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

Nguyen Tien,
Petitioner,

v.

N. Martinez, et al.,
Respondents.

No. CV-25-03380-PHX-SMB (DMF)

REPORT AND RECOMMENDATION

**TO THE HONORABLE SUSAN M. BRNOVICH, UNITED STATES DISTRICT
JUDGE:**

This matter is on referral to the undersigned for further proceedings and a report and recommendation pursuant to Rules 72.1 and 72.2 of the Local Rules of Civil Procedure (Doc. 5 at 5).

Self-represented Petitioner Nguyen Tien (“Petitioner” and/or “Tien”) filed a Petition Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in Federal Custody (“Petition”) (Doc. 1). At the time Petitioner filed the Petition, he was confined in the Central Arizona Florence Correctional Complex (*Id.* at 4).

The Petition challenges Petitioner’s immigration detention (*Id.*). As reflected in the Petition (*Id.* at 2) and previously recounted by the Court, “[i]n summer of 1999, an Immigration Judge ordered Petitioner removed from the United States, and he did not appeal that decision to the Board of Immigration Appeals (BIA)” (Doc. 5 at 2; *see* Doc. 1

1 at 2, 6, 8-9, 13-14). In challenging his immigration detention, Petitioner asserts that it is
2 not feasible to deport Petitioner to his country of citizenship, which is Vietnam (Doc. 1 at
3 13-14). Petitioner claims that his “continued detention is unlawful and violations 8 U.S.C.
4 § 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas* [*v. Davis*, 533 U.S. 678, 689
5 (2001)]” (Doc. 1 at 7). Petitioner asserts that the “six-month presumptively reasonable
6 period of detention has expired and Petitioner has provided good reason to believe that his
7 or her removal is not significantly likely to occur in the reasonably foreseeable future”
8 (*Id.*). Petitioner thereby claims that “Respondents lack authority to continue detaining
9 Petitioner” (*Id.*). Petitioner’s request for relief reiterates that he should be released because
10 his removal is “not significantly likely to occur in the reasonably foreseeable future” and,
11 therefore, Respondent “lack authority to continue detaining Petitioner” (*Id.* at 14).

12 Respondents filed their response to the Petition indicating that Petitioner was
13 removed to Vietnam on October 24, 2025 (Doc. 12; Doc. 12-1 at 2). A copy of the I-205,
14 Warrant of Removal/Deportation is included in the response (Doc. 12-1). Respondents
15 argue that this action is now moot (Doc. 12 at 1-3). Respondents summarize:

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

22 (*Id.* at 3).

23 Respondents are correct that this action is now moot. A habeas corpus petitioner
24 who “challenge[s] only the length of his detention, as distinguished from the lawfulness of
25 the [removal] order, . . . [is] rendered moot by his removal.” *Abdala v. INS*, 488 F.3d
26 1061, 1062 (9th Cir. 2007). Therefore, this matter should be dismissed.¹

27 ¹ After October 24, 2025, mail sent to Petitioner at the Central Arizona Florence
28 Correctional Complex, which is Petitioner’s address of record in this matter and the only
address the Court has for Petitioner, has been returned to the Court as undeliverable due to
Petitioner’s release from custody (Doc. 11). Because Respondents also mailed their
response to Petitioner’s address of record at the Central Arizona Florence Correctional

1 Accordingly,

2 **IT IS RECOMMENDED** that the Petition (Doc. 1) and this matter be dismissed as
3 moot.

4 This recommendation is not an order that is immediately appealable to the Ninth
5 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1) of the Federal
6 Rules of Appellate Procedure should not be filed until entry of the District Court's
7 judgment. The parties shall have fourteen days from the date of service of a copy of this
8 recommendation within which to file specific written objections with the Court. *See* 28
9 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. The parties shall have fourteen days within which
10 to file responses to any objections. Failure to file timely objections to the Magistrate
11 Judge's Report and Recommendation may result in the acceptance of the Report and
12 Recommendation by the District Court without further review. *See United States v. Reyna-*
13 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Failure to file timely objections to any factual
14 determination of the Magistrate Judge may be considered a waiver of a party's right to
15 appellate review of the findings of fact in an order or judgment entered pursuant to the
16 Magistrate Judge's recommendation. *See* Fed. R. Civ. P. 72. In addition, LRCiv 7.2(e)(3)
17 provides that "[u]nless otherwise permitted by the Court, an objection to a Report and
18 Recommendation issued by a Magistrate Judge shall not exceed ten (10) pages."

19 Dated this 10th day of December, 2025.

20
21 
22 _____
23 Honorable Deborah M. Fine
24 United States Magistrate Judge

25
26
27 _____
28 Complex (Doc. 12 at 4), the Court infers that Respondents do not have a better address for
Petitioner. Therefore, a reply by Petitioner is not anticipated in this matter.