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

9 Tai Quoc Dang,

10 **Petitioner,**

11 vs.

12 David R. Rivas, Warden, San Luis Regional  
13 Detention Center;

14 Gregory J. Archambeault, San Diego Field  
15 Office Director, U.S. Immigration and  
Customs Enforcement;

16 Pamela Jo Bondi, Attorney General of the  
17 United States; and


18 Kristi Noem, Secretary of Homeland  
19 Security,

20 **Respondents.**

No.

**Petition for a Writ of Habeas Corpus  
Under 28 U.S.C. § 2241**

21 **Technical Data**

- 22 1. Mr. Dang is challenging the validity of his detention in immigration custody. His A-  
23 number is 
- 24 2. Mr. Dang is challenging the decision made by U.S. Immigration and Customs  
25 Enforcement to revoke a prior release order issued in 2023 and to detain him pending an  
26 attempt to remove him from the United States.  
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1 3. Mr. Dang is presently detained at the San Luis Regional Detention Center in San Luis,  
2 Arizona. Upon information and belief, Mr. Dang has not seen a judge and thus has not  
3 had an opportunity to exhaust any available administrative remedies.

### 4 **Parties, Jurisdiction, and Venue**

5 4. Petitioner Tai Quoc Dang is a citizen of Vietnam. He was ordered removed from the  
6 United States in 2023 following his release from a California state prison on parole from a  
7 sentence for first-degree murder. He is presently detained at the San Luis Regional  
8 Detention Center in San Luis, Arizona.

9 5. Respondent David Rivas is the Warden of the San Luis Regional Detention Center, where  
10 Mr. Dang is being detained. He is Mr. Dang's immediate legal custodian and thus a  
11 proper respondent in this matter. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004).

12 6. Respondent Gregory Archambeault is the San Diego Field Office Director for U.S.  
13 Immigration and Customs Enforcement. He is responsible for Mr. Dang's detention, and  
14 thus a legal custodian of Mr. Dang.

15 7. Respondents Pamela Jo Bondi and Kristi Noem are, respectively, the Attorney General of  
16 the United States and the Secretary of Homeland Security. As such, they are responsible  
17 for maintaining the immigration detention system. They are thus legal custodians of Mr.  
18 Dang.

19 8. This Court has jurisdiction under 28 U.S.C. §§ 2241 *et seq.*; the Declaratory Judgment  
20 Act, 28 U.S.C. §§ 2201 *et seq.*; the All Writs Act, 28 U.S.C. § 1651; and the Fifth  
21 Amendment to the United States Constitution.

22 9. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) and (e)(1)(B) because a  
23 substantial part of the events or omissions giving rise to the claims set forth herein  
24 occurred in this district.

### 25 **Background**

26 10. Mr. Dang was born in Vietnam in 1973. His father was a U.S. citizen. His mother was a  
27 Vietnamese citizen. In 1988, upon information and belief, he was granted lawful  
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1 permanent resident status in the United States through a family reunification program for  
2 the immediate relatives of U.S. citizens.

- 3 a. Two potential family reunification programs existed to provide immigrants like  
4 Mr. Do a path to lawful permanent residence in the United States. The first  
5 allowed persons born in Vietnam between 1950 and October 22, 1982, to a U.S.  
6 citizen father to be issued an immigration visa outside of the usual quota system.  
7 *See* Act of Oct. 22, 1982, Pub. L. No. 97-359 (presently codified at 8 U.S.C.  
8 § 1154(f)).
- 9 b. The second was through the Orderly Departure Program. “The Orderly  
10 Departure Program (ODP) was established under a 1979 Memorandum of  
11 Understanding between the United Nations High Commissioner for Refugees and  
12 the government of Vietnam to provide a safe and legal means for people to leave  
13 Vietnam rather than clandestinely by boat.” U.S. General Accounting Office, B-  
14 238006, *Refugee Program: The Orderly Departure Program from Vietnam* at 2 (Apr.  
15 11, 1990) [hereinafter *GAO ODP Report*]. “Vietnamese can travel to the United  
16 States under the ODP as immigrants, following normal U.S. visa issuance  
17 procedures, or as refugees.” *Id.* Under the Amerasian Homecoming Act, Pub. L.  
18 No. 100-202, § 584 (codified at a note following 8 U.S.C. § 1101), “Amerasians  
19 and their quali- fying family members leaving Vietnam within a 2-year period after  
20 March 21,1988, are entitled to enter the United States as immigrants, but are  
21 eligible for all benefits oifered refugees, including resettlement and training  
22 benefits. To be eligible for admission under the act, Amerasians must have been  
23 residing in Vietnam on December 22, 1987, the date the legislation was enacted,  
24 and must be able to establish that they were born in Vietnam after January 1, 1962,  
25 and before January 1, 1976, and had American citizen fathers.” *GAO ODP Report*  
26 at 4; *see also* Pub. L. No. 100-202, § 584(a)(1)(B), (b)(1)(A). Many of the  
27 Vietnamese people who came to the United States under the ODP were admitted  
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1 as refugees. *See GAO ODP Report* at 5. Refugee status allows for adjustment to  
2 legal permanent resident status after one year of physical presence in the United  
3 States. *See* 8 U.S.C. § 1159(b).

- 4 11. In the year 2000, Mr. Dang was convicted in Santa Clara County (California) Superior  
5 Court of one count of first-degree murder, in violation of Cal. Penal Code §§ 187 and  
6 189(a). He was sentenced to a total of 52 years to life in prison. His conviction was  
7 affirmed on direct appeal. *See People v. Dang*, No. H021681, 2002 WL 31112444 (Cal. Ct.  
8 App. Oct. 22, 2002). The California Supreme Court denied a petition for review. He  
9 exhausted his state habeas remedies. On June 23, 2008, the United States District Court  
10 for the Northern District of California later denied his habeas corpus petition under 28  
11 U.S.C. § 2254. *Dang v. Sisto*, No. C 07-3268-SI, 2008 WL 2563221 (N.D. Cal. Jun. 23,  
12 2008). The Ninth Circuit affirmed the denial of the petition in 2010. *Dang v. Sisto*, 391 F.  
13 App'x 634 (9th Cir. 2010), *cert. denied*, 562 U.S. 1183 (2011).
- 14 12. Mr. Dang was released from California state prison in 2023. He was taken into ICE  
15 detention and issued a notice to appear that, upon information and belief, charged him as  
16 being removable by virtue of his conviction for first-degree murder. *See* 8 U.S.C.  
17 § 1101(a)(43)(A) (murder is an aggravated felony); 8 U.S.C. § 1227(a)(2)(A)(iii) (aliens  
18 convicted of an aggravated felony are deportable).
- 19 13. On July 13, 2023, an immigration judge at the Van Nuys, California, immigration court  
20 ordered Mr. Dang removed to Vietnam. He did not appeal the removal order, and it  
21 became final on August 12, 2023.
- 22 14. A 90-day period of mandatory detention began when the removal order became  
23 administratively final. *See* 8 U.S.C. § 1231(a)(1)(A), (a)(1)(B)(i), (a)(2).
- 24 15. On September 15, 2023, ICE released Mr. Dang from custody on an order of supervision.  
25 It was unable to accomplish his removal while he was in custody, because, upon  
26 information and belief, ICE was unable to obtain travel documents to allow Mr. Dang to  
27 be returned to Vietnam.

- 1 a. Upon information and belief, ICE was unable to obtain travel documents for Mr.  
2 Dang because the Vietnamese government cancelled his citizenship, such that the  
3 Vietnamese Embassy did not recognize him as a citizen of that country.
- 4 b. According to the Embassy of the Socialist Republic of Vietnam in the United  
5 States, any Vietnamese-born person who was living abroad on July 1, 2009, and  
6 did not have a valid Vietnamese passport, was required to register with the  
7 Vietnamese Embassy on or before July 1, 2014. Those Vietnamese-born persons  
8 who did not so register by July 1, 2014, had their Vietnamese citizenship revoked.  
9 Upon information and belief, Mr. Dang did not so register by July 1, 2014, and  
10 thus had his Vietnamese citizenship cancelled.

11 16. Mr. Dang complied with the supervision order. He reported as scheduled on September  
12 20, 2023; March 20, 2024; June 20, 2024; and September 18, 2024. He moved to San  
13 Diego and began working for a transitional housing program as a drug and alcohol  
14 counselor, helping other former prisoners serving life sentence to transition to life after  
15 prison.

16 17. Mr. Dang was next scheduled to report for an ICE checkin on September 18, 2025.  
17 However, ICE took him back into custody before he could check in. On July 30, 2025, the  
18 San Diego Field Office of U.S. Immigration and Customs Enforcement announced that  
19 Mr. Dang had been re-detained by posting to its Twitter account a photograph of Mr.  
20 Dang standing next to two anonymous immigration officers.

21 18. Mr. Dang was taken to the San Luis Detention Center. Upon information and belief, ICE  
22 has been unable to obtain travel documents for Mr. Dang since he has been in ICE  
23 custody.

## Grounds for Relief

**Ground One: Mr. Dang's detention in immigration custody violates the Due Process Clause of the Fifth Amendment because he is effectively stateless and cannot be removed to the country of his birth.**

19. Mr. Dang is effectively stateless. The Republic of Vietnam, the country of his birth, has cancelled his citizenship. Travel documents are not available and his immediate removal is not practical. *See* 8 U.S.C. § 241.4(e)(1).
20. Mr. Dang was ordered removed from the United States in 2023. That order triggered a statutory 90-day period (the "removal period") within which the government had to remove him from the United States. *See* 8 U.S.C. § 1231(a)(1)(A), (B)(i). He was not removed during that time; rather, he was later released from immigration detention. He remained at liberty under ICE supervision until his arrest by ICE officials on or about July 30, 2025.
21. The Due Process Clause of the Fifth Amendment limits "an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States." *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). Because of this constitutional limitation, § 1231 "does not permit indefinite detention." *Id.*
22. Detention following the removal period is presumptively limited to six months. "After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.* at 701.
23. Even though Mr. Dang has not been in ICE custody for six months since his arrest on July 30, 2025, this petition is not premature. Mr. Dang cannot be returned to his country of origin, because Vietnam does not recognize him as a citizen. Upon information and belief, the Vietnamese Embassy will continue to refuse to issue him a passport or other travel documents. His continued detention in immigration custody thus violates the Due Process Clause of the Fifth Amendment.

1 **Ground Two: Mr. Dang's detention in immigration custody pending removal to any third**  
2 **country violates the Due Process Clause of the Fifth Amendment because**  
3 **ICE has not given him sufficient notice of the proposed third country and an**  
4 **opportunity to request relief from removal to that country, either from an**  
5 **immigration officer, an immigration judge, or a federal court.**

6 24. "It is well established that the Fifth Amendment entitles aliens to due process of law in  
7 the context of removal proceedings." *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (per  
8 curiam) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Mr. Dang thus is entitled to  
9 "notice and an opportunity to be heard appropriate to the nature of the case." *Id.*  
10 (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950)). As  
11 relevant here, this means that Mr. Dang is entitled to notice that he is to be removed to a  
12 third country "within a reasonable time and in such a manner as will allow [him] to  
13 actually seek habeas relief in the proper venue before such removal occurs." *Id.*

14 25. Mr. Dang has not been formally ordered removed to any country other than Vietnam. As  
15 such, he has never had an opportunity to contest removal to any third country on the  
16 ground that he may face persecution or torture if he is removed to that country.

17 26. To the extent that Mr. Dang's detention is meant to facilitate his removal to a third  
18 country, *see generally Zadvydas*, 533 U.S. at 690 (suggesting that detention following a  
19 removal order is intended to facilitate removal), if such a removal is accomplished in  
20 violation of his due-process rights, then his detention is illegal. This due-process claim  
21 "necessarily impl[ies] the invalidity of [his] confinement and removal" to a third country  
22 not yet named in any removal order. *J.G.G.*, 145 S. Ct. at 1005. Thus his due-process  
23 claim is properly brought in a habeas petition, and a court order that he be released from  
24 detention is a proper remedy for such a violation.

### 25 **Prayer for Relief**

26 27. Mr. Dang is being illegally detained, in violation of the Due Process Clause of the Fifth  
27 Amendment. He respectfully asks the Court to:

- 28 a. order respondents to answer the petition;

- 1 b. permit him to file a reply in support;
- 2 c. allow him to conduct discovery in order to support his claims for relief;
- 3 d. convene an evidentiary hearing, if needed to resolve disputed facts;
- 4 e. order respondents to release him from their custody on an order of supervision;
- 5 and
- 6 f. grant him any other relief that is just and practicable.

7 Respectfully submitted:

October 5, 2025.

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11 KEITH J. HILZENDEGER  
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