Government have not sign the treaty to recognize
 28 the CAT is stop. Base on the past persecution

Ground One Continue page 2

1 And evidence provide to the UNHCR at Refugee camp
2 during Asylum interview, and Base on the evidence
3 attach in my declaration for the Master hearing
4 proving the CAI in Vietnam is active and No
5 Signature of the Country has sign in the treaty
6 base on the on going of the evaluation of
7 the United Nation conduct every 2 years therefore
8 the Deny of application for CAI is improper.
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Ground 2 Continue Page 1

1 For adopted the law indicated that if I am being
 2 adopted ~~by~~ any adopted parent is U.S citizen I
 3 will become citizen automatically. Now what if the
 4 government deny me to be adopted then who
 5 is responsible to make me become a citizen?
 6 Since I am orphan under the Government's custody/
 7 care especially I am asking the court to
 8 allow me and to prepare all document for me so
 9 I can enlist into U.S Navy, this information
 10 is been document in the report by my Guardian
 11 who also a U.S citizen. I am request this
 12 court to order all the juvenile report and court
 13 minutes order to find all the issue order by
 14 the court and did not approve by the INS
 15 policy. When making the claim of Citizenship I am
 16 know that I place myself under penalty for false claim
 17 and will be imprisonment 18 U.S.C § 911, under such penalty
 18 I am having a right to request for Evidence hearing and
 19 to request the Government do it Job by back ground
 20 check Per 8 F.C.R § 1003.47 by DHS.
 21 Also under INA § 242(b)(5) or 8 U.S.C § 1252(b)(5)
 22 any claim of citizenship arising in Review of ~~Removal~~
 23 removal proceeding the issue may remand the
 24 case to the district court for a hearing INA § 242(b)(5)(B)
 25 See also Batista v Ashcroft 270 F.3d 8 (1st Cir 2001)
 26 court consider evidence outside the administrative record.
 27 See also Chau v INS 247 F.3d 1026, 1029 (9th Cir 2001) indicated
 28 Appeal court cannot refuse to allow de novo review of citizenship
 in District court....

Ground 2 continue Page 2.

1 In term of the exhaustion the petitioner has make
 2 or declare to DHS/ICE official during his remove
 3 proceeding that the petitioner is a U.S citizen during
 4 the time while he is under Government's custody
 5 as an orphan the government deny me to be
 6 adopted and therefore having full responsibility to
 7 make me a automatic citizen due to the Government
 8 having full custody of me. The declare to DHS
 9 causing them to conduct the questioning while it's
 10 have been 10 years without provide the respond
 11 to my claim and fail to conduct the Investigator
 12 to the Source I have provide therefore the MY
 13 citizenship claim cannot be barred for failing to
 14 exhaust Administrative remedy pursuant to 8 U.S.C
 15 § 1252(d)(1). See also *Theogene v Gonzales*, 411 F.3d
 16 1107, 1110-12 (9th Cir 2005). See also *Rivers v*
 17 *Ashcroft*, 394 F.3d 1129 (9th Cir 2005). Habeas action
 18 to establish a nonfrivolous claim of U.S citizenship
 19 cannot be barred even if respondent failed to
 20 exhaust his remedies because his Fifth and Fourteenth
 21 amendment are implicated. Base on the 3 time
 22 report the claim of citizenship as a child Per
 23 court order due to the child/one declare of his
 24 wishing to enter the Navy the court in Juvenile
 25 must rule on such issue and the DHS fail to
 26 conduct the investigation upon request and require by
 27 law under 8 F.C.R § 1003.47 My Due process
 28 has been violated.

Ground 2 Continue

1 ~~for adopted~~ the law indicated that if I am being
2 adopted ~~my~~ ^{by} my adopted parent is U.S citizen I
3 will become citizen automatically. And what if the
4 government deny me to be adopted then who
5 is responsible to make me become a citizen?
6 Since I am orphan under the Government's custody/
7 care especially I am asking the court to
8 allow me and to prepare all document for me so
9 I can enlist into U.S Navy, this information
10 is been document in the report by my Guardian
11 who also a U.S citizen. I am request this
12 court to order all the juvenile report and court
13 minutes order to find all the issue order by
14 the court and did not approve by the INS
15 policy.

Ground 3 Page 1 of 13

1 Vietnam War. In 3-14-1989 the United Nation of
 2 High Commissioner of Refugee declare their will close
 3 the door to allow anyone mainly from Vietnam people
 4 escape from Vietnam to automatic having or become
 5 refugee ~~status~~ ^{status} without go ~~through~~ ^{go} through the Well Found
 6 Fear interview with the U.N.H.C.R agent to receive
 7 the Refuge status. During the Interview with the
 8 United Nation's Agent first contact, Our case was
 9 deny, my father update few more document proving
 10 his associate with the U.S during Viet Nam War
 11 and that he working for the U.S laboratory in
 12 Dakat and there was also certificate provide to my
 13 grandfather from the U.S. As the result of update
 14 information and document provide to the agent U.N.H.C.R.
 15 We was order to grant the asylum and the refugee
 16 status in 1993. Me and my Dad arrival to the
 17 U.S under refugee status in 1994 place of entry
 18 is Los Angeles (LAX). Prior we be able to adjust
 19 the Refugee status to LPR my father pass away in 1995.
 20 the government place me under their custody as an
 21 orphan after my dad refuse to be my legal guardian.
 22 While under Juvenile court's custody there was people
 23 request to adopted me the court deny ~~the~~ adoption
 24 and order for the appointed the legal guardian and
 25 my probation officer to take care of me. At this
 26 time I did not know about the law and the requirement
 27 of what need to be done in there for me to become
 28 citizen. I live under the custody of the Government

1)

Ground 3 page 2

1 for almost four years during all those years there
 2 is few important moment that I declare/raise, to
 3 the court and my guardian the attention that I told
 4 them "I want to be in Navy when I turn 18" this
 5 information has been document as follow: "The Boy
 6 request to be in the Navy when he 18. we need to
 7 get all the document be ready for him" In this
 8 issue if the information is document in the monthly
 9 report provide to the court this issue must be
 10 rule and decide by the court. So if this Court
 11 can try ~~try~~ to think for the ~~be~~ interest of Justice
 12 the petitioner ask: if the court is my legal Custody
 13 and act as my parent due to all the decision making
 14 Who is responsible to adjust my status and or
 15 make me become a citizen? especially if the court
 16 don't deny me to be adopted I will become a citizen
 17 if my parent is citizen per applicable Law allow ~~as~~.
 18 And when there was an issue about the report
 19 file with the court about get the document ready
 20 for me to be enlist into Navy what is the court's
 21 order on this issue? Petitioner request this court
 22 to order all Juvenile record including the probation
 23 report, the Guardian report from Boy Republic
 24 group home and all the minutes order of the
 25 case or any order relate to the military issue
 26 to find that I am possible a U.S citizen
 27 per court order in Orange County Juvenile Court at
 28 Lamoreaux Justice Center.

341 South The City Drive
 Orange CA 92868

In Re: Nguyen Nam Ba

Ground 3 page 3

1 I have been declare with the immigration about conduct
 2 the review ~~to~~ find I am a U.S citizen because my
 3 Legal ~~Residency~~ Guardian is not only a U.S citizen but
 4 also a U.S government I am could be a U.S citizen
 5 if the government dont deny them who want to adopted
 6 me / It's been twice I am report myself that I am
 7 a U.S citizen I make this report under my own
 8 Signature and under penalty of perjury that I
 9 will be presecute if I am not tell the truth, my
 10 claim of U.S citizen under penalty is the bond that
 11 require the ICE or DHS officer to conduct the investigate
 12 of all my claim and the source that I provide failure
 13 to do so is violated my Due process because I am
 14 binding by the applicable law of 18 U.S.C § 911 (See also
 15 U.S v Romero-Avila 210 F.3d 1017 (9th Cir 2000))

16 On around 2009 my first encounter with INS through
 17 the local Jail in Orange County MCT. I was inform I've
 18 been hold by INS upon review the order to hold,
 19 I found the information document on the warrant
 20 indicated that I am an illegal entry this information
 21 is wrong however after 3 month detain the court Just
 22 let me release without provided me one single words of
 23 what I need to do to protect my immigration status.
 24 at all time there in I keep thinking I has been lost
 25 my chance to get Green card.

26 In 2016 after been release from prison the
 27 DHS Place a hold on me and I am begin to study
 28 a little bit about Immigration law. During my litigation

Ground 3 page 4

1 I've filed my withholding of remove and request
 2 to terminate the procedure of removing and allow
 3 me to adjust my status. require by the law and
 4 if the adjust under INA § 209 is expire there
 5 must be a few exceptional situation in other for
 6 court must allow anyone to adjust in one of
 7 those situation is someone in the family pass
 8 away such as the parent etc. I am giving this
 9 exception to ~~the~~ declare in my declaration that
 10 not only my father pass away right before the one
 11 year expired under INA § 209 but also I can't be
 12 responsible to something that is not in my control
 13 the Government should and must be the one doing
 14 all the necessary to ensure I am having immigration
 15 status or automatic become citizen due to me being
 16 under the government's custody as an orphan.

17 the immigration court deny without provide any
 18 reason as to why the deny to allow me to adjust my
 19 status under requirement of INA § 209.

20 Another wrongfully deny me to apply for withholding
 21 remove as the court reason that they don't believe
 22 me a victim of the past persecution that I am
 23 been order to be detain in a loose ground of
 24 a camp for four to five years before the government
 25 allow us to return to our own freedom, during the
 26 hearing and information provide to the court, the
 27 court did not trying to finding of my past persecution
 28 the petitioner explain that the evidence of my past

Ground 3 page 5

1 persecution is in the hand of the U.N.H.C.R. agency
 2 because we provide the proof to the U.N.H.C.R.
 3 during the interview with the agent to establish
 4 our past persecution. I have explain to the court
 5 about the interview with the U.N.H.C.R. is almost
 6 Just like the immigration hearing procedure, this
 7 process against Petitioner is cannot be done it again
 8 and it's like double Jeopardize ~~for~~ Violated my
 9 Fifth Amendment when the court causing the petitioner
 10 to provide the evidence to apply for Asylum again
 11 to gain the Refugee Status unless the ICE/DHS
 12 all along did not consider my arrival to U.S
 13 under Refugee Status and ~~label~~ label me as
 14 a person whom illegal entry (See Exhibit Ground
 15 3-A) in this exhibit the court can find that
 16 the Warrant of Remove of Deportation Show the
 17 government don't know how to enter the United
 18 State and don't know when. If this information
 19 document in all my records this is the reason
 20 why the court did not allow me or deny me
 21 to adjust my Status under INA § 209 provided
 22 only for Refugee if INS or ICE/DHS keep on
 23 document me as illegal entry ~~without~~ then the
 24 decision to deny me to adjust of my Status under
 25 INA § 209 is a wrongful deny me due to information
 26 provided to the court is not correct ~~see Exhibit 3-A~~
 27 not only this time but all along in the last
 28 3 four time encounter with ICE or ~~INS~~ INS.

Ground 3 Page 6

1 for that reason, the petitioner must ask the court
 2 why the INS and ICE consider and document in
 3 all immigration's record for the court to review
 4 always indicated that I am an illegal entry that
 5 causing the court to deny me the adjust status ~~request~~
 where request. If the information was document's correct
 7 would the court think the IT will order difference?
 8 Moreover, it's it my fault that the government having
 9 a legal custody of me when I was 14 as foster or
 10 orphan did not make the adjust of my status?
 11 Can it be the INS fault when not allow the juvenile
 12 court to order anyone to automatic become a citizen
 13 without go through the INS agency?
 14 It's is my fault the ~~the~~ INS, or ICE or
 15 DHS did not Review the ~~the~~ Juvenile court's
 16 ~~privates~~ order related to the issue raise in the monthly
 17 report that the Legal Guardian request the court to
 18 prepare all document so I can enter Navy When I am 18
 19 It's my fault that the ICE/DHS did not conduct the
 20 review of court order upon request or inform that
 21 I am U.S citizen? This citizen issue have been
 22 declare and it been 90 days ICE has not been trying
 23 to investigate or responding. This misconduct has
 24 violated my Due process procedure and Substantive
 25 under 8 C.F.R § 1003.47 require the DHS to
 26 complete back ground and Security investigation. Here
 27 (1) the petitioner found the information document in all
 28 the records provide to the immigration court at the

Ground 3 Page 7

1 removal proceeding was wrong when it indicate that
 2 I am illegal entry or place of entry is unknown
 3 (See Exhibit G-A) ~~ent~~ In the Removal Proceeding
 4 ~~If the records indicate~~ that I am an illegal entry
 5 the court will Not terminate the proceeding for or to allow
 anyone to Adjust of Status. (2) If anyone under a removal
 7 proceeding and declare that he or she is U.S citizen
 8 the ICE officer will conduct the questionnaire ~~and~~ and
 9 the detainee must sign under penalty of Perjury
 10 If the 2 issue raise with these facts have been
 11 document in petitioner's records file in court why
 12 the DHS not conduct any back ground check to
 13 all the information document wrong in my records
 14 and the information provided to ICE officer about
 15 my citizen status per Juvenile court's order?
 16 (See 8 CFR § 1003.47 require back ground security
 17 check investigate due to me asking for Adjust of Status
 18 base on I am a refugee but the information document
 19 in My records in Immigration court proceeding show
 20 I am a illegal entry this is wrong that why the court
 21 deny me to adjust my status upon request)

22
 23 Finally, the it is wrong when deny the Well
 24 found fear past persecution facts finder, the
 25 petitioner has provide the well found fear past
 26 persecution to the court by indicated that the petitioner
 27 has already conduct this kind of hearing at Refugee
 28 camp and the well found fear has been establish

Ground 3 page 8

1 and the evidence has been provided to the UNHCR
 2 under our case name Nguyen Ba Hue Mc513001
 3 ID. 161181 and Nguyen Ba Nam 3-30-80

4 Again, when there application for relief from removal
 5 the DHS is require to complete back ground and
 6 Security investigation See 8 C.F.R. § 1003.47. In
 7 this ^{case} issue there are ~~two~~ ⁵ Security issue that require
 8 the DHS to conduct the check (1) the Application
 9 for withholding removal with the information / Source
 10 to help the investigate to find facts of UNHCR
 11 (2) CAT application (3) The Citizen at a child
 12 and order by Juvenile court when I am orphan
 13 and under the government custody from 14 to 18
 14 the citizenship must be review through all court's
 15 order due to the guardian's monthly report document
 16 my declare and request the government to enlist
 17 me into the Navy and also declare in court that
 18 I want to go Navy this issue must be decide and order
 19 in court of how the government decide to proceed
 20 with prepare the document for me to enlist to the
 21 Navy. I have declare with the ICE officer
 22 about this 3 time for the Security reason of the
 23 interest of Justice why the DHS fail to follow
 24 the law require per 8 C.F.R. § 1003.47 ?
 25 (4) When information document I am illegal entry
 26 and in all the records provide to the Immigration
 27 Court ^{during} ~~at~~ my removal proceeding, and in my
 28 declaration provided under application of request

Ground 3 page 9

1 to the court for relief from removal I am declare
 2 I am a refugee why DHS do not back ground
 3 check for Security investigate under 8 C.F.R § 1003. 47 ?
 4 (5) In my decoration Submil and file for the
 5 Master hearing I also request to allow me to
 6 adjust my status under INA § 209 with exceptions
 7 issue that my father pass away within one year
 8 of arrival under refugee status, and the records
 9 document I am illegal entry why don't you back ground
 10 check for Security investigate under 8 C.F.R § 1003. 47(d)
 11 and for the interest of Justice whether I am
 12 telling the truth or not if the truth then the
 13 investigation must find if the exceptional issue
 14 is legit for the IS to terminate the proceeding to
 15 allow me the Adjust. and the petitioner did provide
 16 in his decoration the Source to investigate is
 17 the Juvenile court the parent that make all the
 18 decision for me including the adjust of status
 19 and order to be a U.S citizen, if I am not
 20 become a U.S citizen as a child ~~and~~ then who
 21 provide the fund to take care me? if I am not
 22 a citizen ~~or~~ then why the Government don't
 23 question as to why we have to fund someone
 24 with the status of Illegal entry? And why
 25 the Juvenile court keep request fund for the support
 26 the child that have no immigrant status. Do
 27 the Juvenile court knew of the child status?
 28 Did any issue arise that force the court to make

Ground 3 page 10

an automatic citizen? All the information mention
about are document in the Juvenile court record and
report file in my case Why the DHS not conduct
this check that expect by the law 8 C.R.F § 1003.47
and 8 C.R.F § 1003.47(d) to obtain the Seal record
in Juvenile court?

Before the petitioner conclude this petition there
is one question in the petitioner's mind for almost
10 year since the date the petitioner been hold for
remove proceeding in 2016 he has conduct the
research on the issue of child 2000 act and
Juvenile court order to make a child become
a citizenship during all the research this is
the reason why the question arise. The law
do allow the court to have the authority for
approve the adopt request, if the child been
allow to be adopted while in court custody and
if the adopted parent is U.S citizen the child
will automatic become a U.S citizen Per applicable
law provide However **WHAT IF THE COURT DENY**
THE ADOPTION REQUEST ~~THEN~~ AND PLACE ME UNDER
THE COURT/GOVERNMENT CUSTODY AND MAKING
ALL THE DECISION IN HIS ORPHAN LIFE THEN WHO
IS RESPONSIBLE TO MAKE THE CHILD BECOME AUTOMATIC
CITIZEN? WHY THE LAW DID NOT PROVIDE THIS
INFORMATION ABOUT THE COURT DENY ADOPTION
THEN WHO HELP THE CHILD ADJUST HIS STATUS AND
BECOME CITIZEN. For this question the

Ground 3 page 11

1 petitioners pray this court to make the decision
 2 that fill in the missing ~~part~~ ^{of} ~~that~~ ~~the~~ information
 3 that must be address as to whom is responsible
 4 to make the child become a citizen when
 5 his legal parent is the Government? Take the
 6 example from my issue and all the fact to
 7 ~~can~~ ~~be~~ make your decision can be found
 8 in the Seal Juvenile records. The DHS has
 9 been update this information during 2016 and twice
 in 10 May 2025 about I am a U.S citizen by law
 11 and my parent / legal custody is the government
 12 the Judge / the ~~leg~~ court appointed legal Guardian
 13 and also his probation officer. When this information
 14 is declare and the JCS been conduct the questioning
 15 about the U.S citizen issue. The DHS has the heavy
 carries 16 burden of proof in a proceeding to DIVEST a
 17 naturalized citizen of his citizenship (See Fedorenko vs
 18 U.S. 449 U.S. 490, 505 (1981) (quoting Costello v. U.S., 395
 19 U.S. 265, 269 (1961)). The government must prove its case
 20 by "clear unequivocal, and convincing" evidence that does
 21 not leave "the issue in doubt" Fedorenko 449 U.S. at 505
 22 the standard is informed by the recognition that the
 23 loss of citizenship "can have severe and unsettling
 24 consequences" hence "the order of Deportation" and loss of
 25 27 years of the U.S citizen benefit ~~was~~. It been
 26 10 year since the declare of a citizen and twice
 27 in May 2025 but so far the petitioner did not
 28 receive any respond it should be note that

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the citizenship of issue can be found in Juvenile court minutes order because twice the Guardian report file with the court do declare that the government need to prepare all the Document so the child can be enlist in Navy, the information also document in Court hearing when the court ask me if I am wishing to be in the Navy.

Please obtain all Juvenile court minutes order and Guardian report to find this wish and if there is a wish from a child the decision must be make or decide why the DHS not conduct this fact investigate for interest of Justice Required by 8 C.F.R. 1003.47(d)

8.C.F.R. 1003.47(d) For your information After turn 18 I am have to find my own way to be in the Navy Facility in San Diego for Physical Exam. as the result the Navy Personnel ask if I can come back in 6 month because I having a dirty urine test of Marijuana, for that reason, here is the question for the court to ponder, whether I am a citizen or not. according to my research, the Military will not accept anyone that having no immigration status in U.S.A. if at the time I was ask to return in 6 month to clear the marijuana in my blood, that order is an accepting to allow me to enlist in Navy. If I return in 6 month clean test, If I am no document or illegal entry the U.S. Navy will let me know about it that I am undocumented, prior to 6 month deadline. I was arrest for fail to appear for my Speeding ticket

Grand 3 page 13

1 during the booking process, the Jail staff inform
 2 me I am been hold by INS for illegal
 3 entry from that moment I feel my life was
 4 ruin because not only I dont understand the law
 5 but the INS after keep/detain me for 90 days they
 6 let me go without provide any explain of my status
 7 and then by the time I am begin to conduct the
 8 Research and study their Violated all my right mention
 9 above.

10 For All the reason above the Petitioner hereby
 11 request the court to grant him the following
 12 request (1) Appointed the counsel to represent
 13 him due to the petitioner do having issue that
 14 protect by Franco-Gonzalez v Holder 828 F. Supp
 15 2d 1133. Due to the petitioner having a history of treatment
 16 under court order P.C § 136B and 137C (See Exhibit 1 and 2
 17 motion for appointment of counsel) (2) order for evidence
 18 hearing to find court's order in Juvenile Court's Minutes
 19 order and all report file in Juvenile case (3) Restore of
 20 Petitioner Citizenship, (4) Allow the petitioner Adjust of Status
 21 (5) Reverse IJ court's Order for deportation (6) Release
 22 Petitioner Due to the government Failure to back ground
 23 check or investigate after the petitioner file for Relief
 24 from removal Provide by 8 C.F.R 1003.47 (7) An
 25 Emergency order to stay until the citizenship
 26 investigate is completed.

Exhibit For Ground 3: A

In this exhibit the court will find the DHS failure to conduct the background check and investigate for the security reason as to how I am enter the U.S. as indicate in his application file in Immigration Court for Relief from Removal proceeding, that I am enter the U.S as Refugee Status and also request to Adjust the Status provide by INA § 209. Upon request the DHS fail to act by the law require when all the Petitioner ^{Received} ~~has~~ document that I am illegal entry or don't know the place I am entry if the information document in my record is contradict to my claim as Refugee Status the DHS must check per law require by 8 F.C.R § 1003.47. this wrongfully document is the reason why the JS deny my adjust of status. The failure to investigate about why I am not adjust my status within one year has been raise in my decoration file for the master hearing has provide a clear evidence of exception issue and such information of exception can be obtain or Review in the Juvenile Court Minutes order and report file on my behalf. Why DHS did not follow the law require? if document that I am a Refugee not only the court under obligation to terminate the Remove proceeding and to allow the adjust But also provide a life time protection by the Refugee Status (See UNHCR Policy)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

Subject ID: [REDACTED]
File No: [REDACTED]
Event: [REDACTED]
Date: January 17, 2025

To any immigration officer of the United States Department of Homeland Security:

NAM BA NGUYEN

(Full name of alien)

who entered the United States at Unknown Place on Unknown Date
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☒ an immigration judge in exclusion, deportation, or removal proceedings
☐ a designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:
237a2A(1)(1)

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:
Salaries and Expenses, Department of Homeland Security 2025

KATHLEEN N
MARTINEZ
Digitally signed by
KATHLEEN N MARTINEZ
Date: 2025.01.17 16:31:47
-08'00'

For: Santacruz Jr, Ernesto M

(A) Field Office Director

(Title of immigration officer)

January 17, 2025, Los Angeles, CA

(Date and office location)

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: 1) Since come to U.S under refugee status I never has a chance to Adjust my status under IMA 8209 I am request if the court can allow me a chance to adjust my status per applicable law require (2) order to obtain the Juvenile court record such as Minutes order and guardian report, probation report to find the order issue relate to me being a citizen due to my legal guardian and the Government is my legal custody and act as my parent when I was 14 year old and orphan. I know the court have make an order when I am asking to prepare me all document so I can enter military Navy I see the issue has been document in the probation report. (3) To Release me As soon as possible (4) to appoint me a counsel to represented for me due to my mental illness and my past have been committed to the Department State hospital see Motion for appointment for counsel and Exhibit for Mental health Issue.

Declaration Under Penalty Of Perjury

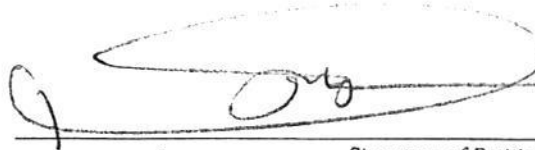
If you are incarcerated, on what date did you place this petition in the prison mail system:

On 7-22-2025

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:

7-22-25



Signature of Petitioner

Nguyen Nam Ba

Signature of Attorney or other authorized person, if any

Naygen Nam Ba P.O. Box 6300
(Name of alien(s) in proceedings) Florence AZ 85132

[REDACTED]
(A-Number of alien(s) in proceedings)

CERTIFICATE OF SERVICE

On 7-22-25, Naygen Nam Ba
(date) (printed name of person signing below)

served a copy of this Habeas Corpus / Motion for Counsel
(Type of document)

and any attached pages to U.S District Court
(name of party served)

at the following address: 405 W. Congress Tucson AZ 85706
(address of party served)

(address of party served)

by _____
(method of service - for example, overnight courier, hand-delivery, first-class mail, ICE
OPLA eService)

[Signature] 7-25-25
(signature) (date)