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

Baoloc Tran Nguyen,
Petitioner,
v.
John Cantu, et al.,
Respondents.

No. CV-25-02902-PHX-DJH (ESW)
**REPORT AND
RECOMMENDATION**

**TO THE HONORABLE DIANE J. HUMETEWA, UNITED STATES DISTRICT
COURT JUDGE:**

On August 12, 2025, Baoloc Tran Nguyen (“Petitioner”) filed a “Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief” (Doc. 1). For the reasons explained herein, the undersigned recommends that the Petition (Doc. 1) be dismissed without prejudice as Petitioner’s recent deportation renders the case moot.

Petitioner is a native and citizen of Vietnam. In 1981, Petitioner entered the United States as a refugee and subsequently became a lawful permanent resident. (Doc. 1 at 3, ¶ 3.) In 1994, Petitioner was convicted of burglary in the State of California and sentenced to seven years in prison. (*Id.* at 3, ¶ 4.) Immediately upon his release from prison in 2001, Petitioner was detained by the U.S. Immigration and Customs Enforcement (“ICE”) and a removal order was entered. (*Id.*) Because there was no reasonable likelihood of his removal to Vietnam, Petitioner was released under an Order of Supervision (“OSUP”) in 2001. (*Id.*) The Petition states that for the past twenty-four years, Petitioner has complied

1 with the terms of his OSUP. (*Id.* at 3, ¶ 6.)

2 In June 2025, Petitioner was detained by ICE subject to a final order of removal to
3 Vietnam. The pending Petition (Doc. 1) challenges such detention and Petitioner’s
4 potential removal to a country other than Vietnam.

5 In their Response (Doc. 10) filed on October 6, 2025, Respondents state that on
6 September 2, 2025, Petitioner was removed from the United States to Vietnam. The
7 Warrant of Removal/Deportation attached to the Response states that Petitioner was
8 “removed via ICE air ops” from “Mesa, AZ (IWA)” on “9-2-2025.” (Doc. 10-1.) The
9 Response states that “ICE has advised undersigned counsel that the destination of the flight
10 was Noi Ban International Airport in Hanoi, Vietnam.” (Doc. 10 at 1 n. 1.) Respondents
11 argue that the Petition should be denied as moot because Petitioner is no longer in ICE
12 custody and has been removed to Vietnam, the country to which he was originally ordered
13 removed. (*Id.* at 2-3). Petitioner has not filed a Reply to the Response (Doc. 10) and the
14 time to do so has passed.

15 In light of the evidence indicating that Petitioner is no longer detained and has been
16 removed to Vietnam, the undersigned finds that there is no further relief that the Court can
17 provide and the case is moot. *See Abdala v. I.N.S.*, 488 F.3d 1061, 1065 (9th Cir. 2007)
18 (holding that habeas petition was moot where petitioner’s deportation “cur[ed] his
19 complaints about the length of his INS detention”); *Kittel v. Thomas*, 620 F.3d 949 (9th
20 Cir. 2010) (dismissing as moot a petition seeking early release where the petitioner was
21 released and where there was no live, justiciable question on which the parties disagreed).
22 Therefore,

23 **IT IS RECOMMENDED** that the Petition (Doc. 1) be dismissed without prejudice.

24 This recommendation is not an order that is immediately appealable to the Ninth
25 Circuit Court of Appeals. Any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should
26 not be filed until entry of the District Court’s judgment. The parties shall have fourteen
27 days from the date of service of a copy of this recommendation within which to file specific
28 written objections with the Court. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72.

1 Thereafter, the parties have fourteen days within which to file a response to the objections.
2 Failure to file timely objections to the Magistrate Judge's Report and Recommendation
3 may result in the acceptance of the Report and Recommendation by the District Court
4 without further review. Failure to file timely objections to any factual determinations of
5 the Magistrate Judge may be considered a waiver of a party's right to appellate review of
6 the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's
7 recommendation. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003);
8 *Robbins v. Carey*, 481 F.3d 1143, 1146-47 (9th Cir. 2007).

9 Dated this 6th day of November, 2025.

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13 Honorable Eileen S. Willett
14 United States Magistrate Judge
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