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

Keomanivone Phrommany,

Petitioner,

v.

Kristi Noem, Secretary, U.S. Department of
Homeland Security;

Department of Homeland Security;

Todd M. Lyons, Acting Director of
Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

John E. Cantú, Director, Pheonix Field
Office Immigration and Customs
Enforcement;

and,

Fred Figueroa, Warden of Eloy Federal
Detention Center.

Respondents:

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Keomanivone Phrommany (“Petitioner”), through Counsel, respectfully petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241 to remedy his unlawful detention.
2. Pursuant to 28 U.S.C. § 1657(a), Phrommany requests expedited handling of this matter as it is filed under chapter 153 of the federal code.


JURISDICTION AND VENUE

3. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1361 (federal employee mandamus action), § 1651 (All Writs Act), and § 2241 (habeas corpus); Art. I, § 9, cl. 2 of the U.S. Constitution (“Suspension Clause”); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), specifically, 8 U.S.C. § 1101-1537.
4. Because Phrommany seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this court. Zadvydas, v. Davis, 533 U.S. 678 (2001).
5. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or

constitutionality of their detention by DHS. Demore v. Kim, 538 U.S. 510, 516–17 (2003); Jennings v. Rodriguez, 138 S. Ct. 830, 839–41 (2018); Nielsen v. Preap, 139 S. Ct. 954, 961–63 (2019).

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because Phrommany is detained within this District. He is currently detained at the Eloy Federal Detention Center in Eloy, Arizona. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district.

PARTIES


7. Petitioner Phrommany is a citizen of Laos and a resident of Pima County, Arizona, and he is currently detained in Pinal County, Arizona. On July 28, 2025, Phrommany was apprehended by Immigration and Customs Enforcement Officers and taken back into ICE custody while leaving a client's home.
8. Phrommany's alien registration number is A 
9. Phrommany is currently in custody at the Immigration and Customs Enforcement ("ICE") detention center in Eloy, Arizona, pursuant to a final order of removal.
10. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity,

Secretary Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Arizona, supervises the Phoenix ICE Field Office, and is legally responsible for pursuing Phrommany's detention. As such, Respondent Noem is a legal custodian of Phrommany.

11. Respondent Department of Homeland Security ("DHS") is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens, including Phrommany. As such, DHS is a legal custodian of Phrommany.
12. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, which oversees the detention of aliens in the United States. Mr. Lyons is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention. As such, Respondent Lyons is a legal custodian of Phrommany.
13. Respondent Immigration and Customs Enforcement ("ICE") is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act, including the detention of noncitizens. As such, ICE is a legal custodian of Phrommany.

14. Respondent John E. Cantú, Director is being sued in his official capacity as the Field Office Director for the Pheonix Field Office for ICE within DHS. In that capacity, Field Director Cantú has supervisory authority over the ICE agents responsible for detaining Phrommany. The address for the Pheonix Field Office is 2035 N. Central Avenue, Phoenix, AZ 85004, and it is the field office with jurisdiction over Phrommany's detention in Arizona. As such, Respondent Cantú is a legal custodian of Phrommany.
15. Respondent Fred Figueroa is being sued in his official capacity as the Warden of Eloy Federal Detention Center. Because Petitioner is detained in the Eloy Federal Detention Center, Respondent has immediate day-to-day control over Petitioner. As such, Respondent Figueroa is a legal custodian of Phrommany.

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

16. Phrommany is a native and citizen of Laos, born on 
17. On February 27, 1980, Phrommany entered the United States as a lawful permanent resident at the age of eight.
18. On June 21, 1991, when Phrommany was 19 years old, he was convicted for distribution of a controlled substance under S.D.C.L. § 22-42-2 after selling \$140 worth of LSD to an undercover police officer.
19. Phrommany served four months for this conviction in state custody.

20. Phrommany has one other conviction, for providing a false identity to a police officer on January 24, 1993, at the age of 21, and he was convicted of a misdemeanor.
21. After his conviction, Phrommany graduated with honors from South Dakota State University with a bachelor's degree.
22. On November 30, 1994, the Immigration and Nationality Service initiated deportation proceedings against Phrommany on the basis of having been convicted of a controlled substance violation under then 8 U.S.C. § 1231(a)(2)(B)(i) (1994).
23. Phrommany intended to apply for relief from removal under 8 U.S.C. § 1182(c) (1994), but on April 1, 1997, the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) went into effect in April 1997, seemingly dissolving his ability to obtain § 212(c) relief.
24. On August 13, 1997, Phrommany was ordered deported to Laos based on his single controlled substance conviction.
25. On September 12, 1997, his 30-day appeal period expired.
26. Phrommany was released pursuant to an Order of Supervision following his order for removal.

27. On June 5, 2001, the United States Supreme Court decided I.N.S. v. St. Cyr, 533 U.S. 289 (2001), holding that the “provisions of AEDPA and IIRIRA repealing discretionary relief from deportation did not apply retroactively to alien, who pled guilty to sale of controlled substance prior to statutes’ enactment.” Id. at 289.
28. In 2002, Phrommany obtained a Master of Physical Therapy degree from Ambrose University.
29. Phrommany spent the next twenty plus years working as a licensed physical therapist in South Dakota and Arizona.
30. He has volunteered with the Special Olympics.
31. He has assisted with school fundraising.
32. He has worked as an Alzheimer and Amyotrophic lateral sclerosis (ALS) awareness instructor.
33. On April 30, 2025, Respondents published a report titled “100 Days of Fighting Fake News,” where in they indicated that:
 - The reality is that prison isn’t supposed to be fun. It’s a necessary measure to protect society and punish bad guys. It is not meant to be comfortable.
 - What’s more: prison can be avoided by self-deportation. CBP Home makes it simple and easy.
 - If you are a criminal alien and we have to deport you, you could end up in Guantanamo Bay or CECOT. Leave now.

34. From the time first time he was granted an Order of Supervision to his detention on July 28, 2025, Phrommany regularly checked in with ICE officers as required under the terms of his Order of Supervision.
35. As of July 28, 2025, Phrommany's Order of Supervision required that he report in person every three months to an ICE officer in Tucson, Arizona.
36. On July 28, 2025, Phrommany was detained by plain clothed ICE officers after leaving a client's home in Tucson, Arizona.
37. Upon his detention, Phrommany was not interviewed by ICE officers.
38. Phrommany was not provided with a means to illustrate why the revocation of his release was not appropriate or why his removal was not immediately foreseeable.
39. On October 10, 2025, 74 days after he was detained, Phrommany was provided with a "Notice of Revocation of Release," which read:

This letter is to inform you that your order of supervision has been revoked and you will be detained ICE custody at this time. This decision has been made based on a review of your official alien file and a determination that there are changed circumstances in your case.

ICE has determined that you can be expeditiously removed from the US pursuant to outstanding order of removal against you. On August 13, 1997, you were ordered removed to Laos by an authorized US DHS/DOJ official and you are subject to an administratively final order of removal. Your case is under current review by Laos for the issuance of a travel document.

Based on the above, and pursuant to 8 C.F.R. § 241.4/8 C.F.R. § 241.13, you are to remain in ICE custody at this time. You will promptly be afforded an informal interview at which you will be given an opportunity to respond to the reasons for the revocation. You may submit any evidence or information you wish to be reviewed in support of your release. If you are not released after the informal interview, you will receive notification of a new review, which will occur within approximately 3 months of this date of notice.

You are advised that you must ...demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. Section 1253(a).

40. Phrommany has an interview with ICE to review his detention scheduled for October 24, 2025.
41. Respondents have not suggested that Phrommany violated the terms of his supervised probation.
42. Phrommany has no information that Respondents have secured a travel document to any country, Laos or otherwise.
43. Phrommany remains detained in ICE's Eloy detention facility to this day.

LEGAL FRAMEWORK

44. As the constitution states, “[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it.” U.S. Const. art. I, § 9 cl. 2.
45. “[W]hen an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days (in this section referred to as the “removal period”).” 8 U.S.C. § 1231(a)(1)(A).
46. The removal period begins on the latest of the following:
- (i) The date the order of removal becomes administratively final.
 - (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court’s final order.
- 8 U.S.C. § 1231(a)(1)(B).
47. The removal period may be extended beyond a period of 90 days if the alien “fails or refuses to make timely application in good faith for travel or other documents necessary to [his] departure,” or otherwise fails to cooperate in the removal process. 8 U.S.C. § 1231(a)(1)(C).
48. “If the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien—

(A) to appear before an immigration officer periodically for identification;

(B) to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government;

(C) to give information under oath about the alien's nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and

(D) to obey reasonable written restrictions on the alien's conduct or activities that the Attorney General prescribes for the alien."

8 U.S.C. § 1231(a)(3).

49. Importantly, "the statutes at issue permit detention only while removal remains reasonably foreseeable." Nadarajah v. Gonzales, 443 F.3d 1069, 1078 (9th Cir. 2006).
50. "If the HQPDU determines at the conclusion of the review that there is no significant likelihood that the alien will be removed in the reasonably foreseeable future, despite the Service's and the alien's efforts to effect removal, then the HQPDU shall so advise the alien. Unless there are special circumstances justifying continued detention, the Service shall promptly make arrangements for the release of the alien subject to appropriate conditions, as provided in paragraph (h) of this section." 8 C.F.R. § 241.13(g)(1).
51. The revocation of release is also outlined by regulation and "[t]he Service may, in the exercise of its discretion, withdraw approval for release of any

alien under this section prior to release in order to effect removal in the reasonably foreseeable future or where the alien refuses to comply with the conditions of release.” 8 C.F.R. § 241.13(h)(4).

52. Furthermore, “[a]ny alien who has been released under an order of supervision under this section who violates any of the conditions of release may be returned to custody.” 8 C.F.R. § 241.13(h)(4)(i)(1).

53. “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.” 8 C.F.R. § 241.13(h)(4)(i)(2) (emphasis added).

54. Pursuant to this general authority:

The Executive Associate Commissioner shall have authority, in the exercise of discretion, to revoke release and return to [ICE] custody an alien previously approved for release under the procedures in this section. A district director may also revoke release of an alien when, in the district director's opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner.

8 C.F.R. § 241.4(l)(2).

55. “Upon revocation, the alien will be notified of the reasons for revocation of his or her release. The Service will conduct an initial informal interview promptly after his or her return to Service custody to afford the alien an

opportunity to respond to the reasons for revocation stated in the notification. The alien may submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future, or that he or she has not violated the order of supervision.” 8 C.F.R. § 241.13(h)(4)(i)(3).

56. As the full body of the Supreme Court has recognized, “[w]here detention is incident to removal, the detention cannot be justified as punishment nor can the confinement or its conditions be designed in order to punish.” Zadvydas, 533 U.S. at 721 (J. Kennedy, dissenting) (citing Wong Wing v. United States, 163 U.S. 228 (1896)). Id. at 694 (“punitive measures could not be imposed upon aliens ordered removed because ‘all persons within the territory of the United States are entitled to the protection’ of the Constitution.”) (citing Wong Wing, 163 U.S. at 238 (majority opinion)).
57. The writ of habeas Corpus is the “fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action. Harris v. Nelson, 394 U.S. 286, 291 (1969).
58. “The scope and flexibility of the writ – its capacity to reach all manner of illegal detention – its ability to cut through barriers of form and procedural mazes – have always been emphasized and jealously guarded by courts and lawmakers.” Id.

59. Hence, “the very nature of the writ demands that it be administered with the initiative and flexibility essential to ensure the miscarriages of justice within its reach are surfaced and corrected.” Id.
60. Because of the vital role the writ plays in our democracy, and since the petitioner is often in custody, “usually handicapped in developing the evidence needed to support in necessary detail the facts alleged in [a] petition,” the Supreme Court has repeatedly recognized that “a habeas corpus proceeding must not be allowed to flounder in a ‘procedural morass.’” Price v. Johnston, 334 U.S. 266, 269 (1948).

CAUSE OF ACTION

COUNT ONE: DETENTION AS STATUTORY VIOLATION OF 8 U.S.C. § 1231

61. Phrommany re-alleges and incorporates by reference each allegation.
62. Phrommany’s continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231.
63. The 90 day “removal period” has long expired, Phrommany still has not been removed, no other removal is in any way foreseeable, yet Phrommany continues to languish in detention.
64. Phrommany has complied with the mandate of 8 U.S.C. § 1231(a)(3) since his release.

65. Phrommany's removal to Laos or any other country is not significantly likely to occur in the reasonably foreseeable future as she has been granted relief under the Convention Against Torture. The Ninth Circuit held in Nadarajah that ICE's continued detention of someone like Phrommany under such circumstances is unlawful.

COUNT TWO: DETENTION AS REGULATORY VIOLATION OF 8 C.F.R. § 241.13

66. Phrommany re-alleges and incorporates by reference each allegation.
67. Under the applicable regulation "[u]pon revocation, the alien will be notified of the reasons for revocation of his or her release." 8 C.F.R. § 241.13(h)(4)(i)(3).
68. Viable reasons for the withdrawal of release relate to the "effect[uation of] removal in the reasonably foreseeable future or where the alien refuses to comply with the conditions of release." 8 C.F.R. § 241.13(h)(4).
69. "Upon revocation, the alien will be notified of the reasons for revocation of his or her release. The Service will conduct an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.13(h)(4)(i)(3).
70. Respondents did not provide Phrommany with notice of the reasons for his re-detention at the time he was detained.

71. Respondents have not alleged that any changes justify the withdrawal of release relating to either removal in the reasonably foreseeable future or any refusal to comply with the conditions of her release.
72. Respondents have not conducted an informal interview with Phrommany with a prompt interview explaining the revocation of release and providing him an opportunity to respond.
73. Respondents have not complied with 8 C.F.R. § 241.13(h)(i)(4) as they have not provided a reason, consistent with the regulation, for the withdrawal of Phrommany's release.
74. Respondents have not complied with 8 C.F.R. § 241.13(h)(4)(i)(3) as they have not conducted an informal interview with Phrommany with a prompt interview explaining the revocation of release and providing him an opportunity to respond.
75. The burden to establish circumstances that make removal significantly likely in the reasonably foreseeable future belongs to Respondents. Respondents have not complied with its regulations. See Sarail A. v. Bondi, No. 25-cv-2144 (ECT/JFD), ECF No. 9 at 5 (D. Minn. June 17, 2025) (recommending habeas relief when ICE similarly provided a notice that only parroted the regulatory text); Mahamed Roble v. Bondi, No. 25-CV-3196 (LMP/LIB), 2025 WL 2443453, at *3 (D. Minn. Aug. 25, 2025) (granting habeas relief

when ICE failed to provide notice of the changed circumstances that related particularly to Respondent).

76. Respondents' failure also violates the mandate of Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954).
77. Respondents have no evidence that Petitioner's removal is reasonably foreseeable or imminent, and they have not pointed to a refusal to comply with the terms of his release, so Phrommany's ongoing detention is therefore unreasonable and a violation of 8 C.F.R. § 241.13.

**COUNT THREE: DETENTION AS SUBSTANTIVE DUE PROCESS
VIOLATION OF THE FIFTH AMENDMENT**

78. Phrommany re-alleges and incorporates by reference each allegation.
79. Phrommany's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.
80. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest.
81. Such detention cannot be punitive in nature. *See* Zadvydas, 533 U.S. at 694; Wong Wing, 163 U.S. at 238.
82. While Respondents would have an interest in detaining Phrommany in order to effectuate removal, that interest does not justify the indefinite and

arbitrary detention of Petitioner when Respondents are not significantly likely to remove Petitioner in the reasonably foreseeable future.

83. Zadvydas, 533 U.S. at 701; Nadarajah, 443 F.3d at 1084. recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal, and there is no such reasonable probability here.

84. Respondents' public statements indicating that:

- The reality is that prison isn't supposed to be fun. It's a necessary measure to protect society and punish bad guys. It is not meant to be comfortable.
- What's more: prison can be avoided by self-deportation. CBP Home makes it simple and easy.
- If you are a criminal alien and we have to deport you, you could end up in Guantanamo Bay or CECOT. Leave now.

Indicate that detention is not meant to effectuate immediately foreseeable departure, but rather to punish those Respondents seek to for failing to previously depart and to convey a message of fear and intimidation to similarly situated noncitizens and encourage self-deportation.

85. This is a violation of the Fifth Amendment's Due Process Clause. *See* Zadvydas, 533 U.S. at 701; Nadarajah, 443 F.3d at 1084.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Keomanivone Phrommany, asks this Court for the following relief:

1. Assume jurisdiction over this matter.
2. Order Respondents to show cause for their continued detention of Phrommany within three days pursuant to 28 U.S.C. § 2243.
3. Grant the writ of habeas corpus.
4. Order Petitioner's release from custody under an order of supervision or other condition as set by the Court.
5. Declare that Petitioner's re-detention violates the Due Process Clause of the Fifth Amendment where the agency fails to follow its own regulations.
6. Declare that Petitioner's re-detention violates the Due Process Clause in the absence of a travel document and arrangements for departure.
7. Grant Phrommany reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).
8. Grant all further relief this Court deems just and proper.

DATED: October 14, 2025

Respectfully submitted,

/s/ David Wilson

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Attorney for Petitioner

**Verification by
Petitioner's Counsel Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner because I am his attorney. I have discussed the events described in this Petition with Petitioner and have reviewed relevant paperwork corroborating this petition. Petitioner has reviewed the petition in full and confirmed its contents. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the dates and nature of the administrative appellate procedure, are true and correct to the best of my knowledge.

/s/ David Wilson
David Wilson

10/14/2025
Date: