

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

Chanthan Chhot, a.k.a Chanthan Chout,)
Petitioner,)
vs.)
Keith Deville, Warden of Richwood)
Correctional Center;)
Brian Acuna, Acting New Orleans Field)
Office Director, U.S. Immigration and)
Customs Enforcement; and)
Todd Lyons, Acting Director, U.S.)
Immigration and Customs Enforcement,)
Respondents.)
CASE NO: 3:25-cv-1172

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Chanthan Chhot is a Cambodian national who was ordered removed from the United States in October of 2004.

2. Mr. Chhot was detained by immigration authorities for approximately seven months during the pendency of his removal proceeding and remained in custody after he was ordered removed.

3. Shortly after the issuance of Mr. Chhot's removal order, U.S. Immigration and Customs Enforcement ("ICE") contacted the Royal Government of Cambodia ("RGC") and requested that the RGC provide Chhot with Cambodian travel documents so that the agency could effectuate Chhot's repatriation to Cambodia.

4. The RGC declined to issue the requested travel documents or to repatriate Mr. Chhot.

5. In February of 2005, ICE released Mr. Chhot from custody, pursuant to an administrative order of supervision, because the agency had determined that it could not remove Mr. Chhot from the United States and thus had no lawful reason to continue his immigration detention.

6. Since this time, ICE has received no information from the RGC or otherwise which has disturbed the agency's February 2005 determination that there is no significant likelihood that ICE will be able to remove Chhot from the United States in the reasonably foreseeable future and thus for more than 20 years ICE permitted Chhot to retain the status of a supervised releasee.

7. Nevertheless, on or about May 5, 2025, ICE arrested Mr. Chhot without warning and returned him to immigration custody.

8. According to the paperwork which ICE provided to Mr. Chhot at the time of his arrest, ICE revoked Chhot's supervised release because the agency wished to effect Chhot's removal from the United States.

9. However, ICE has not adduced and cannot adduce any facts particular to Mr. Chhot which suggest that ICE's ability to remove Chhot from the United States has materially changed since February of 2005, when the agency determined that it could not remove Chhot.

10. According to the paperwork which ICE provided to Mr. Chhot at the time of his arrest, ICE also revoked Chhot's supervised release because it had determined that Chhot had violated the terms of his release, with specific reference to a 2013 misdemeanor disorderly conduct conviction in Massachusetts state court.

11. However, ICE has offered no explanation as to why the agency waited for twelve years to enforce this now stale violation of the terms of Mr. Chhot's supervised release.

12. Because the only permissible reasons for ICE to detain Mr. Chhot is to effect his removal from the United States or to meaningfully enforce violations of his administrative order of supervision, Chhot's current immigration detention serves no legitimate purpose and thus violates both the Immigration and Nationality Act as well as the Substantive Due Process guarantee of the Fifth Amendment to the United States Constitution.

13. Accordingly, by this Petition, Mr. Chhot seeks a Court order releasing him from his present unlawful detention.

JURISDICTION & VENUE

14. The U.S. District Court for the Western District of Louisiana has jurisdiction to adjudicate the instant Petition pursuant to Sections 2241 and 1331 of United States Code Title 28.

15. The U.S. District Court for the Western District of Louisiana is the proper venue to hear the instant Petition because Mr. Chhot is presently detained in the Richwood Correctional Center within the Western District of Louisiana.

PARTIES

16. Petitioner Chhot is a resident of Massachusetts who immigrated to the United States in 1984 as a child refugee and who is presently being detained for immigration purposes in the Richwood Correctional Center, at the direction of ICE.

17. Respondent Keith Deville is the Warden of Richwood Correctional Center, and controls the facility in which Mr. Chhot is presently detained. He is being sued in his official capacity.

18. Respondent Acuna is the Acting ICE New Orleans Field Office Director who has directed the Richwood Correctional Center to detain Mr. Chhot and is being sued in his official capacity.

19. Respondent Lyons is the Acting Director of ICE, is ultimately responsible for the Richwood Correctional Center's detention of Mr. Chhot and is being sued in his official capacity.

FACTS

20. In 1984, Mr. Chhot immigrated to the United States and subsequently became a lawful permanent resident of the United States.

21. On or about February 28, 2003, the legacy Immigration and Naturalization Service ("INS") commenced removal proceedings against Mr. Chhot before the Executive Office for Immigration Review ("EOIR") because of a recent conviction for assault and battery with a dangerous weapon.

22. On or about March 15, 2004, Mr. Chhot was taken into immigration custody, directly following the end of a penal sentence which Chhot had served in county jail.

23. On or about October 29, 2004, EOIR ordered Mr. Chhot's removal to Cambodia.

24. On or about November 9, 2004, ICE – which had replaced the INS as the Executive Branch's primary immigration law enforcement authority – requested that the RGC issue a Cambodian travel document for Mr. Chhot so that the agency could repatriate Chhot to Cambodia.

25. The RGC declined to issue the requested travel document or to repatriate Mr. Chhot.

26. On or about February 1, 2005, ICE determined that it was unable to remove Mr. Chhot from the United States.

27. Accordingly, on or about February 3, 2005, ICE released Mr. Chhot from immigration detention with an order of supervision.

28. For at least the last 10 years, Mr. Chhot has stayed out of trouble and has done his best to comply with his order of supervision.

29. On or about May 5, 2025, ICE officers – without giving Mr. Chhot any advance notice – revoked Chhot’s administrative order of supervision and took Chhot back into immigration custody.

30. At the time ICE officers re-detained Mr. Chhot, ICE claimed that it had taken Chhot back into immigration custody to remove Chhot from the United States.

31. However, at the time it re-detained Mr. Chhot, ICE had no reason to believe that Chhot’s circumstances vis-à-vis the RGC had changed and that the RGC or any other foreign government was likely to accept Chhot for repatriation.

32. At the time ICE officers re-detained Mr. Chhot, ICE also claimed that it had taken Chhot back into immigration custody to enforce a twelve-year-old violation of his administrative order of supervision, that is, Chhot’s conviction for misdemeanor disorderly conduct in 2013.

33. However, at the time it re-detained Chhot, ICE had no reason to believe that Chhot’s 2013 misdemeanor conviction bore any meaningful relationship to Chhot’s ability or willingness to prospectively comply with the terms of his revoked supervised release.

34. The true purpose of ICE’s re-detention of Mr. Chhot was to compel him to attend a detained interview with RGC consular officials for the purpose of investigating whether the RGC would agree to repatriate Chhot after two decades of declining to do so

35. At present, ICE has no reason to believe that Mr. Chhot's circumstances vis-à-vis the RGC have meaningfully changed and that the RGC or any other foreign government is likely to accept Chhot for repatriation.

36. At present, ICE has no reason to believe that Mr. Chhot would refuse to comply with the terms of his now revoked administrative order of supervision.

37. Nevertheless, Mr. Chhot has remained in ICE detention since May of 2025 and is currently detained at the Richwood Correctional Center.

38. The Declaration of Chanthan Chhot and Declaration of Janet Vo, each sworn under penalty of perjury, are attached to this Petition as **Exhibit 1** and **Exhibit 2**, respectively, and the allegations therein are incorporated hereto by reference – in satisfaction of the requirements of United States Code Title 28, Sections 2242 and 1746.

**FIRST CAUSE OF ACTION – UNLAWFUL DETENTION
IN VIOLATION OF IMMIGRATION AND NATIONALITY ACT**

39. Mr. Chhot incorporates paragraphs 1 through 38 above as if fully restated below.

40. Mr. Chhot is currently in the custody of the Respondents under or by color of the authority of the United States – that is, detained in the Richwood Correctional Center at the direction of ICE.

41. Mr. Chhot's detention violates Section 241(a)(6) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1231(a)(6), and its implementing regulation, 8 C.F.R. §§ 241.13-14.

42. Specifically, Mr. Chhot is being detained for immigration purposes when ICE knows that it cannot effect Chhot's removal from the United States and ICE has no other permissible basis for depriving Chhot of his liberty, in violation of INA Section 241(a)(6) and Regulation 241.13(i).

43. A judicial order requiring Chhot's release from such custody and reinstating Mr. Chhot's improperly revoked administrative order of supervision would effectively redress Respondents' unlawful conduct.

**SECOND CAUSE OF ACTION – UNLAWFUL DETENTION
IN VIOLATION OF U.S. CONSTITUTION, FIFTH AMENDMENT**

44. Mr. Chhot incorporates paragraphs 1 through 43 above as if fully restated below.

45. Mr. Chhot is currently in the custody of the Respondents under or by color of the authority of the United States – that is, detained in the Richwood Correctional Center at the direction of ICE.

46. Mr. Chhot's detention violates the U.S. Constitution.

47. Specifically, Mr. Chhot is being detained for immigration purposes when ICE knows that it cannot effect Chhot's removal from the United States and ICE has no other permissible basis for depriving Chhot of his liberty, in violation of the Substantive Due Process guarantee of the Fifth Amendment to the United States Constitution.

48. A judicial order requiring Chhot's release from such custody and reinstating Mr. Chhot's improperly revoked administrative order of supervision would effectively redress Respondents' unlawful conduct.

PRAYER FOR RELIEF

Wherefore, Mr. Chhot respectfully requests that the Court:

A. Order Respondents to immediately reinstate Mr. Chhot's improperly revoked administrative order of supervision and release Chhot from the Richwood Correctional Center pursuant to the conditions of the improperly revoked administrative order of supervision;

B. Award to Mr. Chhot his reasonable litigation costs and attorney's fees pursuant to the Equal Access to Justice Act; and

C. Grant such other further relief that is deemed just and proper by the Court.

Respectfully submitted,
CHANTHAN CHHOT,

Dated: August 15, 2025

By his attorneys,

/s/ Charles Andrew Perry
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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner, and/or someone acting in his behalf, the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

/s/ Charles Andrew Perry
Charles Andrew Perry