

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

LUONG, KIEU OANH THI

Petitioner

v.

SCOTTY RHODEN,
Sheriff of Baker County;
TODD LYONS,
Acting Director of the U.S. ICE;
KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security;
PAMELA BONDI, Attorney General of the
United States.

Respondents

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

I. INTRODUCTION

1. Respondents have unlawfully held Petitioner LUONG, KIEU OANH THI (“Ms. Luong”) in immigration detention since September 19, 2025, even though the federal government has no significant likelihood of removing her from the United States. Ms. Luong was held at the Department of Homeland Security’s (“DHS”) Immigration and Customs Enforcement (“ICE”) Baker Detention Center in Baker

County, Florida. On or about September 22, she was transferred to Orlando County Jail, and on or about September 23, she was transferred to Baker County Detention Center.

2. After the Vietnam War, Ms. Luong fled Vietnam and entered the United States as a direct relative of an Amerasian on September 10, 1992, when she was five years old.
3. Ms. Luong has no other relatives in Vietnam; she never returned to Vietnam, and she has no travel document from Vietnam, as she arrived in the U.S. before any diplomatic relationship was reestablished after the Vietnam War.
4. On March 8, 2010, an Immigration Judge issued a final order designating Ms. Luong's removal to Vietnam based on a prior criminal conviction that occurred in 2005.
5. Ms. Luong was previously detained by ICE after her removal order.
6. ICE has not been able to procure travel documents for Ms. Luong's repatriation to Vietnam but has kept her in prolonged detention.
7. Ms. Luong was last released on an Order of Supervision ("OSUP") over twelve years ago.
8. Since her last release, Ms. Luong has not violated the terms of her OSUP.
9. Despite compliance with her OSUP, DHS ICE ERO, Ms. Luong was placed on a GPS monitor on August 15, 2025, after her OSUP appointment.

10. Ms. Luong was told to go in person to ICE in Miramar because of a malfunction in the device on September 19. But instead of fixing it, ICE detained her that day, although she has an appointment for November 17, 2025.
11. ICE has not shown that travel documents for Vietnam have been issued.
12. ICE has not shown that Ms. Luong is a risk of flight or a danger to the community before additional detainment.
13. ICE has not shown that Ms. Luong was not in compliance with her current OSUP.
14. Because Ms. Luong's recent detention is not tied to any foreseeable removal or to ensure that Ms. Luong does not flee or pose a danger to the community before such removal, Ms. Luong's current detention violates 8 U.S.C. § 1231(a)(6) and the Fifth Amendment of the United States Constitution. Accordingly, Ms. Luong is entitled to an order requiring her immediate release and enjoining Respondents from re-detaining her unless her removal is reasonably foreseeable.
15. Ms. Luong respectfully requests *inter alia* that this Honorable Court grant her a Writ of Habeas Corpus and order the Respondents to release her from custody, grant a stay of removal, and order other relief as described herein.
16. This action arises under the United States Constitution and the INA. This Honorable Court has jurisdiction over this complaint under: 28 U.S.C. § 2241 (power to grant Writ of Habeas Corpus); the All Writs Act, 28 U.S.C. § 1651; 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1346 (United States Defendant);

and the Mandamus Act, 28 U.S.C. § 1361.

II. JURISDICTION & VENUE

17. The Court has jurisdiction under 28 U.S.C. § 2241 and Article I, Section 9, Clause 2 of the U.S. Constitution (“Suspension Clause”), as Petitioner is currently in custody under color of the authority of the United States in violation of the Constitution, laws, or treaties thereof.
18. Venue lies in the U.S. Middle District of Florida because the Petitioner is currently detained at Baker County Detention Center in Baker, FL. At the time of filing and Order of Stay, she was still located at the ICE ERO in Miramar, Florida, where she was initially detained; she was then moved to Orlando County Jail, and subsequently to Baker County Detention Center, *see* 28 U.S.C. §§ 1391, 2241.

III. PARTIES

A. Petitioner

19. Petitioner Ms. Luong is a resident of Florida who arrived in the United States as a refugee and who is presently being detained for immigration purposes at the direction of the Department of Homeland Security’s ICE office.

B. Respondents

20. Respondent Rhoden is the Sheriff of Baker County and is being sued in his official capacity.
21. Respondent Lyons is the Acting Director of the U.S. Immigration and Customs

Enforcement and is being sued in his official capacity.

22. Respondent Noem is the Secretary of the U.S. Department of Homeland Security, and is being sued in her official capacity.

23. Respondent Bondi is the Attorney General of the United States and is being sued in her official capacity.

IV. CUSTODY

24. Ms. Luong is in the Respondents/Defendants' physical custody within this district at the Baker County Detention Center, in Baker, Florida, under the direct control of the Respondents/Defendants and their agents.

V. LEGAL BACKGROUND

A. Stay of Removal

25. DHS may stay a final removal order against an alien to allow the alien to pursue relief or in light of practical or humanitarian considerations. *See* 8 C.F.R. § 241.6 (DHS stay of removal authority); 8 U.S.C. § 1231(c)(2) (providing for stay of removal for aliens found removable at port of entry); *see also* 8 U.S.C. § 1227(d)(1).

26. An alien who has been granted a stay of removal may be released from detention pursuant to "conditions [that the DHS Secretary] may prescribe." 8 U.S.C. § 1231(c)(3); *see also* 8 U.S.C. § 1231(a)(3) (after 90-day period, authorizing supervision under regulations subject to certain conditions); 8 C.F.R. § 241.1

(regulations regarding continued detention of inadmissible aliens beyond removal period); 8 C.F.R. §241.5(a) (requirements for OSUP). A stay of removal does not confer eligibility for work authorization, but an OSUP does confer such eligibility under certain circumstances. *See* 8 C.F.R. § 274a.12 (not listing stay of removal as basis for work authorization); *but see id.* at § 274.a.12(c)(18) (work authorization available with OSUP). “Any alien [...] who has been released under an [OSUP] or other conditions of release who violates the conditions of release may be returned to custody.” *See* 8 C.F.R. §241.4(l)(1).

27. Upon revocation, the alien will be notified of the reasons for revocation of his or her release or parole. The alien will be afforded an initial informal interview promptly after his or her return to Service custody to respond to the reasons for revocation stated in the notification. *Id.* The Executive Associate Commissioner shall have authority, in the exercise of discretion, to revoke release and return to Service custody an alien previously approved for release under the procedures in [8 C.F.R. § 241.4]. *Id.* at § 241.4(l)(2).

28. The Service may revoke an alien’s release under this section and return the alien to custody if, on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future. *Id.* at § 241.13(i)(2). The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a

determination of whether the facts as determined warrant revocation and further denial of release. *Id.*

B. Due Process, Statutory, and Regulatory Rights

29. “Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects.” *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
30. Immigration detention must always “bear [...] a reasonable relation to the purpose for which the individual was committed.” *See Demore v. Kim*, 538 U.S. 510, 527 (2003).
31. When a petitioner is not deportable insofar as a grant of deferred action bars deportation, the Due Process Clause requires that any deprivation of a petitioner’s liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301-02 (1993) (finding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”); *See Denmore v. Kim*, 538 U.S. at 528 (applying less rigorous standard for “deportable aliens”).
32. Moreover, under the Fifth Amendment, ICE cannot deprive a petitioner of notice and an opportunity to be heard “at a meaningful time and in a meaningful

manner.” *See Mathews v. Elridge*, 424 U.S. 319, 333 (1976).

33. Procedural due process “imposes constraints on government decisions which deprive individuals of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment.” *Id.* at 332.
34. Once a petitioner has identified a protected liberty or property interest, the Court must determine whether respondents have provided constitutionally sufficient process. *Id.* at 332-33.
35. In making this determination, the Court balances (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.* at 335.
36. Due process cases recognize a broad liberty interest in deportation and removal proceedings. *See Bridges v. Wixon*, 326 U.S. 135, 154 (1945).
37. Due process also protects an alien’s liberty interest in the adjudication of applications for relief and benefits under the INA. *See Arevalo v. Ashcroft*, 344 F.3d 1, 15 (1st Cir. 2003) (recognizing protected interests in the “right to seek relief” even when there is no “right to the relief itself”).

38. When a re-detention occurs, DHS should identify facts to support changed circumstances that would show that a removal is significantly likely in the reasonably foreseeable future. *See* 8 C.F.R. § 241.13(f) (setting out factors to consider including “the history of the alien's efforts to comply with the order of removal, the history of the Service's efforts to remove aliens to the country in question or to third countries, including the ongoing nature of the Service's efforts to remove this alien and the alien's assistance with those efforts, the reasonably foreseeable results of those efforts, and the views of the Department of State regarding the prospects for removal of aliens to the country or countries in question”).
39. ICE's decision to re-detain a noncitizen like who has been granted supervised release is governed by ICE's own regulation requiring (1) an individualized determination (2) by ICE that, (3) based on changed circumstances, (4) removal has become significantly likely in the reasonably foreseeable future.” *See* *Kong v. United States*, 62 F.4th 608, 619–20 (1st Cir. 2023) (citing 8 C.F.R. § 241.13(i)(2)).
40. Due process also protects a non-citizen subject to a final order of deportation from indefinite detention. “[a] statute permitting indefinite detention of [a noncitizen] would raise a serious constitutional problem [under] . . . [t]he Fifth Amendment’s Due Process Clause[.]” *See Zadvydas*, 533 U.S. at 690. “Freedom

from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects (...) government detention violates that Clause unless the detention is ordered in a criminal proceeding with adequate procedural protections, or, in certain special and narrow nonpunitive circumstances. . . where a special justification, such as harm-threatening mental illness, outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* “*Zadvydas* determined that detention becomes “indefinite” when there is “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *See Diouf v. Mukasey*, 542 F.3d 1222, 1233 (9th Cir. 2008) (quoting *Zadvydas*, 533 U.S. at 701).

41. An assertion of a follow-up on the request for a travel document is not a substantive indication regarding how or when it is expected to obtain a necessary travel document. *See Sigh v. Gonzalez* 448 F. Supp. 2d at 1220.

C. The length of the detention

42. The Supreme Court has held that a noncitizen may not, consistent with the Due Process Clause, be detained indefinitely. *See Zadvydas*, 533 U.S. at 678, 697. Instead, due process requires that a noncitizen be detained for no longer than the time “reasonably necessary to secure removal.” *Id.* at 699. Therefore, “if removal is not reasonably foreseeable, the court should hold continued detention

unreasonable and no longer authorized by statutes." *Id.* at 699-700.

43. By statute, after an Order of Removal is entered, the government must detain the noncitizen for 90 days, during which the government must attempt to remove the noncitizen. *See* 8 U.S.C. § 1231(a)(1); 8 C.F.R. § 241.4(g)(1)(ii). This 90-day removal period runs from the latest of the date the Order of Removal becomes final, the date on which a court-ordered stay of removal expires, or the date the noncitizen is released from detention. *See* 8 U.S.C. § 1231(a)(1)(B); 8 C.F.R. § 241.4(g)(1)(i).
44. Detention may be extended beyond the 90-day removal period if the noncitizen fails or refuses to apply in good faith for travel documents as directed by ICE. *See* 8 C.F.R. § 241.4(g)(1)(i). Detention may also be extended if the noncitizen is inadmissible under 8 U.S.C. § 1182, if the noncitizen has committed certain crimes, and if the government determines that the noncitizen poses a risk to the community or is a flight risk. *See* 8 U.S.C. § 1231(a)(6).
45. However, the Court also held that 180 days is a "presumptively reasonable" period for removing a noncitizen, *See Zadvydas* at 701. But if there is no reasonable likelihood that the noncitizen will be removed in the foreseeable future, the government may not continue to detain him/her. *Id.*
46. The six-month period established in *Zadvydas* does not restart when an alien is re-detained and a series of releases and re-detentions by the government result

in an indefinite period of detention. *See Zadvydas* itself.; *Nguyen v. Scott*, No. 2:25-cv-01398, 2025 WL 2419288, at *13 (W.D. Wash. Aug. 21, 2025) (rejecting the government's argument that the six-month period resets when the government re-detains a noncitizen); *Sied v. Nielsen*, No. 17-cv-06785-LB, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018); *Chen v. Holder*, No. 6:14-2530, 2015 WL 132366635, at *2 (W.D. La. Nov. 20, 2015) (rejecting the government's argument that a petition was premature under *Zadvydas*).

47. There is a split of authorities regarding the re-detentions during a 6-month period. Some courts have allowed the government to engage in detentions. *See, e.g., Guerra-Castro v. Parra*, No. 1:25-cv-22487, 2025 WL 1984300, at *4 (S.D. 24/31 Case 4:25-cv-03364 Document 14 Filed on 09/26/25 in TXSD Page 24 of 31 Fla. July 17, 2025). Some courts have also based their rejection of the petitioners' *Zadvydas* claims on facts showing that the petitioners' removals were reasonably foreseeable. *See Thai v. Hyde*, No. 25-11499-NMG, 2025 WL 1655489, at *3 (D. Mass. June 11, 2025); *Meskini v. Att'y Gen. of the United States*, No. 4:14-cv-42, 2018 WL 1321576, at *4 (M.D. Ga. Mar. 14, 2018).
48. Despite these different authorities, *Zadvydas* does not permit the government to indefinitely detain a noncitizen by the simple expedient of releasing and then re-detaining him/her in a series of "presumptively constitutional" six-month. *See Herrera v. Tate*, No. H-25-3364, (S.D. Tex. Sep. 26, 2025).

D. Revocation of an Order of Supervision (OSUP)

49. Once a noncitizen subject to an Order of Removal has been released from detention under an OSUP, there are detailed regulations concerning when and how that OSUP may be revoked. *See* 8 C.F.R. § 241.4(l).

50. An OSUP may be revoked if the noncitizen violates any of its conditions. *See* 8 C.F.R. § 241.4(/)(1); § 241.4(l)(2)(ii); or when "[t]he conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate." 8 C.F.R. § 241.4(l)(2)(iii), § 241.4(l)(2)(iv). Regardless of the reason for the revocation, only two officials have the authority to revoke an OSUP: the Executive Associate Director of ICE or a district director of ICE if the "circumstances do not reasonably permit referral of the case to the Executive Associate [Director]." 8 C.F.R. § 241.4(l)(2).

51. When an OSUP is revoked, the noncitizen must "be notified of the reasons for revocation of his or her release" and must be afforded a prompt "initial informal interview" to allow the noncitizen an opportunity to respond to and contest the reasons for revocation. *See* 8 C.F.R. § 241.4(l)(1).

E. Pre-1995 Vietnamese Immigrants

52. The end of the Vietnam War caused hundreds of thousands of South Vietnamese refugees to flee to the U.S. to escape political persecution and death. These refugees feared for their lives under the new communist government and were

desperate to escape communist re-education camps and other forms of political persecution. Among the Vietnamese immigrants who resettled in the U.S. before July 12, 1995, were the abandoned children of American soldiers and Vietnamese women—known as “Amerasians” and pejoratively referred to as the “dust of life” in Vietnam. Amerasians became even more vulnerable to mistreatment after communist takeover of Vietnam in 1975, as they shared the physical features of those that had fought against the North Vietnamese. After 1975, many Amerasians were imprisoned in labor or reeducation camps.

53. Recognizing the extreme persecution faced by Amerasians and acknowledging its responsibility towards these half-American children, the U.S. in the 1980s enacted laws that gave thousands of Vietnamese Amerasians the opportunity to leave behind a country that never accepted them in order to start anew in the homeland of their fathers.
54. Until July 12, 1995, the U.S. had no diplomatic relationships with Vietnam; thus, those immigrants who were in removal proceedings could not be removed.
55. In 2008, the U.S. entered into an Agreement with the Socialist Republic of Vietnam, providing that Vietnamese citizens were not subject to return to Vietnam if they had arrived in the U.S. before July 12, 1995.
56. Twelve years later, on November 11, 2020, the U.S. entered a Memorandum of Understanding (“MOU”) with the Socialist Republic of Vietnam that allowed

the removal of pre-1995 immigrants. The MOU provides in detail the timeline that DHS and the Vietnamese Government would take to issue travel documents not exceeding 6 months.

57. Subsequently, on September 14, 2023, the House issued a Bill limiting the detention and removal of nationals of Vietnam who entered the U.S. on or before July 12, 1995, who have resided continuously since that entry, and are subject to a removal order, to those whom the Secretary of Homeland Security determines, based on credible facts, are directly responsible of harming the Security of the U.S., or are subject to extradition.

58. In 2018, the Habeas Corpus Class Action, *Trinh v. Homan*, No. 8:18-cv-00316-JLS-JDE (C.D. Cal. filed Feb. 23, 2018) was filed in the Central District of California, but the final stipulation entered into effect on October 7, 2021. The petitioners had brought two causes of action seeking habeas relief, declaratory relief, and injunctive relief for Vietnamese immigrants who had arrived in the U.S. before July 12, 1995, under the Supreme Court authority *Zadyvas*, given that a post-removal order triggers constitutional due process concerns where the immigrant's removal is not significantly likely in the reasonably foreseeable future. The petitioners asserted that their post-removal order detention violated federal immigration law, 8 U.S.C. 1231, and constitutional due process, where removal was not likely to occur in the foreseeable future; they also sought to

assert that even where removal is reasonably foreseeable, their prolonged detention violated section 1231 and constitutional due process when it was “without any. The Court certified the class of pre-1995 Vietnamese immigrants who have been or will be detained by ICE for more than 90 days and 180 days. See **Exhibit 10**, *Trinh v. Homan*’s Class Certification

59. *Trinh v. Homan*’s final Order on Joint Motion for Entry of Stipulated Dismissal was filed on October 7, 2021. It stipulated that Respondents: Immigration and Customs Enforcement: “[would] notify Petitioners promptly, and no later than one month after the policy change, if U.S. Immigration and Customs Enforcement (“ICE”) changed its current policy of generally finding pre-19995 Vietnamese immigrants (...) are not likely to be removed in the foreseeable future and generally releasing pre-1995 Vietnamese immigrants within 90 days of the entry of their final order of removal. This term will expire 60 months after this stipulation is approved.” See **Exhibit 11**, *Trinh v. Homan*’s final Order on Joint Motion for Entry of Stipulated Dismissal. This means that ICE should inform pre-1995 Vietnamese immigrants if they are likely to be removed. Thus, ICE is bound to inform pre-1995 Vietnamese immigrants about their likelihood of removal.

VI. STATEMENT OF FACTS

60. Ms. Luong was born in Vietnam on [REDACTED] and arrived in the U.S. when she was 5 years old. She is currently 38 years old. She is the daughter, sister, niece, and granddaughter of U.S. citizens, including her mother, sister, uncle, nieces, and nephews.
61. Ms. Luong entered the U.S. lawfully as a direct relative of an Amerasian. *See* **Exhibit 1**, I-94, dated September 10, 1992; and **Exhibit 3**, Ms. Luong's Legal Permanent Resident Card (showing her category as "AM3").
62. Ms. Luong later adjusted her status as a Legal Permanent Resident. *See* **Exhibit 3**, Ms. Luong's Legal Permanent Resident Card (showing her as a resident since September 10, 1992).
63. An immigration judge determined her removability on March 8, 2010, based on a previous criminal conviction. *See* **Exhibit 5**, EOIR Automated Case Information showing removal order dated March 8, 2010.
64. Subsequently, Ms. Luong was detained for immigration purposes, and on March 12, 2010, she was issued a Notice of Alien of File Custody Review while she was under DHS ICE detention. *See* **Exhibit 6**, Notice of Alien of File Custody Review.
65. Ms. Luong was released and placed in Order of Supervision on June 1, 2010, in North Carolina, after being detained for at least 85 days. *See* **Exhibit 7** Order of Supervision dated June 1, 2010.

66. In 2013, Ms. Luong breached her criminal probation, and she was placed in a new Order of Supervision. *See* **Exhibit 8**, Order of Supervision dated June 14, 2013.
67. Since her last release, Ms. Luong has remained compliant with her OSUP terms.
68. Ms. Luong has become an active member of her community and a caring relative for all her family members.
69. Ms. Luong works as a nail artist. She owned and operated a Salon in Charlotte, NC on or about 2011 to 2012; currently, she works at INail Spa Salon, located in Miami Beach, FL.
70. Since her last release over 12 years ago, ICE has failed to procure travel documents from the Embassy of the Socialist Republic of Vietnam or to effect her removal to Vietnam.
71. During her last check-in to the Miramar ICE Field Office on August 15, 2025, Ms. Luong was placed on a GPS monitor, and she was given a new appointment for November 17, 2025. *See* **Exhibit 9**, Last Order of Supervision dated August 15, 2025.
72. On September 19, 2025, Ms. Luong went to ICE ERO in Miramar, Florida, to repair her GPS. On that date, she was detained.
73. ICE re-detained Ms. Luong without any warning for the purpose of effecting her removal to Vietnam.

74. At this time, there is still no indication that travel documents to Vietnam have been issued or that the Government of Vietnam has found Ms. Luong eligible for repatriation.

75. Ms. Luong received no notice of any request for travel documents on her behalf.

76. Ms. Luong temporarily remained at the ICE ERO Field Office in Miramar, Florida, until ICE transferred her to Orlando County Jail, and then to Baker County Detention Center.

77. On July 12, 1995, the U.S. and Vietnam established diplomatic relations. However, at that time, there was still no existing repatriation agreement between both countries.

78. In 2008, the repatriation agreement signed between the U.S. and Vietnam did not have a provision to accept any individuals, like Ms. Luong, with a removal order who came to the U.S. before July 12, 1995.

79. In 2020, the U.S. and Vietnam signed an MOU to allow the repatriation of certain individuals with removal orders who arrived in the U.S. before 1995.

80. ICE has not shown that Ms. Luong is one of the individuals eligible for repatriation.

81. Since her last release, Ms. Luong has remained compliant with her OSUP terms.

82. Since her last release over 12 years ago (*See* **Exhibit 8**, Order of Supervision dated June 14, 2013), ICE has failed to procure travel documents from the Embassy of the Socialist Republic of Vietnam or effect her removal to Vietnam.
83. During her last visit to the Miramar ICE Field Office on September 19, 2025, Ms. Luong was re-detained despite the lack of travel documents.
84. ICE re-detained Ms. Luong without any warning for the purpose of effecting her removal to Vietnam.
85. At this time, there is still no indication that travel documents to Vietnam have been issued or that the Government of Vietnam has found Ms. Luong eligible for repatriation.

**FIRST CAUSE OF ACTION
UNLAWFUL DETENTION IN VIOLATION OF 8
U.S.C. SECTION 1231(a)**

86. The foregoing allegations are realleged and incorporated herein.
87. Ms. Luong is currently in the custody of the Respondents under or by color of the authority of the United States, based on her detainment at the Baker County Detention Center.
88. Ms. Luong's detention violates 8 U.S.C. § 1231.
89. Ms. Luong was already detained for at least 85 days in 2010, and ICE could not remove her because of the lack of travel documents, and she was placed in OSUP

90. In 2013, Ms. Luong was placed in a new OSUP. And again, ICE could not issue her travel documents.

91. ICE has not informed Ms. Luong about the issuance of any passport on her behalf.

92. Ms. Luong is being detained for immigration purposes when ICE knows that it cannot effect her prompt removal from the United States, that Ms. Luong is neither a flight risk nor a danger, and that she has not violated conditions of her OSUP. Thus, ICE has no permissible basis for depriving Ms. Luong of her liberty, in violation of 8 U.S.C. § 1231(a) as well as their respective implementing regulations.

93. A judicial order requiring Ms. Luong's release from custody would remedy the Respondent's unlawful conduct.

**SECOND CAUSE OF ACTION
UNLAWFUL DETENTION
IN VIOLATION OF THE U.S. CONSTITUTION,
FIFTH AMENDMENT**

94. The foregoing allegations are re-alleged and incorporated herein.

95. Ms. Luong is currently in the custody of the Respondent under or by color of the authority of the United States, based on her check-in with ICE ERO in Miramar, Florida.

96. Ms. Luong's detention violates the U.S. Constitution.

97. Ms. Luong is being detained for immigration purposes when ICE knows that it

cannot effect her prompt removal from the United States, that Ms. Luong is neither a flight risk nor a danger, and that he has not violated conditions of her OSUP. Thus, ICE has no permissible basis for depriving her of his liberty, in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution.

98. ICE is bound to inform pre-1995 Vietnamese aliens about their travel documents.

99. Here, Ms. Luong has not been informed of any travel document issued on her behalf and was detained despite having a GPS monitor and a pending OSUP check-up in November.

100. Ms. Luong's re-detention is unlawful because it is indefinite, as her removal is not foreseeable.

101. At this point, Ms. Luong has more than 90 days under ICE custody (considering the 85 days she was in custody in 2010), and her new detention on September 19, 2025. Under *Zadvydas*, her time in detention does not reinitiate with her last re-detention.

102. A judicial order requiring Ms. Luong's release from custody would remedy the Respondent's unlawful conduct.

REQUEST FOR ORAL ARGUMENT

103. Ms. Luong respectfully requests oral argument on this Petition.

PRAYER FOR RELIEF

Wherefore, Ms. Luong, through undersigned counsel, respectfully requests that the Court:

- A. Order that Respondent Rhoden immediately release Ms. Luong from Baker County Detention Center, in Baker, Florida.
- B. Order that Respondents DHS and ICE immediately release Ms. Luong if she is subsequently transferred from her current detention to any other facility thereafter.
- C. Order that Respondents provide the Court and Ms. Luong's counsel with at least two days' notice prior to any removal from Baker County Detention Center.
- D. Award Petitioner attorney's fees and costs pursuant to the Equal Access to Justice Act, and on any other basis justified under the law; and
- E. Grant such other relief that is deemed just and proper by the Court.

Respectfully submitted,

/s/Alexandra P. Friz Garcia
Alexandra P Friz Garcia, Esq.

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Kieu Oanh Thi Luong, and I submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing

Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 6th day of October, 2025.

/s/Alexandra P. Friz Garcia

Alexandra P. Friz Garcia, Esq.

Florida Bar No. 0111496

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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>LUONG, KIEU OANH THI</p> <p>(b) County of Residence of First Listed Plaintiff <u>BAKER</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Alexandra Friz-Garcia, Esq. Fonte Friz-Garcia Immigration Firm, 901 Ponce de Leon Blvd #402, Coral Gables, FL 33134</p>	<p>DEFENDANTS</p> <p>SCOTTY RHODEN, Sheriff of Baker County; TODD LYONS, Acting Director of the U.S. ICE;</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) _____</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> 1 U.S. Government Plaintiff</td> <td><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</td> </tr> <tr> <td><input checked="" type="checkbox"/> 2 U.S. Government Defendant</td> <td><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</td> </tr> </table>	<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	<input checked="" type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width: 100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																								

IV. NATURE OF SUIT (Place an "X" in One Box Only)			Click here for: Nature of Suit Code Descriptions.	
<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>INTELLECTUAL PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> <p><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)</p> <p><input type="checkbox"/> 485 Telephone Consumer Protection Act</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 440 Other Civil Rights</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 448 Education</p>	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <p><input checked="" type="checkbox"/> 463 Alien Detainee</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p>Other:</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p>		

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 2241 - Verified Petition for Writ of Habeas Corpus and for Related Relief

Brief description of cause:
28 USC 2241 - Verified Petition for Writ of Habeas Corpus and for Related Relief

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD Alexandra Friz-Garcia

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Exhibit 1

Ms. Luong's I-94, dated September 10, 1992