

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BAO NHAT DOAN THAI,

PETITIONER,

Case No. 3:25-CV-2221-X

v.

KRISTI NOEM, et al.,

RESPONDENTS.

RESPONSE TO GOVERNMENT'S SUR-REPLY

On September 3, 2025, this Court ordered Respondents to file a sur-reply explaining (1) whether Respondents have abided by the procedural requirements of 8 U.S.C. § 241.13(i)(3) supported by a declaration or affidavit of an individual with personal knowledge of the occurrence of such requirements and (2) the then-current status of requesting travel documents related to Mr. Thai specifically. Respondents filed a sur-reply with an attached affidavit from Deportations Office Brian Shelton but have yet again provided only vague, incomplete information in response to this Court's order. It only takes a quick glance through DO Shelton's affidavit to see it does not provide sufficient information to meet this Court's request. DO Shelton readily admits he does "not remember the exact details of [Mr. Thai's] arrest" and instead provides the steps he "likely" would have taken in Mr. Thai's case based on his "practice with every arrest of this nature." Doc. 17 at 5. Indeed, Respondents claim that they "believe[]" that Petitioner was notified of the reason for the revocation of his release." Doc. 16.

Contary to this Court's order, Respondents have not provided specific facts as to Mr. Thai's arrest and clearly cannot show that the procedural requirements of § 241.13(i)(3) have been met. As Mr. Thai explained in his reply brief, Respondents' case rests on mere speculation, and their sur-reply only exacerbates this reality. Respondents chose to ignore ICE's regulations and detain a man who was living according to an OSUP without issue for over two decades without taking any substantial steps to secure travel documents. And in an attempt to excuse its actions, Respondents continue to provide ambiguous, vague answers and assuage this Court's concerns by stating what it "believes" happened. How long must Mr. Thai remain unlawfully and indefinitely detained without justification? Mr. Thai's detention now, before travel documents have even been requested, serves no legitimate purpose.

Again, Petitioner Bao Thai urges this Court to grant his habeas petition and order his immediate release from custody.

RESPECTFULLY SUBMITTED,

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