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14 **IN THE UNITED STATES DISTRICT COURT**  
15 **FOR THE DISTRICT OF ARIZONA**

16 Baoloc Tran Nguyen,  
17  
18 Petitioner,  
19  
20 v.  
21  
22 John Cantu, et al.,  
23  
24 Respondents.

No. 2:25-cv-02902-DJH-ESW

**RESPONSE TO PETITION FOR WRIT  
OF HABEAS CORPUS**

25 Respondents, by counsel, hereby respond to the Petition for Writ of Habeas  
26 Corpus (Doc. 1). Petitioner was removed from the United States to Vietnam on September  
27 2, 2025. A copy of the I-205, Warrant of Removal/Deportation, is attached hereto as  
28 Exhibit 1.<sup>1</sup> In light of Petitioner’s removal, the Petition for Writ of Habeas Corpus (Doc.  
1) should be denied as moot.

**I. THE PETITION FOR WRIT OF HABEAS CORPUS IS MOOT.**

In June 2025, Petitioner was detained by ICE subject to a final order of removal to  
Vietnam. On August 12, 2025, Petitioner filed a Petition for Writ of Habeas Corpus (Doc.

<sup>1</sup> Although the I-205 does not state the destination of the flight, ICE has advised undersigned counsel that the destination of the flight was Noi Ban International Airport in Hanoi, Vietnam.

1 1) challenging his immigration detention and removal to a third country. The habeas  
2 petition asserted five causes of action: (1) that Petitioner's detention without a hearing by  
3 a neutral adjudicator violated procedural due process; (2) that Petitioner's detention  
4 without a hearing by a neutral adjudicator violated substantive due process; (3) that  
5 Petitioner was unlawfully detained because he had complied with the conditions of his  
6 release and could only be re-detained if the Government demonstrated changed  
7 circumstances to a neutral adjudicator; (4) that Petitioner's detention was prolonged under  
8 8 U.S.C. § 1231(a)(6); and (5) that removal to a third country would violate due process.  
9 Petitioner sought an order directing his immediate release from immigration detention,  
10 enjoining ICE from re-detaining him without first proving to a neutral arbitrator that he  
11 was a danger or a flight risk, and enjoining ICE from removing him to a third country.  
12 Petitioner's removal from the United States to Vietnam moots his habeas petition.

13 The Court may grant a writ of habeas corpus to a detainee who is "in custody in  
14 violation of the Constitution or laws or treaties of the United States." 28 U.S.C.  
15 § 2241(c)(3). 8 U.S.C. § 1231 governs the detention of aliens whose order of removal is  
16 administratively final. "The case or controversy requirement of Article III admonishes  
17 federal courts to avoid premature adjudication and to abstain from entangling themselves  
18 in abstract disagreements." *U.S. West, Inc. v. Tristani*, 182 F.3d 1202, 1208 (10th Cir.  
19 1999) (internal quotation marks and citations omitted). A court must dismiss a case as moot  
20 if, at any point, it becomes certain either that "the allegedly wrongful behavior could not  
21 reasonably be expected to recur," *Friends of the Earth Inc. v. Laidlaw Env'tl. Ass'n (TOC),*  
22 *Inc.*, 528 U.S. 167 (2000) (citation omitted), or that there is no effective relief remaining  
23 for the court to provide. *See Calderon v. Moore*, 518 U.S. 149, 150 (1996). The case or  
24 controversy requirement warrants a finding of mootness if: (1) the petitioner has received  
25 the relief requested in the petition; or (2) the court is unable to provide the petitioner with  
26 the relief sought. *Munoz v. Rowland*, 104 F.3d 1096, 1097-98 (9th Cir. 1997). A court does  
27 not have subject matter jurisdiction to consider a habeas claim that is moot. *See, e.g.,*  
28 *McCullough v. Graber*, 726 F.3d 1057, 1060 (9th Cir. 2013).

1 In this case, Petitioner sought release from detention and to enjoy his removal to a  
2 third country, but he is no longer detained because he was removed to Vietnam, the country  
3 to which he was ordered removed. Petitioner's case is rendered moot because there is no  
4 case or controversy. *See Spencer v. Kemna*, 523 U.S. 1 (1998) (“[M]ootness, however it  
5 may have come about, simply deprives us of our power to act; there is nothing for us to  
6 remedy, even if we were disposed to do so. We are not in the business of pronouncing that  
7 past actions which have no demonstrable continuing effect were right or wrong.”); *Abdala*  
8 *v. INS*, 488 F.3d 1061, 1064-65 (9th Cir. 2007) (discussing and collecting cases wherein a  
9 petitioner's release from detention or parole or their removal rendered a habeas petition  
10 moot); *Mensah-Yawson v. Lowe*, No. 3:16-cv-200, 2016 WL 3704878, \*1 (M.D. Pa. July  
11 12, 2016) (“[T]he habeas petition challenges petitioner's continued detention pending  
12 removal. Because petitioner has since been released from ICE custody and removed from  
13 the United States, the petition no longer presents an existing case or controversy.  
14 Accordingly, the instant habeas corpus petition will be dismissed as moot.”).

## 15 II. CONCLUSION.

16 Petitioner sought to be released from immigration detention and to not be removed  
17 to any country other than Vietnam. On September 2, 2025, Petitioner was successfully  
18 removed from the United States to Vietnam and is no longer in ICE custody. Because the  
19 habeas petition did not seek to redress any collateral consequences arising from Petitioner's  
20 removal, Respondents respectfully requests that the Court deny the petition and dismiss it  
21 as moot.

22 Respectfully submitted this 6th day of October, 2025.

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