

1 Zachary Nightingale (California Bar # 184501)*
2 Lorena C. Castillo (California Bar # 349604)*
3 Van Der Hout LLP
4 360 Post St., Suite 800
5 San Francisco, CA 94108
6 Telephone: (415) 981-3000
7 Facsimile: (415) 981-3003
8 ndca@vblaw.com

9 *Attorneys for Petitioner-Plaintiff*
10 Viengkone SIKEO

11 **admitted pro hac vice*

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 TO
RESPONDENTS'
SUPPLEMENTAL RESPONSE**

1 **I. INTRODUCTION**

2 Petitioner-Plaintiff, Mr. Viengkone Sikeo (“Petitioner” or “Mr. Sikeo”), through
3 undersigned Counsel, respectfully submits reply to Respondents’ Supplemental Response from
4 November 13, 2025. Dkt. 31.

5 The fact that Respondents released Mr. Sikeo only after this motion to enforce was filed
6 and after the Court ordered Respondents to submit additional evidence does not moot out this
7 motion to enforce because nothing currently prevents Respondents from repeating their action of
8 unlawfully re-detained Mr. Sikeo at any time with no legal basis for doing so.

9 **II. ARGUMENT**

10 **A. RESPONDENTS DID NOT COMPLY WITH THE APPLICABLE**
11 **REGULATIONS WHEN REVOKING MR. SIKEO’S OSUP.**

12 Whether Mr. Sikeo’s 2005 OSUP was pursuant to 8 C.F.R. § 241.13 or 8 C.F.R. § 241.4,
13 Respondents still did not comply with the proper regulations when revoking Mr. Sikeo’s OSUP.

14 Section 8 C.F.R. § 241.4(1)(2) allows a district director to revoke an OSUP in place of an
15 Executive Associate Commissioner only when they find that revocation is in the “public interest
16 and circumstances do not reasonably permit referral of the case to the Executive Associate
17 Commissioner.” Respondents have failed to state why they were unable to refer the case to the
18 Executive Associate Commissioner (EAC). Respondents admit to having known about an alleged
19 motion to reopen denial since October 2, 2025. Dkt. 31-1, Page 4. Since Respondents claim that
20 this is the basis for revoking Mr. Sikeo’s OSUP, Respondents fail to describe why, despite having
21 over thirty days since receipt of the alleged denial, they were unable to make the referral.

22 Even *if* no referral were necessary¹, Respondents still have not complied with procedures
23 set under 8 C.F.R. § 241.13(i)(2) because there is no basis in which Respondents can say that
24 there is a “significant likelihood that [Mr. Sikeo] may be removed in the reasonably foreseeable

25 ¹ These regulations do not widen the scope of delegation to people outside the EAC as Respondents
26 here claim. Here, the delegation is authority is through the Service's Headquarters Post-order
27 Detention Unit (HQPDU), which is led by the EAC, and Field Officer Directors are not part of this
28 unit. 8 C.F.R. § 241.13(b)(2)(i). Whatever regulations, Respondents required referral from the
EAC before revoking Mr. Sikeo’s OSUP, and they did not do so here.

1 future.” Mr. Sikeo still has an indefinite stay of removal from Judge Sheriff from the Eastern
2 District of California. Despite unprecedented administrative mishandlings of Mr. Sikeo’s motion
3 to reopen, his motion to reopen remains pending before the Executive Office for Immigration
4 Reform.² Moreover, Respondents have admitted to not having an actual travel permit, and in fact
5 only presented a travel permit that expired three days before his re-detention on November 7,
6 2025. There is nothing foreseeable about Mr. Sikeo’s removal under these circumstances, and
7 there is nothing that would warrant a re-detention that is not in violation of this Court’s orders.
8 *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (as the period of detention grows, what counts
9 as “reasonably foreseeable” diminishes). Respondents have failed to make any determination
10 otherwise.

11
12 **B. GIVEN RESPONDENTS’ ALARMING AND REPEATED PATTERN OF**
13 **VIOLATING STATUTORY AND CONSTITUTIONALLY GUARANTEED**
14 **PROCEDURES, RESPONDENTS SHOULD BE ENJOINED FROM RE-**
15 **DETAINING MR. SIKEO ABSENT PERMISSION FROM THE COURT**

16 As mentioned in Mr. Sikeo’s motion to enforce this Court’s grant of writ of habeas corpus
17 and his reply to Respondents’ opposition, nothing in the facts nor Respondent’s allegations
18 confirm that there are material changes in circumstances that warrant Respondents to violate this
19 court’s order. Instead, Respondents have shown a concerning pattern of speculative scenarios,
20 vague reasoning, and outright unlawful detention that Supreme Court precedent aims to prevent.

21 As this Court has emphasized in their most recent order, this Court retains jurisdiction to
22 determine whether Respondents are in contempt of this Court³. A subsequent release does not

23 ² Mr. Sikeo emphasizes all the reasons that indicate his motion to reopen remains pending
24 regardless of the administrative disorganization that he detailed in his original motion to enforce
25 and reply to the Respondents’ opposition. On a final note regarding this matter, Immigration
26 Judges are required to provide adequate reasoning when denying or granting motions to reopen.
27 *Movsisian v. Ashcroft*, 395 F.3d 1095, 1098 (9th Cir.2005). A mere finding of “no good cause,” is
28 insufficient as it is not conducive to judicial review. *Id.* This means that none of Mr. Sikeo’s alleged
denials are about his motion to reopen itself, thus the matter remains pending.

³ Respondents’ cited case, *Sophan Pok v. U.S. I.N.S.*, 169 F. Supp 2d 1194 (S.D. Ca. 2001) is
fundamentally different than the issues presented here. First, the petitioner in *Sophan Pok* was re-
detained for violating the terms of his release, which Mr. Sikeo has undeniably not done. Second,
this case was dismissed not necessarily because of a jurisdictional issue Respondents claim is
Petitioner’s Reply to Respondents’ Supplemental Response

1 diminish the fact that Respondents willfully acted in contempt of this Court. After releasing Mr.
2 Sikeo they then arbitrarily re-detained him a month later, despite no relevant changes in
3 circumstance that would have undermined or trumped this Court's order. Respondents have
4 shown that they cannot make lawful determination about such a fundamental legal issues as Mr.
5 Sikeo's personal liberty, even after this Court ordered release. Therefore, Respondents should be
6 ordered to not re-detain him, absent specific permission from the Court following an affirmative
7 showing by Respondents of materially changed circumstances. Otherwise, this Court cannot be
8 assured that any future re-detention would not continue to be a violation of this Court's orders.

9
10 **III. CONCLUSION**

11 Mr. Sikeo respectfully requests that Respondents, located in any jurisdiction, be ordered
12 not to re-detain him absent specific permission from the Court on a showing of material changed
13 circumstances before such re-detention occurs.

14
15 Dated: November 17, 2025

Respectfully submitted,

16 /s/ Lorena Castillo

17 Lorena Castillo

18 Zachary Nightingale

19 Attorneys for Mr. Sikeo
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28 similar to Mr. Sikeo's but rather because of an immediate custodian issue that later cases such as
Rumsfeld v. Padilla and *Doe v. Garland* subsequently resolved.

Petitioner's Reply to Respondents' Supplemental Response

Sikeo v. Cantu, et. al, No. 2:25-cv-03191-SHD (CDB)