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SEP 15 2025	
CLERK U.S. DISTRICT COURT	
DISTRICT OF ARIZONA	
BY	DEPUTY

1 Name: NGUYEN TIEN2 A Number: ██████████3 Address: P O Box 63004 Florence AZ 85132

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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF ARIZONA11 Name: Nguyen Tien,

Case No.

CV25-03380-PHX-SMB--DMF12 Petitioner,
13 v. N. MARTINEZ, ESTEP
14 ICE et al., DHSPETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 224115
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18 Respondents.
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THIS DOCUMENT IS NOT IN PROPER FORM ACCORDING
TO FEDERAL AND/OR LOCAL RULES AND PRACTICES
AND IS SUBJECT TO REJECTION BY THE COURT.REFERENCE LR CIVR 5.4
(Rule Number/Section)

Petitioner [name] NGUYEN TIEN petitions this Court for a writ of habeas corpus to remedy Petitioner's indefinite detention by Respondents.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction and may grant relief under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 1331 (federal question). This Court also has jurisdiction to hear this case under the Suspension Clause of Article I of the

1 Name: Nguyen Tien

2 A Number: 

3 Address: P.O Box 6300

4 Florence AZ 85132

5 PRO SE

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10 DISTRICT OF ARIZONA

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12 Case No.

13 Petitioner,

14 v. N. MARTINEZ, ESTEPA
ICE et al. DHS

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MOTION FOR APPOINTMENT OF
COUNSEL PURSUANT TO 18
U.S.C. § 3006A

Respondents.

Petitioner [name] Nguyen Tien has filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging Petitioner's indefinite detention by Respondents. Petitioner was detained by Immigration and Customs Enforcement (ICE) on or about [date] 5-19-2025. Petitioner has remained in ICE custody since that date. An Immigration Judge ordered Petitioner removed and Petitioner's removal order became final on or about [date] Summertime 1999, but ICE has been unable to remove Petitioner.

1
2 In *Zadvydas v. Davis*, the Supreme Court held that the immigration statute 8 U.S.C. §
3 1231(a)(6) does not allow ICE to detain a noncitizen indefinitely while attempting to carry out
4 removal. 533 U.S. 678, 689 (2001). After six months of presumptively-reasonable detention, if
5 the noncitizen provides good reason to believe that removal is not reasonably foreseeable, the
6 burden shifts to the government to rebut that showing. *Id.* at 701.

7 Petitioner moves the Court to appoint counsel to represent Petitioner in this case. The
8 Court may appoint counsel in a habeas action when the “interests of justice so require.” 18 U.S.C.
9 § 3006A(a)(2)(B). Here, Petitioner has a strong chance of success on the merits because
10 Petitioner has been held for longer than six months since being ordered removed and Petitioner’s
11 country still refuses to accept him or her. However, given the complexity of the law on
12 immigration detention and Petitioner’s status as a detained immigrant, Petitioner would have
13 great difficulty presenting the case without the assistance of counsel. For these reasons, Petitioner
14 respectfully requests that the Court appoint counsel.

15 Date: 5-9-2025

16 Signature: Tien Nguyen
17 Petitioner

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United States Constitution. *INS v. St. Cyr*, 533 U.S. 289 (2001).

2. Because Petitioner challenges his or her custody, jurisdiction is proper in this Court. While the courts of appeals have jurisdiction to review removal orders through petitions for review, *see* 8 U.S.C. §§ 1252(a)(1) and (b), the federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001); *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075-76 (9th Cir. 2006).

3. Petitioner has exhausted any and all administrative remedies to the extent required by law.

4. Venue is proper in the District of ~~Arizona~~ pursuant to 28 U.S.C §§ 1331 and 1333 because a substantial part of the events or omissions giving rise to these claims occurred in this district. All material decisions have been made at the ~~Arizona~~ Field Office of Immigration and Customs Enforcement (ICE), which has authority over the detention of Petitioner and is located in this judicial district. *See, e.g., Salesh P. v. Kaiser*, No. 22-CV-03018-DMR, 2022 WL 17082375, at *5 (N.D. Cal. Nov. 18, 2022) (holding the Northern District is the proper forum for habeas petition filed by noncitizen detained at Golden State Annex facility under the purview of the San Francisco FOD); *Ameen v. Jennings*, No. 22-CV-00140-WHO, 2022 WL 1157900, at *4-5 (N.D. Cal. Apr. 19, 2022) (collecting cases) (same); *Zepeda Rivas v. Jennings*, 445 F. Supp. 3d 36, 39 (N.D. Cal. 2020) (same with regards to petitioners held at Mesa Verde Detention Facility and Yuba County Jail under the purview of the San Francisco FOD).

PARTIES

5. Petitioner is a noncitizen who is currently detained by Immigration and Customs Enforcement (ICE) at the [name of detention facility] CENTRAL ARIZONA CORRECTIONAL COMPLEX in [city, state] Florence, Arizona.

6. Respondent Field Office Director for the Arizona Field Office of ICE ('AZ FOD") has the authority to order Petitioner's release or continued detention. As such, Respondent AZ FOD is a legal custodian of Petitioner.

7. Respondent Director of ICE ("ICE Director) is the head of ICE, an agency within the United States Department of Homeland Security that detains and removes certain noncitizens. Respondent ICE Director is a legal custodian of Petitioner.

8. Respondent Secretary of the United States Department of Homeland Security (“DHS Secretary”) is responsible for the implementation and enforcement of the immigration laws and oversees ICE. As such, Respondent DHS Secretary has ultimate custodial authority over Petitioner.

9. Respondent Attorney General of the United States (“U.S. A.G.”) is the head of the United States Department of Justice, which oversees the immigration courts. Respondent U.S. A.G. shares responsibility for enforcement of the immigration laws with Respondent DHS Secretary.

10. All Respondents are sued in their official capacities.

FACTUAL ALLEGATIONS

11. Petitioner [name] Nguyen TIEN was born in
[country] Vietnam.

12. Petitioner entered the United States on or about [date] Summer 1991.
Petitioner's immigration history is as follows: ADB STATUS

13. Petitioner's criminal history is as follows: Burglary

14. Petitioner was detained by Immigration and Customs Enforcement on or about

1 [date] 5-19-2025. Petitioner has remained in ICE custody since that date.
2

3 15. An Immigration Judge ordered Petitioner removed from the United States on or
4 about [date] Summer 1999. Petitioner [circle one] DID DID NOT appeal
5 the Immigration Judge's decision to the Board of Immigration Appeals (BIA). The BIA dismissed
6 Petitioner's appeal on [date, if applicable] 8-19-2025.

7 16. Petitioner received a document titled "Decision to Continue Detention" from ICE
8 on or about [date] 8-19-2025. Petitioner received a ^{FIRST} second "Decision to
9 Continue Detention" from ICE on or about [date] _____.

10 17. Petitioner has cooperated fully with all of ICE's efforts to remove Petitioner.
11 Petitioner has cooperated with ICE in the following ways: TAKING PICTURES,
12 Finger Print, Answered all the Question

13 18. Nonetheless, ICE has been unable to remove Petitioner from the United States.
14 ICE is unlikely to be able to remove Petitioner because: _____
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LEGAL FRAMEWORK

20 19. In *Zadvydas v. Davis*, the Supreme Court held that the immigration statute 8
21 U.S.C. § 1231(a)(6) does not allow ICE to detain a noncitizen indefinitely while attempting to
22 carry out removal. 533 U.S. 678, 689 (2001). Because of the "serious constitutional problem"
23 posed by indefinite detention, the Court read the statute to limit a noncitizen's detention to "a
24 period reasonably necessary to bring about that alien's removal from the United States." *Id.*

25 20. The Court also recognized six months as the "presumptively reasonable period" of
26 post-removal order detention. *Id.* at 701. After six months, once the noncitizen provides "good
27 reason to believe that there is no significant likelihood of removal in the reasonably foreseeable
28

1 future," the burden shifts to the government to rebut that showing. *Id.* Moreover, "as the period of
2 prior postremoval confinement grows, what counts as the 'reasonably foreseeable future'
3 conversely would have to shrink." *Id.*

4 21. In *Clark v. Martinez*, the Supreme Court held that its ruling in *Zadvydas* applies
5 equally to noncitizens who have never been admitted to the United States. 543 U.S. 371 (2005).

6 **CLAIM FOR RELIEF**

7 **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT**

8 22. The foregoing allegations are realleged and incorporated herein.

9 23. Petitioner's continued detention is unlawful and violates 8 U.S.C. § 1231(a)(6) as
10 interpreted by the Supreme Court in *Zadvydas*. The six-month presumptively reasonable period of
11 detention has expired and Petitioner has provided good reason to believe that his or her removal is
12 not significantly likely to occur in the reasonably foreseeable future. Therefore, Respondents lack
13 authority to continue detaining Petitioner.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Petitioner respectfully requests that the Court grant the following relief:

16 a. Assume jurisdiction over this matter;
17 b. Issue an order pursuant to 28 U.S.C. § 2243 directing Respondents to show cause
18 why the writ of habeas corpus should not be granted;
19 c. Grant the writ of habeas corpus and order Petitioner's immediate release from
20 custody;
21 d. Grant any other and further relief as the Court deems just and proper.

22 Date: 5-9-2025

23 Signature: Tim Nguyen
24 Petitioner

UNITED STATES DISTRICT COURT
for the District of Arizona

Nguyen Tien
Petitioner

N. MARTIN², ESTEPA
ICE eko DHS

Respondent
(name of warden or authorized person having custody of petitioner)

Case No.

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

Decision or Action You Are Challenging

5. What are you challenging in this petition:

How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

Pretrial detention
 Immigration detention
 Detainer

The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

Disciplinary proceedings

Other (explain): *I have been through the 180 day period, and now ICE continues to hold me another 180 days. It may put me into the workcamp and later immigration*

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: *US DISTRICT COURT, 401 W. VANDERBILT ST.*

(b) Docket number, case number, or opinion number: *85002*

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): *A Final order of removal*

(d) Date of the decision or action: *Summer of 1999*

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: *N/A*

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

If "Yes," provide:

(1) Name of court: _____
(2) Case number: _____
(3) Date of filing: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes

If "Yes," provide:

(1) Name of court: _____
(2) Case number: _____
(3) Date of filing: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence.

CONVENTION OF SERVICES.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: 5-19-25
(b) Date of the removal or reinstatement order: Summer of 1999
(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes

No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes

No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Zadvydas v. Davis, 533 U.S. 678, 701/2001

Zadvydas claim

(a) Supporting facts (Be brief. Do not cite cases or law.):

In the case of Zadvydas v. Davis, 533 U.S. 678, 701/2001
Because I received a final order of removal
Over 20 years ago and am still detained
And waiting for my removal

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: Article 1 Gender problem

(a) Supporting facts (Be brief. Do not cite cases or law.):

In the case of a citizen of Vietnam who was born in the
United States, in a rural County where there were not many
Plantations and that who has been denied citizenship in the United
States due to the fact that he was born in Vietnam and that he is not
an American citizen, he was born in Vietnam and that he is not
an American citizen, he was born in Vietnam and that he is not

(b) Did you present Ground Two in all appeals that were available to you?

Yes No N/A

GROUND THREE: Trinh V. Hansen 466 F. Supp.

3rd 1977 Trinh entered the United States
His family 35 year old in 1980.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Agreement between the Government of the United States of America
and the Government of the Socialist Republic of Vietnam on the Acceptance
of the Return of Vietnamese Citizens. The Policy is that persons from 1975
Indonesian also Vietnam nothing to be deported and should
be released within 90 days of receiving a deportation order

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

GROUND FOUR:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

 Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do:

*Grant Plaintiff to believe that my
detention is not significantly likely to occur in
the reasonably foreseeable future. Therefore, I respectfully
request authority to continue deportation proceedings
without relief.*

*Wherefore, petitioners respectfully request from the Court grant
the following relief:*

- A. Assume jurisdiction over this appeal
- B. Issue an order pursuant to 28 U.S.C. § 2243 directing
respondents to show cause why the writ of habeas corpus
should not be granted
- C. Grant the writ of habeas corpus and order petitioners
immediate release from all custody
- D. Issue a writ of habeas corpus directing respondents to send a notice to the
detainee (who received a deportation order) that when the request
for release documents from the court and to issue an deportation
release documents from the court and to issue an deportation
release documents has been issued the court
whether those documents has been issued the court
any other and further relief as the court deems
just and proper.

DATE: 9-5-2025

Tuan Nguyen

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 5-9-2025

Timothy J. Murphy

Signature of Petitioner

Signature of Attorney or other authorized person, if any

<u>Nguyen Tien</u> (Name of alien(s) in proceedings) 	<u>Nguyen Tien</u> (A-Number of alien(s) in proceedings)
CERTIFICATE OF SERVICE	
On <u>9-5-25</u> (date)	I, <u>Nguyen Tien</u> (printed name of person signing below)
served a copy of this <u>petition for writ of habeas corpus</u> (type of document) to <u>U.S. District Court</u> <u>401 W. Washington St</u> <u>Chicago IL 60603</u> .	
and any attached pages to <u>ICE</u> (name of party served)	
at the following address: <u>PO Box 6300</u> (address of party served)	
<u>FBI</u> <u>42 85132</u> (address of party served)	
by: <u>Mail</u> (method of service - for example, overnight courier, hand delivery, first-class mail, ICE OPLA eService)	
<u>Tien Nguyen</u> (signature) <u>9-5-2025</u> (date)	