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12 UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF ARIZONA

14 Viengkone SIKEO,
15
16 Petitioner-Plaintiff,

17 v.

18 John E. Cantu, Field Office Director,
19 U.S. Immigration and Customs Enforcement,
20 U.S. Department of Homeland Security;
21 Kristi Noem, Secretary of U.S. Department of
22 Homeland Security; and Pam Bondi,
23 Attorney General of the United States,
24 Warden, Florence Detention Center; in their
25 official capacities;

26 Respondents-Defendants.

Case 2:25-cv-03191-SHD (CDB)

**PETITIONER'S REPLY IN
SUPPORT OF MOTION TO
ENFORCE WRIT OF HABEAS
CORPUS GRANTED
SEPTEMBER 24, 2025**

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HABEAS CORPUS GRANTED SEPTEMBER 24, 2025**

No. 2:25-cv-03191-SHD (CDB)

1 **I. INTRODUCTION**

2 Petitioner-Plaintiff, Mr. Viengkone Sikeo (“Petitioner” or “Mr. Sikeo”), through
3 undersigned Counsel, respectfully submits reply in support of his Motion to Enforce from
4 September 24, 2025, Dkt. 21. On November 7, 2025, Mr. Sikeo appeared for a check-in
5 appointment as requested by ICE and was detained by Fresno Immigration and Customs
6 Enforcement in violation of this Court’s orders.

7 **II. ARGUMENT**

8 **A. THIS COURT HAS JURISDICTION OVER MR. SIKEO’S RENEWED**
9 **DETENTION BY RESPONDENTS**

10 Respondents are incorrect that the only person with authority to release Petitioner is the
11 Warden at his detention center in California, not the Respondents in this action. This action
12 commenced when Respondent chose to detain Mr. Sikeo in Arizona and this Court had
13 jurisdiction over the immediate custodian. This Court does not lose that jurisdiction over any
14 Respondents no matter whether Respondents transfer a detainee to a new facility with a new
15 immediate custodian.

16 As well, this Court granted writ of habeas corpus when Mr. Sikeo was then detained in
17 Golden State Annex, in California, and no longer detained in Arizona. That writ continues to
18 apply to Respondent no matter where they are located because the immediate custodian rule only
19 determines where the initial complaint must be filed.

20 In *Rumsfeld v. Padilla*, the Supreme Court expressly left open the question of the identity
21 of the proper respondent(s) to a petition filed by a noncitizen “detained pending deportation.” 542
22 U.S. 426, 435 n. 8 (recognizing circuit split on “the question whether the Attorney General is a
23 proper respondent to a habeas petition filed by [a noncitizen] detained pending deportation” and
24 stating “[b]ecause the issue is not before us today, we again decline to resolve it”). *Doe v. Garland*
25 does not limit jurisdiction because it strictly requires that the immediate custodian (warden) be
26 named as a respondent, but it does not exclude other parties. 109 F.4th 1188, 1190 (9th Cir. 2024).

27 Furthermore, other districts have found that in order to exercise personal jurisdiction over

28 **Petitioner’s Response in Support of Motion to Enforce Writ of Habeas Corpus Granted on
September 24, 2025**

Case No. 2:25-cv-03191-PHX-SHD (CDB)

1 a habeas petition, a district court need only find that one named respondent is proper. *Dunn v.*
2 *U.S. Parole Commission*, 818 F.2d 742, 744 (10th Cir. 1987) (“So long as the petitioner names
3 as respondent a person or entity with power to release him, there is no reason to avoid reaching
4 the merits of his petition.”) (quoting *Lee v. United States*, 501 F.2d 494, 502–03 (8th Cir. 1974)
5 (Webster, J. concurring)).

6 This court had jurisdiction over the Respondents when the action commenced, and when
7 it ordered release through the writ, and continues to do so today no matter which detention facility
8 Respondent decide to use to detain Mr. Sikeo.

9
10 **B. NO CIRCUMSTANCES HAVE CHANGED THAT WOULD WARRANT A**
11 **RE-DETENTION THAT IS NOT IN VIOLATION OF THIS COURT’S**
12 **ORDER**

13 There are no changes in circumstances that would have warranted a re-detention on
14 November 7, 2025, without violating this Court’s order.

15 First, First, Respondents have not identified any material change or any valid basis for re-
16 detaining Mr. Sikeo. Based on detailed information from Mr. Sikeo, two officers who did not
17 identify themselves took Mr. Sikeo to a holding tank and cuffed his ankles. They told him that he
18 was being detained because his lawyer “is filing a case and the judge won’t look at it until the
19 13th.” This deadline is presumably the Eastern District Court’s deadline for Respondents to submit
20 a response. Exhibit B. The officers provided no other reasons, nor did they mention anything
21 related to the foreseeability of future removal or a travel permit of any kind. *See also, Section*
22 *II.B.*

23 Second, Mr. Sikeo’s removal is not foreseeable because he is stateless and there is no valid
24 travel document for him. Respondents did not provide proof of any current travel permit. There
25 is no evidence that any travel document is foreseeable. He was previously issued a travel
26 document by Laos despite the fact that he is stateless and even that document did not indicate any
27 nationality for him. The previous travel permit expired on November 4, 2025 (90 days after issue

28 **Petitioner’s Response in Support of Motion to Enforce Writ of Habeas Corpus Granted on**
September 24, 2025

Case No. 2:25-cv-03191-PHX-SHD (CDB)

1 date of August 6, 2025).¹ Any potential application for a travel permit or perceived timeline of
 2 receipt of one does not override the blatant disregard for Mr. Sikeo's constitutional rights and
 3 federal regulations. *See Kha Nguyen Tran v. Noem*, No. 3:25-cv-02391-BTM-BLM, 2025 U.S.
 4 Dist. LEXIS 211542, at *9-10 (S.D. Cal. Oct. 27, 2025) (The *Tran* petitioner was re-detained on
 5 June 18, 2025, after being on OSUP for more than 15 years (including two re-detentions in 2007
 6 and 2008 following removal order during which ICE was unable to secure travel documents).

7 Third, there is currently a stay of removal that still makes Mr. Sikeo's removal
 8 unforeseeable and therefore prevents Respondents from executing any removal order, which is the
 9 only alleged justifications Respondents have for Mr. Sikeo's re-detention. A stay of removal
 10 granted by the Eastern District is the equivalent of one from the immigration judge. The former is
 11 to preserve the status quo in case Respondents cannot prove that Mr. Sikeo is foreseeably
 12 removable. Likewise, a stay of removal by an Immigration Judge based on a pending motion to
 13 reopen is meant to preserve the status quo while the motion is pending. Thus the existence of a
 14 stay of removal, no matter the source, provides the same consequence for Mr. Sikeo, which is that
 15 his removal is not foreseeable. Thus the current status quo (with a stay in place from the Eastern
 16 District) is the same as the status quo when this Court previously granted the writ ordering release.

17 Essentially, there are two basic reasons by removal would not be foreseeable (1) had
 18 Respondents been unable to procure a travel document or, like in this case, (2) Mr. Sikeo's stay of
 19 removal by any judge was granted. Either situation warrants the same conclusion: Mr. Sikeo's
 20 removal is not foreseeable, therefore, there is no justification for re-detention. This is the very
 21 reason the Court granted Mr. Sikeo's habeas in the first place.

22 Finally, while not directly relevant to the issue before the Court, Respondents are incorrect
 23

24 ¹ Moreover, there are further issues regarding its validity. There is reason to believe that Mr.
 25 Sikeo's travel permit is false because, per Mr. Sikeo and his family, the photo on the permit is not
 26 him. Mr. Sikeo has brought up these facts in his motion for temporary restraining order before the
 27 Eastern District of California. There are relevant details within Mr. Sikeo's briefs filed within this
 Court that would also arouse suspicion of the travel permit's validity: the fact that people have
 been stranded in Romania because their Laotian travel permit was rendered invalid.

28 **Petitioner's Response in Support of Motion to Enforce Writ of Habeas Corpus Granted on
 September 24, 2025**

Case No. 2:25-cv-03191-PHX-SHD (CDB)

1 in stating that there is no petition pending before the immigration court. The immigration judge's
2 own orders indicate that there is a motion to reopen pending.²

3
4 **C. RESPONDENTS HAVE VIOLATED THIS COURT'S ORDER BECAUSE**
5 **THEY, ONCE AGAIN, DID NOT PROPERLY REVOKE MR. SIKEO'S ORDER**
6 **OF SUPERVISION**

7 Respondents have further violated this Court's order from September 24, 2025, because
8 they have, once again, unlawfully revoked Mr. Sikeo's order of supervision³. 8 C.F.R. §
9 241.4(l)(2)(iii); 8 C.F.R. § 241.13(i)(3). These specific rules are described in greater detail in Mr.
10 Sikeo's Reply regarding Supplements, Dkt. 19, Page 2.

11 First, the field office director (or district director) only has authority to revoke release in
12 the circumstance that that officer makes a determination that it is both in the public interest and
13 that circumstances do not reasonably permit referral of the case to the Executive Associate
14 Commission (who otherwise is the only officer with authority to revoke release). 8 C.F.R.
15 § 214.4(l)(2). In this case, the field office director signed the revocation but without any indication
16 of the necessary findings. Moreover, it does not seem plausible that such findings could be made,
17 and there is no reason by referral to the Executive Associate Commission cannot be made. This
18 court followed other district courts that have already found that the absence of authority to revoke,

19 ² Moreover, based on the unprecedented and materially harmful administrative delays in the
20 immigration court, there is reason to believe that the denial of stay of removal is based on further
21 administrative misunderstandings. The stay of removal was denied by the immigration court on
22 October 23, 2025, and this was before Mr. Sikeo filed his motion for emergency adjudication of
23 his motion to reopen on October 31, 2025. Before this motion, the immigration court was likely
24 not aware of the egregious administrative delays, so it is still unknown what motion for stay of
25 removal the immigration judge reviewed (and which part of the overall motion to reopen filing he
26 had before him at that time). A denial of his motion for adjudication doesn't distract from this
27 argument—this motion was solely intended for the judge to adjudicate the motion to reopen prior
28 to Mr. Sikeo's November 7 check-in in the hopes of resolving the case. Nothing about this denial
(of the motion to adjudicate) indicated the Court's intention on the motion to reopen itself.

³ Mr. Sikeo further notes that Respondents further violated this Court's order requiring that Mr.
Sikeo be in the same condition as he was prior to his detention, which in this case involved yearly
OSUP check-ins. However, on October 24, 2025, they placed Mr. Sikeo on monthly virtual check-
ins and further surveillance. Mr. Sikeo, in good-faith, nevertheless complied.

**Petitioner's Response in Support of Motion to Enforce Writ of Habeas Corpus Granted on
September 24, 2025**

Case No. 2:25-cv-03191-PHX-SHD (CDB)

1 specifically due to lack of compliance with this regulation, renders the decision unlawful. See
2 *Ceesay v. Brophy*, No. 25-CV-267-LJV, 2025 WL 1284729 at *17 (W.D.N.Y. May 2, 2025); *See*
3 *also*, Dkt. 21.

4 Thus, despite the fact that this court issued a writ ordering his release precisely due to this
5 legal error in the process of revoking the OSUP, *Respondents have now, once again, revoked Mr.*
6 *Sikeo's OSUP by committing the exact same legal error*. Not only have Respondents violated the
7 same law that this Court already found to have been previously violated, in doing so they have
8 violated this Court's order that he be released that was on account of this very legal violation.

9 Second, ICE was, again, not consistent in providing the alleged reasons as to why it
10 detained Mr. Sikeo and subsequently revoked his OSUP. Mr. Sikeo confirms that he was told he
11 was being re-detained because his "lawyer had filed an application, and the judge will not look at
12 it until November 13, 2025." However, the Notification of Release, Dkt. 26-1, Page 15, it states
13 that "On September 24, 2025, you were released on Order of Supervision pending removal. As of
14 November 7, 2025, you have no petition or application pending that can prevent your re-detention.
15 You will be held in ICE ERO custody, as there is a significant likelihood of removal in the
16 reasonable future." *Id.* The officers never explained that, allegedly, the reason is because there are
17 no pending applications. Setting aside the fact that (1) that is not true, and (2) not a basis for re-
18 detention, had Mr. Sikeo been told the above, he would have been able to describe exactly what
19 undersigned counsel explained in the Motion to Enforce – there is both a pending application and
20 stay of removal. Mr. Sikeo does have a stay of removal in place, which was provided to the ICE
21 ERO office. For that reason, the exact same legal situation exists today as when this Court ordered
22 Mr. Sikeo's release, and Respondents have simply ignored that fact.

23 Finally, the NRR does not describe a proper justification for re-detention. Here, the NRR
24 mentioned that there is a "significant likelihood of removal in the reasonable future." *Id.* Once
25 again, their alleged justification is the ability to enforce a removal order, which again is not true.
26 As mentioned previously, the statement "As of November 7, 2025, you have no petition or
27 application pending that can prevent your re-detention," is not a valid reason to re-detain under 8

28 **Petitioner's Response in Support of Motion to Enforce Writ of Habeas Corpus Granted on
September 24, 2025**

Case No. 2:25-cv-03191-PHX-SHD (CDB)

1 C.F.R. § 241.4(l)(2)(iii) and does not describe a reason as to why they can execute a removal
2 order.⁴

3 Most notably, the Respondents' legal position is actually worse than when this Court issued
4 its prior order, because there is no longer a valid travel document for Mr. Sikeo (if it even ever
5 was valid, considering that the photo on the document is not of him).

6 Respondents have simply ignored this Court's order. They cannot do so simply because
7 Mr. Sikeo lives in a jurisdiction in California. After all, he was detained in California at the time
8 this Court ordered his release, and they complied. He was previously detained in this jurisdiction,
9 because Respondents have the ability to transfer detainee to any U.S. jurisdiction while detained,
10 but that does not preclude the Court from ordering release. Respondent appear to be once again
11 attempting to circumvent immigration laws, regulations, case law, and this Court's specific prior
12 order, to unlawfully re-detain Mr. Sikeo despite knowing about this Court's prior order, and
13 knowing that there was also a pending pre-deprivation petition for writ of habeas corpus before
14 another federal judge that mentions these exact concerns. This has been a repetitive pattern for
15 how Respondent treat Mr. Sikeo (and other detainees as well), and it should not be permitted.

16 **III. CONCLUSION**

17 Overall, nothing in the facts nor Respondent's allegations confirm that there are material
18 changes in circumstances that warrant Respondents to violate this court's order. Mr. Sikeo
19 respectfully requests that he be released, and that Respondents, in any jurisdiction, be ordered not
20 to re-detain him absent specific permission from the Court on a showing of material changed
21 circumstances before such re-detention occurs.

23 Dated: November 7, 2025

Respectfully submitted,

24 /s/ Lorena Castillo

25 _____
26 ⁴ While undersigned counsel did not manage to speak to Mr. Sikeo after the NRR was allegedly
27 served to him, it is safe to assume that, based on a concerning amount of repeated patterns of
egregious violations of procedures and violations, that Respondents likely did not follow proper
procedures here.

28 **Petitioner's Response in Support of Motion to Enforce Writ of Habeas Corpus Granted on
September 24, 2025**

Case No. 2:25-cv-03191-PHX-SHD (CDB)

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Petitioner's Response in Support of Motion to Enforce Writ of Habeas Corpus Granted on September 24, 2025

Case No. 2:25-cv-03191-PHX-SHD (CDB)