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

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**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 REPLY IN SUPPORT
OF HIS MOTION TO ENFORCE
OCTOBER 2, 2025 ORDER
GRANTING WRIT OF HABEAS
CORPUS**

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13 ** Admitted *pro hac vice*
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1 Respondents (the “Government”) claim in their opposition to Petitioner’s motion to
2 enforce that Petitioner was enrolled in ICE’s Alternatives to Detention (“ATD”) program
3 and placed on an ankle monitor as a condition of his 2016 Order of Supervision (“OSUP”)
4 prior to his re-detention on July 30, 2025. This is incorrect. At no point has Petitioner been
5 subject to ATD as a condition of his OSUP. This is plain from the OSUP orders themselves.
6 The 2016 OSUP contains no requirement that he enroll in ATD (the “other” checkbox is left
7 blank), whereas the October 3, 2025 OSUP that he received upon his release from custody
8 contains the requirement that he enroll in ATD—the “other” checkbox is checked, followed
9 by two paragraphs of text about his requirement to enroll in ATD. *Compare* Doc. 16-2 at 2
10 (2016 OSUP) *with* Doc. 16-2 at 20 (2025 OSUP). The two OSUP orders are plainly different,
11 and the Government has presented no evidence that ATD was a condition of his OSUP prior
12 to his redetention.

13 Rather, prior to Petitioner’s redetention, ICE had granted a stay of removal on July 3,
14 2025 for six months and, as a condition of the stay, required Petitioner to enroll in ATD.
15 Doc. 3-3 ¶12. ICE granted his stay of removal due to the dire medical condition of his wife
16 and to permit them six months to secure to arrange for her care in Laos. *Id.* The letter the
17 government now offers as Exhibit 3 in their response, Decision Denying Application for a
18 Stay of Deportation or Removal (July 9, 2025), was never received at the address of the
19 ABA Immigration Justice Project. There is no record of it at all. *See* Declaration of Christina
20 Triana-Ruiz at ¶¶7-10. Therefore, ICE arbitrarily and capriciously revoked that stay without
21 notice, and detained Petitioner on July 30. Doc. 3-3 ¶17.

22 As this Court held and as the Government conceded, Petitioner was redetained in
23 violation of the regulatory requirements at 8 C.F.R. § 241.13(i), which applies to an
24 individual “who has been released under an order of supervision.” 8 C.F.R. § 241.13(i)(1);
25 Doc. 13 at 2-3. Thus, in ordering his release from custody “under the same conditions that
26 existed prior to his redetention,” Doc. 13 at 3, Petitioner must be returned to the conditions
27 of his 2016 OSUP, conditions that plainly did not include ATD. Doc. 16-2 at 2 (2016 OSUP).
28 For these reasons, the Court should order the Government to remove the ankle monitor from

1 Petitioner and return him to the stated conditions of his 2016 OSUP.

2 Additionally, the Government now claims in its opposition that it has obtained a
3 travel document to Laos for Petitioner. Notably, it provides no documentary evidence of that
4 fact other than the bare assertion of an ICE officer. Doc. 19-1 ¶13. But to the extent it is
5 working to arrange his departure, Petitioner wishes to inform the Court that his wife received
6 emergency transplant surgery on October 15, 2025, and is currently hospitalized while she
7 recovers. Declaration of Monnathy Nambounmy (“Nambounmy Decl.”) at ¶¶ 4-5. Petitioner
8 is the only caretaker for his children (ages 9 and 11) while she is recovering. *Id.* at 8.
9 Assuming this Court orders he be removed from the ankle monitor, Petitioner intends to
10 leave to Laos on his own if Laos will issue his travel document, as soon as his wife’s
11 condition is stable. Petitioner respectfully asks that this Court order that he be given the
12 opportunity to leave on his own within the next six months. He cannot afford to be redetained
13 under any circumstances right now while his children are in his sole care. *Id.* at 15.
14 Alternatively, he asks that the Court order that he not be redetained without advanced notice
15 so that he may arrange for the care of his children, and that any redetention be narrowly
16 limited to the purpose of putting him on a plane scheduled that day or the following day to
17 Laos. Petitioner’s children cannot be left without anyone to care for them, while their mother
18 recovers from her life-saving transplant.

19
20 Respectfully submitted this 23 day of October, 2025.

21 By Andres Holguin-Flores
22 John M. Mitchell
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25 Andres Holguin-Flores**
26 ACLU Foundation of San Diego and Imperial Counties

27 Geovanna Y. Medel**
28 ABA Immigration Justice Project

 ** Admitted *pro hac vice*
 Attorneys for Petitioner

CERTIFICATE OF SERVICE

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I hereby certify that on October 23, 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/ Andres Holguin-Flores
Andres Holguin-Flores