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

Name: NGUYEN TIEN

A Number: [REDACTED]

Address: P.O. Box 6300  
Florence AZ 85132

PRO SE

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Name: NGUYEN TIEN

Petitioner,

v. N. MARTINEZ, ESTEPH  
ICE et al, DHS

Case No.

**CV25-03380-PHX-SMB--DMF**

**PETITION FOR WRIT OF  
HABEAS CORPUS PURSUANT  
TO 28 U.S.C. § 2241**

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 LRCWP 5.4  
(Rule Number/Section)


Respondents.

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

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7 PRO SE

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9 UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

10 Name: NGUYEN Tien

Case No.

11 Petitioner,

12 v. N. MARTINEZ, ESTEPA  
13 ICE PRO DHS

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

14  
15  
16  
17  
18 Respondents.

19  
20  
21 Petitioner [name] NGUYEN Tien has filed a petition for writ of  
22 habeas corpus under 28 U.S.C. § 2241 challenging Petitioner's indefinite detention by  
23 Respondents. Petitioner was detained by Immigration and Customs Enforcement (ICE) on or  
24 about [date] 5-19-2025. Petitioner has remained in ICE custody since that  
25 date. An Immigration Judge ordered Petitioner removed and Petitioner's removal order became  
26 final on or about [date] Summer 1999, but ICE has been unable to remove  
27 Petitioner.

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

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  
18  
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1 United States Constitution. *INS v. St. Cyr*, 533 U.S. 289 (2001).

2 2. Because Petitioner challenges his or her custody, jurisdiction is proper in this  
3 Court. While the courts of appeals have jurisdiction to review removal orders through petitions  
4 for review, *see* 8 U.S.C. §§ 1252(a)(1) and (b), the federal district courts have jurisdiction under  
5 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness of their  
6 detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001); *Nadarajah v. Gonzales*, 443  
7 F.3d 1069, 1075-76 (9th Cir. 2006).

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

10 4. Venue is proper in the District of Arizona pursuant to 28 U.S.C. §§  
11 1391(b) and (e) because a substantial part of the events or omissions giving rise to these claims  
12 occurred in this district. All material decisions have been made at the Arizona Field Office  
13 of Immigration and Customs Enforcement (ICE), which has authority over the detention of  
14 Petitioner and is located in this judicial district. *See, e.g., Satesh P. v. Kaiser*, No. 22-CV-03018-  
15 DMR, 2022 WL 17082375, at \*5 (N.D. Cal. Nov. 18, 2022) (holding the Northern District is the  
16 proper forum for habeas petition filed by noncitizen detained at Golden State Annex facility  
17 under the purview of the San Francisco FOD); *Ameen v. Jennings*, No. 22-CV-00140-WHO, 2022  
18 WL 1157900, at \*4-5 (N.D. Cal. Apr. 19, 2022) (collecting cases) (same); *Zepeda Rivas v.*  
19 *Jennings*, 445 F. Supp. 3d 36, 39 (N.D. Cal. 2020) (same with regards to petitioners held at Mesa  
20 Verde Detention Facility and Yuba County Jail under the purview of the San Francisco FOD).

21 **PARTIES**

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

25 6. Respondent Field Office Director for the Arizona Field Office of ICE ("A-Z  
26 FOD") has the authority to order Petitioner's release or continued detention. As such, Respondent  
27 AZFOD is a legal custodian of Petitioner.  
28

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: O.D.B STATUS

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

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

6 16. Petitioner received a document titled "Decision to Continue Detention" from ICE  
7 on or about [date] 8-19-2025. Petitioner received a <sup>FIRST</sup> ~~second~~ "Decision to  
8 Continue Detention" from ICE on or about [date] \_\_\_\_\_.

9 17. Petitioner has cooperated fully with all of ICE's efforts to remove Petitioner.  
10 Petitioner has cooperated with ICE in the following ways: TAKING PHOTO &  
11 Fingered Print, ANSWER ALL THE QUESTION  
12 \_\_\_\_\_

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: \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_

### 20 LEGAL FRAMEWORK

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

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

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  
23 Date: 5-9-2025

24 Signature: Tien Nguyen  
25 Petitioner  
26  
27  
28

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT  
for the District of Arizona

NGUYEN TIEN  
Petitioner

N. MARTINEZ, ESTEPA  
ICE AND DHS

Case No. \_\_\_\_\_  
(Supplied by Clerk of Court)

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

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

Personal Information

1. (a) Your full name: NGUYEN TIEN  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: CENTRAL ARIZONA CORRECTIONAL COMPLEX  
(b) Address: P.O. BOX 6300  
FLORENCE AZ 85312  
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:  
☒ Federal authorities      ☐ State authorities      ☒ Other - explain:  
ICE AND DHS      FINAL REMOVAL
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☐ Being held on an immigration charge  
☒ Other (explain): FINAL REMOVAL

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)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- ☐ 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 warehouse and false imprisonment.

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

- (a) Name and location of the agency or court: US District Court, District of Columbia, 400 W. Constitution St. N.W., Washington, DC 20001  
 (b) Docket number, case number, or opinion number: A [REDACTED]  
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): 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

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(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

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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☐ No

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: \_\_\_\_\_

# 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

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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: \_\_\_\_\_

AD 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**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, 701/2001Zadvydas claim

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

In filing a habeas petition under Zadvydas v. Davis  
533 U.S. 678 701/2001  
because I received a final order of removal  
over 20 years ago and was still detained  
and waiting for my removal

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

☐ Yes☐ NoGROUND TWO: Article I, Clause 2, 2019

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

in the case of a citizen of Vietnam who entered the  
United States in 1977 and lived in the country until 1980 and  
remained in the country until he was ordered removed from the United  
States in 1980. He has been in the country since then and has  
never been removed. He has been in the country since then and has  
never been removed. He has been in the country since then and has

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

☐ Yes☐ No N/AGROUND THREE: Trinh v. Holder, 466 F. Supp.

3d 1077, Trinh entered the United States with  
his family as a 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 prior to 1995  
immigrants are generally not to be removed 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

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**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:

Good Reason to believe that my removal will be not significantly likely to occur in the reasonably foreseeable future. Therefore, respondents lack authority to continue detaining petitioned. Prayers for Relief.

Wherefore petitioned respectfully request that the court grant the following relief:

A. Assume Jurisdiction over this matter

B. Issue an order pursuant to 28 USC § 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 ICE custody.

D. Issue a court order directing respondents to send a notice to each alien (who received a deportation order) that alien is request travel documents from their country and to inform Detainers whether travel documents has been issued or not.

E. Grant any other and further relief as the court deems just and proper.

Respectfully Submitted

Therese Nguyen

Date: 9-15-2025

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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**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

Tim Nguyen

*Signature of Petitioner*

---

*Signature of Attorney or other authorized person, if any*

<u>NGUYEN Tien</u> (Name of alien(s) in proceedings)	
 (A-Number of alien(s) in proceedings)	
CERTIFICATE OF SERVICE	
On <u>9-5-25</u> (date)	<u>L. 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) <u>US DISTRICT COURT</u>	
and any attached pages to <u>401 W. Washington St</u> <u>Phoenix AZ 85003</u> (name of party served)	
at the following address: <u>P.O. Box 6300</u> <u>Phoenix AZ 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)