

**UNITED STATES DISTRICT COURT
FOR THE
CENTRAL DISTRICT OF CALIFORNIA**



Aug, 6, 25

Petitioner

Nguyen Son, Hull A # 

V.

Pam Bondi

ATTORNEY GENERAL

Kristi Noem

SECRETARY OF THE DEPARTMENT OF

HOMELAND SECURITY

Ernesto Santa Cruz

U. S ICE FIELD OFFICE DIRECTION FOR THE

LOS ANGELES FIELD OFFICE

Fereti Semaia

WARDEN OF ADELANTO ICE PROCESSING

DETENTION FACILITY

Respondents

Civil Action No: 5:25-W-02107-SVW-JDE

PETITION FOR A WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. §2241

Petitioner Nguyen Son, Hull hereby petitions this court for a writ of Habeas corpus to remedy petitioners unlawful detention by all respondents. In support of this petition of it and complaint for injunctive relief, petitioner alleges the following hereafter.

STATUS & CUSTODY

1. Petitioner escaped the communist the year 1981, left behind everything with motto "I'd rather die on the high sea than live under communist regime."
2. The petitioner risked his life, struggle and overwhelming dire danger to come to the United States 04-1982 under status of political asylum "Boat People." The petitioner has been accorded the following immigration status legal permanent resident (I-94).
3. Petitioner Nguyen Son, Hull A# [REDACTED] is currently in the physical custody of respondents & US immigration and customs enforcement (ICE) at Adelanto ICE processing center, run by GEO groups by contracted. Petitioner is under the direct control of respondents and their agents.
4. On June 29, 2025 Petitioner come to ICE office in Santa Ana of Orange county trying to apply for work permit, suddently Petitioner has been arrested and being detained herein. Although has been deporting more than 34 years; since deported 1991; after back to society Petitioner trying hard to comply with the law of ICE, being reported every year therein. This time having no commit a crime.
5. There has no reason to detaining without his knowledge for good cause of which his deserving Therefore is a final order of removal of 1991 approximately prolonged 34 years.
6. Taking into consideration of subject matter, there is nothing important or consequential likelihood that petitioner will be removed from the country in a reasonably foreseeable time *see generally Zadvydas v. Davis*, 533 U.S. 678 2001.
7. Petitioner was held in Yuba County 1996 by INS or ICE almost 5 years, got out the year 2000 indefinite time detained, unlawful violation of human rights. No one can deprive unalienable rights enacted in processing of the law by book as fifth and fourteenth amendments in constitution of U.S
8. This is a second time being held by ICE in Adelanto, Petitioner has been waiting for release in due process which is 3 months of limitations otherwise would be a double jeopardy predicament situation as before occurred.
9. Accordingly I respectfully request that the court use its authority under 28 U.S.C. § 2243 to order the respondents to file an answer and return within 3 working days, unless they show good cause for additional time See 28 U.S.C. § 2243 (Stating that an order to show good cause reason why petition for a writ of habeas corpus should be denied "shall be returned within 3 days unless additional time if having or showing a good cause, not exceeding twenty days is allowed").

10. In order to permit full judicial review of claims herein and requested relief. I also respectfully request that the court order the Respondents not to transfer Petitioner outside the jurisdiction of this court pending consideration of this petition.

JURISDICTION AND AVENUE

11. This action arises under the constitution of the U.S. and the Immigration and Nationality act (INA) 8 USC.§1101 et. Seq.as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) pub, L.No. 104-208,110 Sta.1570, and administration Procedure Act (APA), 5U.S.C§701 Et Se.

12. This court has jurisdiction under 28 U.S.A.§2241; art. I §9, 2 of the United States Constitution(Suspension Clause) and 28 U.S.C.§ 1331, as Petitioner is presently in custody under control authority of racial inequality of Respondent Parties; there is a such custody is in violation of the Constitution, laws or treaties of the United States.

13. This court may grant relief pursuant to 28 U.S.C2241, 5 U.S.C. § 702, and the writs act, 28 U.S.C. § 1651.

14. All the causes are avenue very just and proper in the U.S. District Court for the Central District of California due to Petitioner is currently being detained at the Adelanto ICE detention facility in Adelanto, California.

EXHAUSTION OF REMEDIES

15. There is no statutory exhaustion requirement for a petition challenging immigration detention *see Araujo-Cortes V Shanahan*,35F. Supp.3D 533,538 (S.D.N.Y.2014).

16. I am not required to exhaust administrative avenues to challenge my detention because the statutory authority subjects me to mandatory detention and, as such, does not provide me with any meaningful administrative options with which to challenge my detention *see* 8 U.S.C. § 1226(c); *see also Cave v. East Meadow Union Free Sch. Dist.*, 514 F.3d 240, 249 (2d Cir. 2008) (“The exhaustion requirement is excused when exhaustion would be futile because the administrative procedure do not provide an adequate remedy.”) (citing *Honig v. Doe*, 484 U.S. 305, 327 (1998)).

LEGAL ARGUMENT

17. The Supreme Court has stated that “Freedom from...government custody [and] detention lies at the heart of the liberty that [The Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). The Supreme Court further noted in *Zadvydas* that “a statute permitting indefinite detention of a non-citizen would raise a serious constitutional problem.” *Id.* At 690.

18. The Due Process clause applies to all persons in the United States, “whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693 121 S. Ct. 2491, 150 Ld.2d 653 (2001). *see also Plyer v. Doe*, 457 U.S. 202, 210 (1982) (“Non-citizens, even those whose presence in this country is unlawful, have long been recognized as ‘persons’ guaranteed due process of law by the Fifth and Fourteenth Amendments”).

19. Congress authorized the DHS to detain non-citizens during a statutorily defined “removal period,” during which the Department may effectuate the non-citizens removal from the United States. 8 U.S.C. § 1231(a)(1). The removal period typically lasts for ninety days and starts at the latest of: (1) the date an order of removal becomes administratively final; (2) if a removal order is judicially reviewed and a stay of removal has been ordered, the date of the courts final

order; or (3) the date the non-citizen is released from any detention other than for immigration purposes. 8 U.S.C. § 1231 (a)(1)(B).

20. Under 8 U.S.C. § 1231 (a)(2), non-citizens subject to final orders of removal “shall” be detained during the first ninety days-the “removal period”-and they “shall” be removed during that period under § 1231 (a)(1). Under 8 U.S.C. § 1231 (a)(6), however, the government “may” continue detention beyond the 90-day removal period if the noncitizen falls within certain broad categories of removability or is determined “to be a risk to the community or unlikely to comply with the order of removal.” 8 U.S.C. § 1231(a)(6).

21. The Supreme Court long Ago held that the Fifth Amendment entitles non-citizens to due process in removal proceedings. *Reno v. Flores*, 507 U.S. 292, 306, 113 S.Ct. 1439, 123 L.Ed.2d 1 (1993).

22. In *Zadvydas* the Court heard a non-citizens challenge to prolonged detention under 8 U.S.C. § 1231(a)(6). *Id.* at 682, 684-85, 121 S.Ct. 2491 Recognizing that the proceedings at issue were “Civil, not Criminal”, and therefore “nonpunitive in purpose and effect”, it pointed out that the government offered “no sufficiently strong special justification for indefinite Civil detention.” *Id.* At 690, 121 S.Ct. 2491.

23. The Supreme Court in *Zadvydas*, in order to avoid the serious due process concerns that would be presented by permitting detention for an indefinite period of time, construed 8 U.S.C. § 1231(a)(6) to authorize detention only where it is significantly likely that removal will occur in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 690. After a non-citizen meets his or her initial burden to show that no such likelihood of removal exists, the burden shifts to the Government to “respond with evidence sufficient to rebut the non-citizens showing. *Id.* At 701

24. If a court finds removal is reasonably foreseeable, the court may still order release, and may consider the risk posed by the individual to community safety in determining whether to do so. *Id.* At 700. While dangerousness may justify immigrant detention in certain cases, the Court “upholds preventive detention based on dangerousness only when limited to specially dangerous individuals “demanding that the dangerousness rationale be accompanied by some other special circumstance, such as mental illness, that helps to create the danger” and subject to strong procedural protections.” *Id.* At 691, 121 S.Ct. 2491

25. My removal period began on May 20th 2025.

26. My removal period expired on August 18th 2025, ninety days after its initiation. I was detained beyond the ninety days pursuant to 8 U.S.C. § 1231 (a)(6).

27. The DHS’s persistent inability to effectuate my removal provides threshold evidence that there is not a significant likelihood of removal in the foreseeable future. *See Senor v. Barr*, 401 F. Supp. 3D 420, 430 (W.D.N.Y. 2019) (quoting *Singh v. Whitaker*, 362 F. Supp. 3D 93, 102-03 (W.D.N.Y. 2019); *See also D’Alessandro v. Mukasey*, 628 F. Supp. 2D 368, 404 (W.D.N.Y. 2009) (“The burden upon the detained person is not to demonstrate no reasonably foreseeable, significant likelihood of removal or show that his detention is indefinite rather,... the detained person need only provide good reason to believe that removal is not significantly likely in the reasonably foreseeable future.”

28. Accordingly, unless the respondent can supply sufficient evidence to the contrary, they should now release me from their custody because my “continued detention has become unreasonable and is no longer authorized by statute.” *Zadvydas*, 533 U.S. at 699-700.

29. Even if the court determines that removal is reasonably foreseeable, this court should order my release because I am not a danger to the community. *Id.* At 700.

CLAIM FOR RELIEF

COUNT ONE:

PETITIONER'S PROLONGED DETENTION VIOLATES THE UNITED STATES CONSTITUTION

30. I reallege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

31. Non citizens who have been detained by DHS pursuant to its statutory authority under 8 U.S.C. § 1231 (a) for over six months must be released from custody if there is no significant likelihood that they will be removed in the reasonably foreseeable future.

32. Continuing to detain me under 8 U.S.C. § 1231 (a)(6) while there is no significant likelihood of my removal in the reasonably foreseeable future deprives me of my "strong interest in liberty," and therefore violates the Fifth Amendment of the United States Constitution. U.S. v. Salerno 481 U.S. 739, 750 (1987). It further poses actual and substantial hardships and irreparable injuries to me.

33. I have no adequate remedy at law other than the instant petition for a writ of habeas corpus

PRAYER FOR RELIEF

WHEREFORE, I pray that this Court grants the following relief

1. Assume Jurisdiction of this matter;

2. Use its authority under 28 U.S.C. § 2243 to

I. Order the Respondent to file an answer and Return within 3 days of the filing of the petition, unless they can show good cause for additional time;

II. Order Petitioner's Reply be filed 15 days after the Court sets the deadline for

Respondent's Answer and Return;

III. Order the Respondent not transfer Petitioner outside the Central District of California during the pendency of this Petitioner.

3. Issue a writ of habeas corpus ordering the Respondent to immediately release Petitioner with reasonable terms of supervised release by book.


4. Due to Petitioner come to America under Political Asylum status, escaping the Communism regime so cal "Boat People". Petitioner who is a betrayer of his own country; once if he being repatriated to Viet-Nam, once it would be threatened and dangerous to his life. They should; would kill him.

According to the law the fifth and fourteenth amendments in constitution of United States; It should be a reasonable matter for his living life. Taking into consideration for his good cause as its protection law

5. Grant any further relief that this Court deems just and proper.

I affirm, under penalty of perjury. I am a petitioner; I had read this petition or had it read to me, and the informations in this petition is true and correct.

Respectfully Submitted

Nguyen Son, Hull # A 

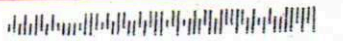


Adelanto ICE Processing Center

10250 Rancho road

Adelanto, CA 92301.s

ADELANTO ICE PROCESSING CENTER
10250 RANCHO RD
ADELANTO, CA 92301
[REDACTED]



NEW

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK
350 WEST 1ST STREET, SUITE 431
LOS ANGELES, CA 90012-4565.

Detention
Officer
J. Villanovas