

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

John M. Mitchell (AZ Bar No. 039739)*
Christine K. Wee (AZ Bar No. 028535)
American Civil Liberties Union
Foundation of Arizona
2712 N. 7th Street
Phoenix, Arizona 85006
(602) 650-1854
jmittell@acluaz.org
cwee@acluaz.org

** Admitted pursuant to Arizona Supreme Court Rule 38(d)*

*Attorneys for Petitioner Monnathy L. Nambounmy
Additional attorneys listed on next page*

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Monnathy L. Nambounmy,

Petitioner,

v.

John E. Cantu, Enforcement and Removal
Operations, Arizona Field Office Director, U.S.
Immigration and Customs Enforcement; Todd
Lyons, Acting Director of Immigration and
Customs Enforcement; Kristi Noem, Secretary,
U.S. Department of Homeland Security; David R.
Rivas, warden at San Luis Regional Detention
Center; U.S. Department of Homeland Security;
U.S. Immigration and Customs Enforcement,

Respondents.

CV-25-03294-DJH-ASB

**PETITIONER'S MOTION TO
ENFORCE OCTOBER 2, 2025,
ORDER GRANTING WRIT OF
HABEAS CORPUS**

1 Andres Holguin-Flores (CA Bar No. 305860)**
2 ACLU Foundation of San Diego and Imperial Counties
3 2760 Fifth Ave #300
4 San Diego, California 92101
5 (619) 232-2121
6 aholguinflores@aclu-sdic.org

7 Geovanna Y. Medel (CA Bar No. 362859)**
8 ABA Immigration Justice Project
9 2727 Camino Del Rio South, Suite 320
10 San Diego, California 92108
11 (619) 859-6650
12 Geovanna.Medel@abaijp.org

13 ** Admitted *pro hac vice*
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Petitioner Monnathy Nambounmy (“Petitioner”), by and through undersigned
2 counsel, hereby moves this Court to enforce its October 2, 2025, Order granting
3 Petitioner’s release from immigration detention (“Order”). Doc. 13. Specifically,
4 Petitioner requests that this Court direct Respondents (the “Government”) to place
5 Petitioner on an Order of Supervision (“OSUP”) and remove the ankle monitor that it
6 imposed when releasing him from custody on October 3, 2025.

7 The underlying petition evidenced that Immigration and Customs Enforcement
8 released Petitioner from custody after multiple failed attempts to remove him to Laos. *See*
9 Doc. 8-2 at 54-58. Most recently—prior to the unlawful re-detention prompting this
10 writ—Petitioner was released and placed on Order of Supervision (“OSUP”) on February
11 19, 2016. *Id.* at 59-61. Since then, Petitioner “has complied with all [] requirements [of
12 his OSUP] and is now the primary earner and caretaker for his wife and child who have
13 serious health conditions.” Order at 2.

14 Petitioner requested relief in the form of reinstating his OSUP, which existed prior
15 to his redetention. *See* Petition for Writ of Habeas Corpus, Doc. 1 at 19-20 (“Respondents
16 were required to provide Mr. Nambounmy pre-deprivation notice and a hearing before
17 re-detaining him, given that he has remained fully compliant with his order of supervision
18 and release conditions.”); Motion for Temporary Restraining Order, Doc. 8 at 15
19 (“Petitioner’s re-detention was unlawful and this Court should order his immediate
20 release to restore the status quo and return him to his prior Order of Supervision.”). The
21 Court granted Petitioner’s requested relief “as to Count One” and on those terms. Order
22 at 3.

23 Following the Order, Petitioner’s counsel contacted government counsel to
24 understand when Petitioner would be released. *See* Exhibit A, Petitioner’s February 19,
25 2016 Order of Supervision; Exhibit C, Record of Communication between Counsel.
26 Government counsel replied that Petitioner was “to be placed on ATD [Alternatives To
27 Detention] and released.” Exh. C. Petitioner’s counsel replied immediately that Petitioner
28 had been released on OSUP rather than ATD prior to the events that precipitated his

1 unlawful redetention. *Id.*

2 Petitioner was released on October 3, 2025, on both OSUP and ATD. *See* Exhibit
3 B, Petitioner’s October 3, 2025, Release Paperwork. After receiving no reply for three
4 days, Petitioner’s counsel again contacted Government counsel with the concern that
5 “[a]n ankle monitor was not a condition of his OSUP prior to his redetention.” Exh. C.
6 Government counsel did not reply.

7 On October 6, 2025, the Government filed a notice of compliance indicating that
8 Petitioner had been released “on the same conditions that existed prior to his detention in
9 compliance with the” Order. Doc. 15.

10 Following Petitioner’s October 10, 2025, ICE check-in, Petitioner’s counsel *again*
11 reiterated the provisions of his OSUP to government counsel and requested an
12 explanation, specifying that Petitioner’s only remaining redress would be to inform the
13 Court of the Government’s apparent noncompliance. Exh. C. Petitioner’s counsel
14 received an out-of-office message, and thereafter emailed the alternative contact as
15 instructed in the out-of-office message. *Id.* The Government has still not replied as of the
16 time of this filing.

17 Over two weeks have elapsed since the Court’s Order, and over a week with no
18 communication from the Government as to why Petitioner remains subject to additional
19 conditions of release. There is no question that Petitioner had dutifully complied with all
20 OSUP conditions for nearly a decade preceding his latest redetention. There is likewise
21 no question that Petitioner requested relief in the form of reinstatement of his OSUP, and
22 that the Court granted Petitioner’s prayer for relief.

23 The Government unfortunately remains silent on its imposition of additional
24 release conditions despite Petitioner’s counsel’s multiple requests for corrective action.
25 Petitioner is left to assume that the Government will remain out of compliance,
26 notwithstanding further Court intervention.

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Petitioner therefore respectfully requests that this Court:

- a. Order Respondents to immediately return Petitioner’s conditions of release to those enumerated in his prior Order of Supervision; and
- b. Order all other relief that the Court deems just and proper.

Respectfully submitted this 20th day of October 2025.

By: /s/ John M. Mitchell
John M. Mitchell
Christine K. Wee
ACLU Foundation of Arizona

Andres Holguin-Flores**
ACLU Foundation of San Diego and Imperial Counties

Geovanna Y. Medel**
ABA Immigration Justice Project

** Admitted *pro hac vice*

Attorneys for Petitioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2025, I electronically transmitted the attached document to the Clerk’s office using the CM/ECF System for filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court’s electronic filing system or by mail as indicated on the Notice of Electronic Filing.

/s/ John M. Mitchell
John M. Mitchell