

1 TIMOTHY COURCHAINÉ
2 United States Attorney
3 District of Arizona

4 KATHERINE R. BRANCH
5 Assistant United States Attorney
6 Arizona State Bar No. 025128
7 Two Renaissance Square
8 40 North Central Avenue, Suite 1800
9 Phoenix, Arizona 85004-4449
10 Telephone: (602) 514-7500
11 Facsimile: (602) 514-7760
12 Katherine.Branch@usdoj.gov
13 *Attorneys for Respondents*

14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF ARIZONA**

16 Nguyen Tien,
17
18 Petitioner,
19
20 v.
21
22 N. Martinez, et al.,
23
24 Respondents.

No. 2:25-cv-03380-SMB--DMF

**RESPONSE TO PETITION FOR WRIT
OF HABEAS CORPUS**

25 Respondents, by counsel, hereby respond to the Petition for Writ of Habeas
26 Corpus (Doc. 1). Petitioner was removed from the United States to Vietnam on October
27 24, 2025. A copy of the I-205, Warrant of Removal/Deportation, is attached hereto as
28 Exhibit 1.¹ In light of Petitioner’s removal, the Petition for Writ of Habeas Corpus (Doc.
1) should be denied as moot.

I. THE PETITION FOR WRIT OF HABEAS CORPUS IS MOOT.

In May 2025, Petitioner was detained by ICE subject to a final order of removal to
Vietnam. Doc. 1 at ¶¶ 14-15. On September 15, 2025, Petitioner filed a Petition for Writ

¹ Although the I-205 does not state the destination of the flight, ICE has advised undersigned counsel that the destination of the flight was Vietnam.

1 of Habeas Corpus (Doc. 1) challenging his detention by immigration authorities. The
2 habeas petition asserted one cause of action: that Petitioner's continued detention was
3 unlawful and violated 8 U.S.C. § 1231(a)(6). Doc. 1 at ¶ 23. Petitioner sought an order
4 directing his immediate release from immigration detention. Doc. 1 at Prayer, ¶ c.
5 Petitioner's removal from the United States to Vietnam moots his habeas petition.

6 The Court may grant a writ of habeas corpus to a detainee who is "in custody in
7 violation of the Constitution or laws or treaties of the United States." 28 U.S.C.
8 § 2241(c)(3). 8 U.S.C. § 1231 governs the detention of aliens whose order of removal is
9 administratively final. "The case or controversy requirement of Article III admonishes
10 federal courts to avoid premature adjudication and to abstain from entangling themselves
11 in abstract disagreements." *U.S. West, Inc. v. Tristani*, 182 F.3d 1202, 1208 (10th Cir.
12 1999) (internal quotation marks and citations omitted). A court must dismiss a case as moot
13 if, at any point, it becomes certain either that "the allegedly wrongful behavior could not
14 reasonably be expected to recur," *Friends of the Earth Inc. v. Laidlaw Env'tl. Ass'n (TOC),*
15 *Inc.*, 528 U.S. 167 (2000) (citation omitted), or that there is no effective relief remaining
16 for the court to provide. *See Calderon v. Moore*, 518 U.S. 149, 150 (1996). The case or
17 controversy requirement warrants a finding of mootness if: (1) the petitioner has received
18 the relief requested in the petition; or (2) the court is unable to provide the petitioner with
19 the relief sought. *Munoz v. Rowland*, 104 F.3d 1096, 1097-98 (9th Cir. 1997). A court does
20 not have subject matter jurisdiction to consider a habeas claim that is moot. *See, e.g.,*
21 *McCullough v. Graber*, 726 F.3d 1057, 1060 (9th Cir. 2013).

22 In this case, Petitioner sought release from detention, but he is no longer detained
23 because he was removed to Vietnam, the country to which he was ordered removed.
24 Petitioner's case is rendered moot because there is no case or controversy. *See Spencer v.*
25 *Kemna*, 523 U.S. 1 (1998) ("[M]ootness, however it may have come about, simply deprives
26 us of our power to act; there is nothing for us to remedy, even if we were disposed to do
27 so. We are not in the business of pronouncing that past actions which have no demonstrable
28 continuing effect were right or wrong."); *Abdala v. INS*, 488 F.3d 1061, 1064-65 (9th Cir.

1 2007) (discussing and collecting cases wherein a petitioner’s release from detention or
2 parole or their removal rendered a habeas petition moot); *Mensah-Yawson v. Lowe*, No.
3 3:16-cv-200, 2016 WL 3704878, *1 (M.D. Pa. July 12, 2016) (“[T]he habeas petition
4 challenges petitioner’s continued detention pending removal. Because petitioner has since
5 been released from ICE custody and removed from the United States, the petition no longer
6 presents an existing case or controversy. Accordingly, the instant habeas corpus petition
7 will be dismissed as moot.”).

8 **II. CONCLUSION.**

9 Petitioner sought to be released from immigration detention pending his removal to
10 Vietnam. On October 24, 2025, Petitioner was successfully removed from the United States
11 to Vietnam and is no longer in ICE custody. Because the habeas petition did not seek to
12 redress any collateral consequences arising from Petitioner’s removal, Respondents
13 respectfully requests that the Court deny the petition and dismiss it as moot.

14 Respectfully submitted this 8th day of December, 2025.

15 TIMOTHY COURCHAIINE
16 United States Attorney
17 District of Arizona

18 *s/ Katherine R. Branch*
19 KATHERINE R. BRANCH
20 Assistant United States Attorney
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2025, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmitted it via U.S. First Class Mail to the following individual who is not a CM/ECF registrant:

Nguyen Tien 
Central Arizona Florence Correctional Complex
P.O. Box 6300
Florence, Arizona 85132

s/ Katherine R. Branch
United States Attorney's Office

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