

Nerea Sholl Woods
Law Office of Andrew Nietor
750 B Street, Suite 2330
San Diego, California 92101-5030
Telephone: (619) 794-2386
Facsimile: (619) 794-2263
Nerea@nietorlaw.com

Attorneys for Mr. Tran

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Nam Ngoc Tran,
Petitioner,

v.

CHRISTOPHER LAROSE, Warden at
Otay Mesa Detention Center, **PATRICK
DIVVER**, San Diego Field Office
Director ICE Enforcement Removal
Operations **TODD M. LYONS**, Acting
Director, Immigration and Customs
Enforcement. **KRISTI NOEM**,
Secretary of the Department of
Homeland Security

Respondents.

**CIVIL CASE NO.: 3:25-cv-02366-
AGS-KSC**

**Traverse in Support of
Petition for a
Writ of Habeas Corpus**

INTRODUCTION

With the government's Return in hand, this Court should grant the petition outright on all grounds. To do so, the Court need only follow recent decisions in this district and around the country.

1 First, the Government claims that Mr. Tran's requests are barred by 8 U.S.C §
2 1252(g). However, Mr. Tran is challenging the constitutionality of his detention, not
3 the core proceedings involved in his removal.

4 Second, the Government claims that Mr. Tran is lawfully detained as ICE is
5 working to acquire necessary travel documents, but this claim is simply not supported
6 by the evidence or the facts in this case. The government has failed to deport Mr.
7 Tran for the last 15 years and the government detained him without securing a travel
8 document from Vietnam, or even formally requesting one. Moreover, the statistics
9 submitted by the government do not provide a full picture of DHS' ability to deport
10 Vietnamese nationals and they also fail to account for significant delays in travel
11 document issuance – delays that bear both on timing and on the likelihood of success.
12 These facts provide good reason to believe that there is no significant likelihood of
13 removal in the reasonable foreseeable future.

14 Finally, the Government claims that ICE did not violate its own regulations
15 when it revoked Mr. Tran's order of supervision. In their response, the Government
16 failed to address all of the violations under 8 C.F.R. § 241.4(l)(2); § 241.13(i).
17 Specifically, the Government does not provide any evidence that (1) Mr. Tran's
18 OSUP was revoked by the ICE executive associate director, a field officer director,
19 or an official "delegated the function or authority" as required by the regulations, (2)
20 ICE gave notice to Mr. Tran of the reasons for revocation and an opportunity to be
21 heard in an interview where Mr. Tran would have the opportunity to respond to the
22 reasons for revocation, or (3) that ICE conducted an individualized determination
23 that revocation was appropriate in Mr. Tran's case. Last month, on a record
24 meaningfully indistinguishable from this one, Judge Huie granted a habeas petition
25 for failure to follow § 241.13(i). *Rokhfirooz v. Larose*, 2025 WL 2646165 (S.D. Cal.
26 Sept. 15, 2025).

27 This Court should therefore grant the petition on all grounds.
28

ARGUMENT

I. Section 1252(g) does not deprive this Court of jurisdiction.

This Court has jurisdiction. Contrary to the government's arguments, § 1252(g) does not bar review of "all claims arising from deportation proceedings." *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). Instead, courts "have jurisdiction to decide a purely legal question that does not challenge the Attorney General's discretionary authority." *Ibarra-Perez v. United States*, __ F.4th __, 2025 WL 2461663, at *6 (9th Cir. Aug. 27, 2025) (cleaned up).

In *Ibarra-Perez*, the Ninth Circuit squarely held that "§ 1252(g) does not prohibit challenges to unlawful practices merely because they are in some fashion connected to removal orders." *Id.* Instead, 1252(g) is "limited . . . to actions challenging the Attorney General's discretionary decisions to initiate proceedings, adjudicate cases, and execute removal orders." *Arce v. United States*, 899 F.3d 796, 800 (9th Cir. 2018). It does not apply to arguments that the government "entirely lacked the authority, and therefore the discretion," to carry out a particular action. *Id.* at 800. Thus, § 1252(g) applies to "discretionary decisions that [the Secretary] actually has the power to make, as compared to the violation of his mandatory duties." *Ibarra-Perez*, 2025 WL 2461663, at *9.

The same logic applies to all of Mr. Tran's claims, because he challenges only violations of ICE's mandatory duties under statutes, regulations, and the Constitution. Accordingly, "[t]hough 8 U.S.C § 1252(g), precludes this Court from exercising jurisdiction over the executive's decision to 'commence proceedings, adjudicate cases, or execute removal orders against any alien,' this Court has habeas jurisdiction over the issues raised here, namely the lawfulness of Mr. Tran's detention. *Y.T.D.*, 2025 WL 2675760, at *5. Many courts agree. *See, e.g., Kong*, 62 F.4th at 617 ("§ 1252(g) does not bar judicial review of Kong's challenge to the lawfulness of his detention," including ICE's "fail[ure] to abide by its own regulations"); *Cardoso v. Reno*, 216 F.3d 512, 516 (5th Cir. 2000) ("[S]ection

1 1252(g) does not bar courts from reviewing an alien detention order[.]”); *Parra v.*
2 *Perryman*, 172 F.3d 954, 957 (7th Cir. 1999) (1252(g) did not apply to a “claim
3 concern[ing] detention”); *J.R. v. Bostock*, No. 2:25-CV-01161-JNW, 2025 WL
4 1810210, at *3 (W.D. Wash. June 30, 2025) (1252(g) did not apply to claims that
5 ICE was “failing to carry out non-discretionary statutory duties and provide due
6 process”); *D.V.D. v. U.S. Dep’t of Homeland Sec.*, 778 F. Supp. 3d 355, 377–78 (D.
7 Mass. 2025) (1252(g) did not bar review of “the purely legal question of whether
8 the Constitution and relevant statutes require notice and an opportunity to be heard
9 prior to removal of an alien to a third country”). Therefore, this Court does have
10 jurisdiction over Mr. Tran’s petition.

11 **II. The Government has not proved that there is a Significant Likelihood**
12 **of Removal in the Reasonably Foreseeable Future.**

13 The Government provides no evidence that Mr. Tran will likely be removed
14 to Vietnam at all, let alone in the reasonably foreseeable future. First, DO Cole’s
15 assertion that “ICE routinely obtains travel documents for Vietnamese citizens,”
16 Doc. 5-1 at ¶ 13, does not show that Mr. Tran’s removal is significantly likely, for
17 several reasons. “More glaring[ly],” DO Cole “does not identify how many of the .
18 . . individuals” routinely removed “were pre-1995 Vietnamese refugees, like Mr.
19 [Tran].” *Nguyen v. Hyde*, No. 25-CV-11470-MJJ, 2025 WL 1725791, at *4 (D.
20 Mass. June 20, 2025); *accord Nguyen*, 2025 WL 2419288, at *17 (finding statistics
21 insufficient when declarant “did not note how many were pre-1995 arrivals”). As
22 the petition showed without contradiction, pre-1995 arrivals face unique removal
23 challenges: They are exempted from the 2008 treaty entirely, and only some are
24 eligible for removal under the 2020 Memorandum of Understanding (“MOU”). *See*
25 Memorandum of Understanding (Nov. 21, 2020), *available at*
26 [https://cdn.craft.cloud/5cd1c590-65ba-4ad2-a52c-b55e67f8f04b/assets/media/Pre-](https://cdn.craft.cloud/5cd1c590-65ba-4ad2-a52c-b55e67f8f04b/assets/media/Pre-95-Vietnam-Deportation-Advisory.pdf)
27 [95-Vietnam-Deportation-Advisory.pdf](https://cdn.craft.cloud/5cd1c590-65ba-4ad2-a52c-b55e67f8f04b/assets/media/Pre-95-Vietnam-Deportation-Advisory.pdf). And statistics show that the vast majority
28 of ICE’s travel document requests for pre-1995 Vietnamese immigrants have

1 historically been denied, even under the MOU. *Id.* at 4-5. Without knowing whether
2 DO Cole's statement encompasses these pre-1995 immigrants, his statement is not
3 probative.

4 Second, DO Cole does not even attest that Mr. Tran qualifies for repatriation
5 under the MOU in the first place. The MOU applies only to persons meeting certain
6 criteria, but the government has never disclosed in full what those criteria are.
7 *Nguyen*, 2025 WL 2419288, at *6. Without knowing if Mr. Tran meets the MOU's
8 terms, this Court cannot know whether he is even eligible to be considered (or, more
9 accurately, reconsidered) for repatriation to Vietnam. All DO Cole says about Mr.
10 Tran's individual circumstances is that ICE is preparing the travel document request
11 for him. But "under *Zadvydas*, the reasonableness of [Mr. Tran]'s detention does
12 not turn on the degree of the government's good faith efforts. Indeed, the *Zadvydas*
13 court explicitly rejected such a standard. Rather, the reasonableness of [Mr. Tran]'s
14 detention turns on whether and to what extent the government's efforts are likely to
15 bear fruit." *Hassoun v. Sessions*, No. 18-CV-586-FPG, 2019 WL 78984, at *5
16 (W.D.N.Y. Jan. 2, 2019).

17 Many courts have agreed that requesting travel documents, which has not
18 even happened in this case, does not itself make removal reasonably likely. See,
19 e.g., *Andreasyan v. Gonzales*, 446 F. Supp. 2d 1186, 1189 (W.D. Wash. 2006)
20 (holding evidence that the petitioner's case was "still under review and pending a
21 decision" did not meet respondents' burden); *Islam v. Kane*, No. CV-11-515-PHX-
22 PGR, 2011 WL 4374226, at *3 (D. Ariz. Aug. 30, 2011), report and
23 recommendation adopted, 2011 WL 4374205 (D. Ariz. Sept. 20, 2011) ("Repeated
24 statements from the Bangladesh Consulate that the travel document request is
25 pending does not provide any insight as to when, or if, that request will be
26 fulfilled."); *Khader v. Holder*, 843 F. Supp. 2d 1202, 1208 (N.D. Ala. 2011)
27 (granting petition despite pending travel document request, where "[t]he
28 government offers nothing to suggest when an answer might be forthcoming or why

there is reason to believe that he will not be denied travel documents”); *Mohamed v. Ashcroft*, No. C01-1747P, 2002 WL 32620339, at *1 (W.D. Wash. Apr. 15, 2002) (granting petition despite pending travel document request).

Finally, DO Cole claims that when ICE submits a travel document request for an immigrant, “[t]he Vietnam embassy has thirty (30) days to issue the TD.” Doc. 5-1 at ¶ 11. DO Cole gets the 30-day timeline from the 2020 MOU itself—Section 8 commits Vietnam to answering within that time frame. *See* Memorandum of Understanding (Nov. 21, 2020), *available at* <https://cdn.craft.cloud/5cd1c590-65ba-4ad2-a52c-b55e67f8f04b/assets/media/Pre-95-Vietnam-Deportation-Advisory.pdf>. (“Within thirty (30) calendar days from the receiving date of a request for a travel document from DHS, MPS intends to issue the travel document when the individual meets the eligibility criteria listed in Section 4 of this MOU.”). But while DO Cole says that the consulate is *supposed to* issue travel documents in that time, he never says that the embassy *actually does* in practice. Experience shows that Vietnam does not consistently issue travel documents in 30 days.

Delays have plagued the MOU repatriation process since the beginning. Government reports¹ reveal that between 2021 and 2023, Vietnam never issued a travel document within 30 days. Instead, in the 4 cases in which Vietnam issued travel documents, the issuance time ranged from 2 months to over 15 months.

TD request date	TD issuance date	Delay
11/4/21	1/6/22	2 m, 2 d
10/18/21	3/4/22	4 m, 14 d
2/14/22	4/14/22	2 m
4/13/21	8/5/22	1 y, 3 m, 23 d

The experiences of the 14 immigrants who did not receive travel documents provide

¹ All quarterly reports are linked here: <https://www.asianlawcaucus.org/news-resources/guides-reports/trinh-reports>

further evidence of delay. Snapshot reports about these immigrants' status reveal that at least 12² of the 14 were held for over a month after ICE requested their travel documents, presumably awaiting an answer.

TD request date	Snapshot report date	Delay as of report
10/29/21	12/21/21	1 m, 22 d
2/24/22	3/14/22	18 d
12/17/21	3/14/22	2 m, 25 d
4/14/22	6/12/22	1 m, 29 d
3/10/22	6/12/22	3 m, 2 d
9/30/22	12/14/22	2 m, 14 d
10/5/22	12/14/22	2 m, 10 d
10/18/22	12/14/22	1 m, 27 d
10/25/22	12/14/22	1 m, 20 d
1/23/23	3/5/23	1 m, 11 d
10/25/22	3/5/23	4 m, 9 d
4/12/23	6/11/23	2 m
5/31/23	9/10/23	3 m, 11 d
8/25/23	9/10/23	17 d

More recent experience shows that these delays have not gone away. For example, the Petitioner in *Nguyen*, a pre-1995 Vietnamese citizen, experienced these delays in obtaining his travel documents and ultimately was ordered release by the Court. *Nguyen*, 2025 WL 2419288, at *4. In that case, an ICE official swore that a client's travel document request was already actively "under review" by Vietnam by July 26, 2025. *Id.* When confronted with the over-30-day delay, ICE officials changed the story, claiming that ICE actually had not submitted the travel

² The other two may also have been detained for over a month awaiting an answer, but the reports happened to come out less than 30 days after ICE submitted travel document requests on their behalf.

1 document request on the dates provided in the previous declarations. *Id.* The
2 inconsistency caused the court to find that an ICE official had made a “false
3 representation,” “reflect[ing] adversely on the [official’s] overall credibility.” *Id.*
4 The pattern of delay in issuance of travel documents supports the claim that Mr.
5 Tran will not be removed in the reasonably foreseeable future.

6 Finally, DO Cole states that 587 Vietnamese immigrants have been removed
7 to Vietnam in (“FY”) 2025. Doc. 5-1 at ¶ 14. This statistic is problematic for
8 numerous reasons, including the fact, as mentioned above, that it does not
9 differentiate between pre-1995 arrivals and post-1995 arrivals. Additionally, that
10 statistic does not show that Vietnam is issuing travel documents on a reasonably
11 foreseeable timeline: DO Cole says that these immigrants were removed in FY2025
12 but provides no information about when the travel document requests were made.
13 *See Nguyen*, 2025 WL 2419288, at *17 (making this point). Just as importantly,
14 DO Cole’s statistic does not establish the *proportion* of Vietnamese citizens that
15 are successfully removed when ICE seeks travel documents. For instance, “[i]f
16 DHS submitted 350 requests and Vietnam issued travel documents for 32[4]
17 individuals, Respondents may very well have shown that removal is significantly
18 likely in the reasonably foreseeable future. On the other hand, if DHS submitted
19 3,500 requests and only 32[4] individuals received travel documents, Respondents
20 would not be able to meet their burden.” *Nguyen*, 2025 WL 1725791, at *4. To do
21 that kind of calculation, this Court would need not only the number of travel
22 document requests granted, but also “the total number of requests that were made.”
23 *Id.* DO Cole does not provide that information.

24 That matters when combined with the evidence of delay provided here. It
25 could well be that the 587 travel documents represent only a small slice of the
26 documents requested. In most cases, Vietnam may not have answered at all.
27 Without knowing how likely it is that any given travel document request will be
28

1 accepted, this Court cannot know the chances that any individual Vietnamese
2 immigrant will be removed.

3
4 **III. ICE did not Adhere to the Regulations Governing Revocation of**
5 **OSUP.**

6 In their response, the Government asserts that notice of revocation was not
7 required in Mr. Tran's case, but the Government solely relies on 8 C.F.R. § 241.4(l)
8 and not 8 C.F.R. § 241.13(i), which applies to persons released after providing good
9 reason to believe that they will not be removed in the reasonably foreseeable future,
10 such as Mr. Tran. These regulations permit an official to "return[s] [the person] to
11 custody" because they "violate[d] any of the conditions of release." 8 C.F.R.
12 § 241.13(i)(1); *see also id.* § 241.4(l)(1). Otherwise, they permit revocation of
13 release only if the appropriate official (1) "determines that there is a significant
14 likelihood that the alien may be removed in the reasonably foreseeable future," *id.*
15 § 241.13(i)(2), and (2) makes that finding "on account of changed circumstances."
16 *Id.*

17 No matter the reason for re-detention, the re-detained person is entitled to
18 "an initial informal interview promptly," during which they "will be notified of the
19 reasons for revocation." *Id.* §§ 241.4(l)(1), 241.13(i)(3). The interviewer must
20 "afford[] the [person] an opportunity to respond to the reasons for revocation,"
21 allowing them to "submit any evidence or information" relevant to re-detention and
22 evaluating "any contested facts." *Id.* This did not happen in Mr. Tran's case, and
23 DO Cole does not dispute that, therefore ICE did not follow its own regulations.

24 That is dispositive. "ICE's failure to afford [Mr. Tran] such an interview
25 violated his right to due process." *Cesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 164–
26 65 (W.D.N.Y. 2025); *see also Rombot*, 296 F. Supp. 3d at 386–89; *You v. Nielsen*,
27 321 F. Supp. 3d 451, 463–64 (S.D.N.Y. 2018). And that violation requires release,
28 because (1) government agencies are required to follow their own regulations, and

(2) these particular regulations provide the most “minimal process” that the Constitution would permit before “someone’s most basic right of freedom is taken away.” *Ceesay*, 781 F. Supp. 3d at 164–65; *see also Mathews v. Eldridge*, 424 U.S. 319, 348 (1976) (“The essence of due process is the requirement that a person in jeopardy of serious loss be given notice of the case against him and opportunity to meet it.” (cleaned up)). That is reason enough to grant this petition.

The Government is asserting that ICE revoked release because of a significant likelihood of removal, but that is not enough. The regulation requires that the likelihood of removal arise out of “changed circumstances.” 8 C.F.R. § 241.13(i)(2). Here, the same 2008 treaty and 2020 Memorandum of Understanding (“MOU”) have applied to Mr. Tran’s removal for 15 and 5 years, respectively. DO Cole identifies no changed circumstances, nor does he assert that ICE premised re-detention on any such changes. Doc. 5-1. And “Respondents have not provided any details about why a travel document could not be obtained in the past, nor have they attempted to show why obtaining a travel document is more likely this time around.” *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025). Respondents have announced only their “intent to eventually complete a travel document request for Petitioner,” which “does not constitute a changed circumstance.” *Id.*

In *Rokhfirooz*, Judge Huie determined that these requirements were not met on a record materially indistinguishable from this one. 2025 WL 2646165, at *3 (S.D. Cal. Sept. 15, 2025). There, the government failed to produce “any documented determination, made prior to Petitioner’s arrest, that his release should be revoked.” *Id.* at *3. Judge Huie also remarked in *Rokhfirooz* that the government had produced “no record constitut[ing] a determination even after Petitioner’s arrest that there is a significant likelihood that Petitioner can be removed in the reasonably foreseeable future.” *Id.* Here, the government provides no documented, pre-arrest determination that release should be revoked. Thus, as in *Rokhfirooz*, there is “no

evidence that DHS has made such a determination as to the revocation of Petitioner's release even after the fact of arrest, up to the present day.” 2025 WL 2646165, at *4.

ICE is required to follow its own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *see Alcaraz v. INS*, 384 F.3d 1150, 1162 (9th Cir. 2004) (“The legal proposition that agencies may be required to abide by certain internal policies is well-established.”). A court may review a re-detention decision for compliance with the regulations. *See Phan v. Beccerra*, No. 2:25-CV-01757, 2025 WL 1993735, at *3 (E.D. Cal. July 16, 2025); *Nguyen v. Hyde*, No. 25-cv-11470-MJJ, 2025 WL 1725791, at *3 (D. Mass. June 20, 2025) (citing *Kong v. United States*, 62 F.4th 608, 620 (1st Cir. 2023)).

Numerous courts have released re-detained immigrants after finding that ICE failed to comply with applicable regulations. *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 166 (W.D.N.Y. 2025); *You v. Nielsen*, 321 F. Supp. 3d 451, 463 (S.D.N.Y. 2018); *Rombot v. Souza*, 296 F. Supp. 3d 383, 387 (D. Mass. 2017); *Zhu v. Genalo*, No. 1:25-CV-06523 (JLR), 2025 WL 2452352, at *7–9 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, No. 6:25-CV-01204-AA, 2025 WL 2430267, at *10–12 (D. Or. Aug. 21, 2025); *Escalante v. Noem*, No. 9:25-CV-00182-MJT, 2025 WL 2491782, at *2–3 (E.D. Tex. July 18, 2025); *Hoac v. Becerra*, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025); *Liu*, 2025 WL 1696526, at *2; *M.Q. v. United States*, 2025 WL 965810, at *3, *5 n.1 (S.D.N.Y. Mar. 31, 2025). That includes Judge Huie last month. *Rokhfirooz*, 2025 WL 2646165.

(1) Mr. Tran has demonstrated that he suffered substantial prejudice

In their response, the government claims that Mr. Tran fails to show that he suffered substantial prejudice. As detailed in his petition, Mr. Tran has been in the United States since he was 4 years old. *See* Doc. 1. In the last 15 years, while he was under the OSUP, Mr. Tran continued to build a life for himself and his family in the United States. Declaration of Nam Ngoc Tran (Tran Decl.). Mr. Tran owns

1 two businesses in San Diego County with multiple employees. *Id.* at ¶ 4. His
2 untimely and unlawful detention has negatively impacted not only his businesses,
3 but his two young U.S. citizen daughters and U.S. citizen wife. *Id.* at ¶ 8. It is clear
4 to Mr. Tran that if he continues to be detained, he will lose his businesses and his
5 home. *Id.* at ¶ 9. Mr. Tran did not receive any notification that his OSUP would be
6 revoked and was not given any time to get his affairs in order before his detention,
7 therefore Mr. Tran was not able to ensure that his family was prepared to take over
8 his businesses and now those businesses are facing potential bankruptcy and
9 closure. *Id.* at ¶ 12.

10 In their response, the Government states that “[a]t the time of his re-
11 detention, Petitioner knew he was subject to a final order of removal to Vietnam”.
12 However, what the Government overlooks in their simple assessment is that Mr.
13 Tran had been under the OSUP for 15 years and had every indication that his
14 removal was not foreseeable. For 15 years, including in 2024, Mr. Tran attended
15 annual check-ins with ICE as was repeatedly told he would not be removed, and no
16 steps were ever taken by ICE to remove him to Vietnam. *Id.* at ¶ 2. Additionally, in
17 April 2024, Mr. Tran had also been issued deferred action by USCIS stating that he
18 was not a priority for removal, giving him even more assurance that his removal
19 was not foreseeable. Doc. 1-C. Mr. Tran relied on these assertions and continued to
20 build strong family and community ties in the United States.

21 CONCLUSION

22 For all these reasons, this Court should grant the petition.

23 Respectfully submitted this 14 day of October, 2025.

24 /s/Nerea Sholl Woods
25 Law Office of Andrew K. Nietor
26 750 B St., Ste. 2330
27 San Diego, CA 92101
28 CA Bar # 273177
Attorney for Petitioner

1 **Nerea Sholl Woods**
2 Law Office of Andrew Nietor
3 750 B Street, Suite 2330
4 San Diego, California 92101-5030
5 Telephone: (619) 794-2386
6 Facsimile: (619) 794-2263
7 Nerea@nietorlaw.com

8 Attorneys for Mr. Tran

9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 **Nam Ngoc Tran,**

13 **Petitioner,**

14 **v.**


15 **CHRISTOPHER LAROSE**, Warden at
16 Otay Mesa Detention Center, **PATRICK**
17 **DIVVER**, San Diego Field Office
18 Director ICE Enforcement Removal
19 Operations **TODD M. LYONS**, Acting
20 Director, Immigration and Customs
21 Enforcement. **KRISTI NOEM**,
22 Secretary of the Department of
23 Homeland Security

24 **Respondents.**

CIVIL CASE NO.: 3:25-cv-02366-
AGS-KSC

DECLARATION OF NAM NGOC
TRAN IN SUPPORT OF
PETITION FOR A WRIT OF
HABEAS CORPUS

25 I, Nam Ngoc Tran, pursuant to 28 U.S.C. § 1746, hereby declare under
26 penalty of perjury that the following statements are true and correct, to the best of
27 my knowledge, information, and belief:

28 1. On August 12, 2025, I dropped off my oldest daughter, A  at her
school. I got back in my car and drove around the corner, and then all of the sudden
I was stopped by ICE. I was arrested and taken to the downtown ICE office. I was

1 told that I was going to be removed to Vietnam. The next day, I was transferred to
2 Otay Mesa Detention Center (OMDC). I have been at OMDC since that date.

3 2. I was aware that I had a removal order from 2010. I have been on an
4 order of supervision since 2010 and have attended ICE check-ins every year. I had
5 an ICE check-in scheduled for December of this year, so I did not expect to have any
6 contact with ICE before my appointment in December. I was not told why my order
7 of supervision was revoked, I was not interviewed by an ICE officer or given the
8 opportunity to explain why the order should not be revoked. Since I was detained on
9 August 12, 2025, I have not had any contact with the Vietnamese consulate.

10 3. Since my criminal conviction and removal order in 2010, my life has
11 improved tremendously. That dark time in my life gave me the pause I needed to
12 reevaluate my decisions and where I wanted to go from there. I understood that if I
13 wanted the life I dreamed of it would take hard work and dedication. I accepted my
14 mistakes and learned what I did wrong to get there in the first place and what steps I
15 needed to take to rectify and improve and become the best version of myself for me
16 and for my family.

17 4. I have worked very hard to build a foundation for my family while I
18 manage to have quality time with them. With all the hard work and achievement, I
19 am lucky to own a home and 2 businesses here in San Diego. Before my detention, I
20 was also able to spend time with my employees and open the doors of our home to
21 them and their families to just spend time together, to see my kids and their kids grow
22 together. I see my employees as an extension of my family and their wellbeing is
23 also something that encourages me to grow my businesses.

24 5. I am married to a U.S. citizen, Kaylee and we have two U.S. citizen
25 daughters, A [REDACTED] (4) and A [REDACTED] (3). I also have two U.S. citizen sons from a
26 previous relationship, Ethan (26) and Derek (23). I also took on the responsibility of
27 taking care of my mentally ill brother, Mua. He is in a boarding care facility. Before
28 my detention, I visited him every two weeks or at least once a month. I made sure to

1 talk to him on the phone and have contact with his case manager as well as the
2 boarding facility.

3 6. I am the sole financial provider for my family. I want to take care of my
4 wife and four kids. I also support my brother, Mua, who is schizophrenic, and I need
5 to keep supporting him. I have employees that rely on me and the business to care
6 for their families. I have a responsibility to keep the business not only for my family
7 but for my employees and theirs.

8 7. My job is not just outside the home but I also take responsibility for
9 raising my two girls so my wife can relax. Raising two girls under the age of 4 is not
10 an easy life. I love my wife; she has shown me what it is to be loved, cared for, she
11 has taken on responsibility for my two sons that were not hers and helped me shape
12 them into responsible young men she has been the backbone of this family. We
13 naturally learned how to love and support each other. Before I was detained, I would
14 cook and clean around the house. I would read, bathe, run around and play with the
15 kids after work; seeing them laugh is what brings joy to me at the end of the day. My
16 love for those two girls is endless.

17 8. My detention has significantly impacted my family both emotionally
18 and financially. I am the sole provider in my home. I work extremely hard to keep
19 this family together and thriving, I know that's what I'm great at. I want to continue
20 to take care of my family, my brother, and my employees. But if I continue to be
21 detained, both companies would close.

22 9. Before my detention, our 2 businesses survived because I know the ins
23 and outs. I have turned my vendors into friends and a good relationship with my
24 returning customers. Since my detention, my oldest son, Ethan has stepped up to help
25 with the businesses. Ethan lives in San Jose, California but he came down to San
26 Diego to run both businesses once he found out I had been detained. Ethan may be
27 able to keep the doors open for a while but I know that if I am not involved with the
28 everyday of the businesses, they will not survive. I know that because I trained

1 everyone there and I know how to keep things going. I have worked since I was 14
2 years old and have gained the experience to keep the businesses open. I try different
3 things and educate myself on the latest products to help my businesses grow. If my
4 businesses close, not only will my employees lose their jobs, but my wife will not be
5 able to make our mortgage payment, and we will lose our house.

6 10. In May 2018, I filed a Petition for U Nonimmigrant Status with USCIS
7 – U-visa. On April 04, 2024, USCIS sent me an informational notice stating that I
8 had established the eligibility for the U-visa and that I was placed on the waiting list
9 for the U-visa. The notice also said that I had been placed in deferred action, meaning
10 my removal was not a priority. This was a huge relief for me, and it made me feel
11 more comfortable.

12 11. Before my arrest on August 12, 2025, I had no notice or indication that
13 ICE would revoke my order of supervision. I had no time to plan for my detention or
14 make arrangements for my businesses or family.

15 12. Ethan is doing everything he can to keep the businesses afloat, but
16 honestly if I continue to be detained, I anticipate having to file for bankruptcy in the
17 next 2 months. From one day to the next, Ethan had to drive down to San Jose and
18 get his head around how to run two businesses, without having me there to guide him
19 or explain things to him. The way these businesses were structured and created was
20 for me to run them and be involved in every step of the way. Since I am now out of
21 the picture, we have had to hire 4 people to do the work I used to do. I normally work
22 about 14 hours a day, so not being around has had a huge impact on the businesses.

23 13. In the last 2 months, since I have been detained, our businesses have
24 lost \$70,000 in profits. We have also lost a lot of our clients, because our cliental was
25 built by having a relationship with me. When I was detained, the clients could not
26 contact me, so we lost them. Ethan is very stressed, and this is not the life I wanted
27 for him, he has had to pause his life to run my businesses.
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