

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA (BATON ROUGE DIVISION)

Chanthila Souvannarath, Petitioner,

v.

Kevin Jordan, Warden, Camp 57 ICE Processing Center; Pamela Bondi, Attorney General of the United States; Todd Lyons, Acting Director, U.S. Immigration and Customs Enforcement; Kristi Noem, Secretary, Department of Homeland Security; Field Office Director, DHS/ICE Oakdale Field Office; Chief Counsel, OPLA New Orleans; and the United States of America, Respondents.

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

I. INTRODUCTION

Petitioner Chanthila Souvannarath, A# [REDACTED] ID# [REDACTED] is unlawfully detained by Immigration and Customs Enforcement at Camp 57 (Angola, Louisiana) and faces imminent removal to Laos. ICE seeks to deport a United States citizen; under former

INA § 321(a), 8 U.S.C. § 1432(a) (repealed 2001), Petitioner automatically derived U.S. citizenship through his father's 1988 naturalization.

Because removal of a citizen is void (*Ng Fung Ho v. White*, 259 U.S. 276 (1922)), the Court must immediately stay removal and order Petitioner's release.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) and Article I, § 9 of the U.S. Constitution. Venue lies in the Middle District of Louisiana because Petitioner is confined at Camp 57 within this District.

III. PARTIES

Petitioner: Chanthila Souvannarath, lawful permanent resident since July 29 1982, detained at Camp 57 ICE Processing Center, Angola, LA 70712.

Respondents: the Warden of Camp 57 (Angola); the Attorney General; the Secretary of Homeland Security; the Acting Director of ICE; the ICE Field Office Director (Oakdale); the Chief Counsel (OPLA New Orleans); and the United States.

IV. FACTUAL BACKGROUND AND FAMILY HISTORY

1. Birth and Entry. Petitioner was born September 6 1981 in a refugee camp in Thailand to Bounpheng Souvannarath (now Billy Koulthasen) and Manivahn Souvannarath. He entered the United States at Honolulu International Airport on July 29 1982 as a refugee infant and was granted lawful permanent residence.

2. Family Residence. From 1982 to 1988 Petitioner lived with both parents in Hawaii. His sisters Phonesavanh and Sivada were also in the household.

3. Parents' Separation and Divorce. The parents separated and obtained a divorce in Honolulu around September 1988. After the separation Petitioner initially resided with his mother in San Diego and Washington State.

4. Return to Father's Custody. At about age 13 (1985), Petitioner returned to Hawaii to live permanently with his father. He attended Kawanannakoa Intermediate School in Honolulu and remained in his father's physical and legal custody thereafter.

5. Father's Naturalization. On February 17 1988, while still married to Manivahn Souvannarath, Petitioner's father naturalized as a U.S. citizen in the U.S. District Court for Hawaii under the name Billy Koulthasen (Certificate No. 13113696). Petitioner was 6 years old and a lawful permanent resident at that time.

6. Continuous Residence. Petitioner has lived in the United States since infancy, has never renounced LPR status, and has always considered himself an American citizen.

V. CURRENT DETENTION AND IMMINENT REMOVAL

Petitioner has been detained by ICE since June 18 2025. Despite documentary proof of derivative citizenship, officers have told him he will be placed on the next flight to Laos. Detention conditions at Camp 57 are inhumane and degrading, with unsanitary facilities and restricted access to legal resources. ICE lacks authority to detain or remove a citizen.

VI. LEGAL FRAMEWORK AND ARGUMENT

1. Former INA § 321(a) (8 U.S.C. § 1432(a)) provided automatic citizenship when, before age 18:

(a) a parent naturalized; (b) the child was under 18; (c) the child was a lawful permanent resident; and (d) if the parents were legally separated, the child was in the legal custody of the naturalized parent.

Petitioner satisfied every requirement by 1988.

2. Controlling Fifth Circuit Precedent.

Nehme v. INS, 252 F.3d 415 (5th Cir. 2001) – citizenship vests automatically once the statutory elements coexist.

Bustamante-Barrera v. Gonzales, 447 F.3d 388 (5th Cir. 2006) – citizenship questions are reviewed de novo.

Omolo v. Gonzales, 452 F.3d 404 (5th Cir. 2006) – “legal custody” includes actual primary custody.

Pierre v. Holder, 738 F.3d 39 (5th Cir. 2013) – derivative-citizenship claims remain governed by the pre-2001 statute.

3. Persuasive Authorities. *Minasyan v. Gonzales*, 401 F.3d 1069 (9th Cir. 2005); *Duarte-Ceri v. Holder*, 630 F.3d 83 (2d Cir. 2010); *Flores v. USCIS*, 718 F.3d 548 (6th Cir. 2013).

4. Constitutional and Statutory Rights. Detaining or removing a citizen violates the Fifth Amendment and 28 U.S.C. § 2241(c)(3). See *Ng Fung Ho v. White*, 259 U.S. 276 (1922); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Clark v. Martinez*, 543 U.S. 371 (2005).

VII. APPLICATION OF LAW TO FACTS

Father naturalized February 17 1988.

Petitioner was 16 and a lawful permanent resident.

Parents were legally separated the same year.

Petitioner was in his father's custody in Honolulu.

Therefore, under former § 321(a), Petitioner's citizenship vested automatically in 1988. ICE's custody and threatened removal are unlawful.

VIII. RELIEF REQUESTED

Petitioner respectfully asks the Court to:

1. Enter an emergency stay of removal;
2. Order Petitioner's immediate release;

3. Declare that Petitioner is a United States citizen; and

4. Grant any other relief the Court deems just and proper.

IX. DECLARATION (28 U.S.C. § 1746)

I, Chanthila Souvannarath, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed at Angola, Louisiana, this 15th day of October 2025.



Chanthila Souvannarath

A#



| ID#



Camp 57 ICE Processing Center

17544 Tunica Trace Angola, LA 70712

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X. EXHIBITS

Exhibit A – Father’s Certificate of Naturalization (copy enclosed).

Exhibits B-E – (To be submitted when available; Petitioner is detained and has limited access to records.)

Chanthila Ubavannarat 4025551576

Camp 57 ICE Processing Center



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17544 Tunica Trace
Angola, LA 70712

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BY
U.S. MARSHAL

Clerk of Court
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