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

11 Viengkhone Sikeo,

12
 13 Petitioner,

14 v.

15 John E. Cantu, et al.,

16 Respondents.

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

**SUPPLEMENTAL RESPONSE TO
 MOTION TO ENFORCE**

17 Respondents provide this supplemental response to the Motion to Enforce (Doc. 23)
 18 as directed by the Court (Doc. 30).

19 **I. Petitioner is no longer in ICE custody.**

20 Petitioner was released from ICE custody on November 12, 2025. *See* Exhibit A,
 21 Declaration of Deportation Officer Angel Gaspar at ¶ 13.

22 **II. Respondents complied with the applicable regulations.**

23 It is not clear whether Petitioner’s release on an order of supervised release (“OSUP”)
 24 in October 2005 was pursuant to 8 C.F.R. § 241.13 or 8 C.F.R. § 241.4. Regardless, ICE
 25 complied with the revocation procedures under either regulation.

26 If ICE releases an alien on an OSUP under 8 C.F.R. § 241.13, ICE “may revoke an
 27 alien’s release under this section and return the alien to custody if, on account of changed
 28 circumstances, the Service determines that there is a significant likelihood that the alien may

1 be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2). ICE is not
2 required to provide the alien with advance notice of its intention to revoke the order of
3 supervision. Rather, “[u]pon revocation, the alien will be notified of the reasons for
4 revocation of his or her release[,]” and ICE will promptly conduct an initial informal
5 interview to afford the alien an opportunity to respond to the reasons for revocation and may
6 submit evidence that he or she believes shows there is no significant likelihood of removal
7 in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(3). 8 C.F.R. § 241.13(i)(2) does
8 not prescribe who has the authority to revoke the alien’s OSUP. Here, Petitioner was
9 provided with a notice of revocation of release and with the initial informal interview
10 immediately upon his re-detention. *See* Ex. A-1; Ex. A-2.

11 If 8 C.F.R. § 241.4 applies, 8 C.F.R. § 241.4(l)(2) permits an OSUP to be revoked by
12 “[a] district director . . . when, in the district director’s opinion, revocation is in the public
13 interest and circumstances do not reasonably permit referral of the case to the Executive
14 Associate Commissioner.” In the Court’s prior order, the Court concluded that the Assistant
15 Field Officer Director lacked authority to revoke Petitioner’s OSUP. Doc. 21 at 2. When
16 Petitioner’s OSUP was revoked earlier this month, it was revoked by the Field Office
17 Director, the “district director” referred to in 8 C.F.R. § 241.4(l)(2). *See* Ex. A-1. And upon
18 Petitioner’s re-detention, he was immediately provided with the informal initial interview
19 provided for in 8 C.F.R. § 241.4(l)(1) but declined to provide a statement. *See* Ex. A-2.

20 **III. Petitioner’s motions in immigration court have been denied.**

21 Respondents have no way to determine the veracity of Petitioner’s allegation that he
22 was “told he was being re-detained because his ‘lawyer had filed an application, and the
23 judge will not look at it until November 13, 2025.’” Doc. 27 at 6. That substance of that
24 statement is simply not true. The motion to reopen filed by Petitioner’s attorneys in the
25 immigration court was denied on September 19. Ex. 1 at ¶ 8; Doc. 26-1 at Ex. C. The motion
26 for a stay of removal filed by Petitioner in the immigration court was denied on October 23.
27 Ex. 1 at ¶ 9; Doc. 26-1 at Ex. B. Petitioner does not have any motions pending before the
28 immigration court.

1 **IV. The Court lacks jurisdiction.**

2 As addressed in the Response to Motion to Enforce, Respondents complied with the
3 Court's order and released Petitioner.¹ That Petitioner was subsequently re-detained meant
4 he could bring a new habeas action in the district in which he was detained, not that he could
5 seek relief in this Court. *See, e.g., Sopan Pok v. U.S. I.N.S.*, 169 F. Supp. 2d 1194, 1196
6 (S.D. Cal. 2001) (rejecting petitioner's argument that the court retained jurisdiction to
7 enforce its judgment granting his habeas petition after he was re-arrested by immigration
8 authorities and detained in the Central District of California finding that the court's prior
9 order was enforced when petitioner was released, that the court lacked jurisdiction since the
10 petitioner was not detained within Southern District of California, and that stating that "if
11 [p]etitioner wishes to challenge the new incarceration, he should bring a new habeas
12 action.").

13 Respectfully submitted this 13th day of November, 2025.

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23 ¹ Petitioner argues that the Court has jurisdiction over Petitioner in California because
24 Respondents released him from detention in California pursuant to the Court's prior order.
25 Doc. 27 at 7. However, the habeas action filed in this district in September was filed while
26 Petitioner was detained in this district. The district court retains jurisdiction when the
27 Government moves a habeas petitioner after he properly files a petition naming his
28 immediate custodian. *See Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004) (summarizing *Ex*
Parte Endo, 323 U.S. 286, 306 (1944)); *see also Francis v. Rison*, 894 F.2d 353, 354 (9th
Cir. 1990) (holding that a district court's jurisdiction over a § 2241 petition "attaches on the
initial filing for habeas corpus relief, and is not destroyed by a transfer of the petitioner and
the accompanying custodial change.")