

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

CHANTHILA SOUVANNARATH

HABEAS PROCEEDING

VERSUS

No. 25-938-SDD-SDJ

**IMMIGRATION AND CUSTOMS
ENFORCEMENT, *et al.***

RESPONDENTS' RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION

Pursuant to the Court's Order, Doc. 4, the Respondents, U.S. Immigration and Customs Enforcement (ICE); Attorney General Pamela Bondi; Todd Lyons, Acting Director, U.S. Immigration and Customs Enforcement; Secretary Kristi Noem; and the United States of America (collectively, Respondents) submit to the Court this Response.

STATUS OF THE PETITIONER

On October 23, 2025, the Court issued a temporary restraining order (TRO) that prohibited Respondents from removing the Petitioner, Chanthila "Chan" Souvannarath,¹ from the United States and from transferring him out of the jurisdiction of this Court. Doc. 4, p. 4.

Regrettably, the Petitioner had already been removed from the district before the Court granted the TRO, and Mr. Souvannarath was removed from the United States before Respondents had notice of the Court's order. As detailed below and through the attached declaration, Respondents are providing the Court with a timeline of the Petitioner's custody and removal. But to be clear, Respondents were unaware of any order issued by the Court when they effectuated Mr. Souvannarath's removal, and they in no way acted to circumvent that order when apprised of it.

¹ The Petitioner previously filed a habeas immigration proceeding in the Western District of Louisiana, where his alias is identified on the docket. *See Souvannarath v. Rice, et al.*, docket no. 25-1058 (W.D. La.).

However, Respondents also stress that Petitioner's claims of purported citizenship are not properly before the Court, which lacks subject-matter jurisdiction. And Petitioner cannot use the guise of this purported citizenship dispute to undermine his own removal.

For those reasons, Respondents offer the following background regarding Mr. Souvannarath, arguments concerning jurisdiction, and, considering the same, respectfully request the Court dissolve the temporary restraining order (TRO) issued in this proceeding. Doc. 4.

BACKGROUND

Solely for purposes of this Response, and considering the expedited briefing schedule, Respondents cite to those facts set forth by the Petitioner in his filings.

Mr. Souvannarath entered the United States with his parents, Bounpheng Souvannarath (*aka* Billy Koulthasen) and Manivahn Souvannarath, on or around July 29, 1982. Doc. 2, p. 3, ¶ 1. He was born in Thailand. *Id.*

Petitioner alleges his father became a naturalized citizen in 1988, while his parents were still married. Doc. 2, p. 3, ¶ 5. But the timeline of his parents' marital status is confusing. Petitioner alleges that his parents divorced "around September 1988" in Honolulu, HI. *Id.* p. 3, ¶ 3. Mr. Souvannarath acknowledges he was in the custody of his mother after their separation, *id.*, but claims he "returned" to his father's custody "in 1985," at age 13. *Id.* ¶ 4.² Petitioner insists he attended Kawanannakoa Intermediate School in Honolulu and remained in his father's custody "thereafter." *Id.* Mr. Souvannarath acknowledges he turned eighteen years old on  1999, Doc. 2-3, p. 6, but he makes no allegation that his mother became a citizen before that time.

On November 16, 2006, an Immigration Judge ordered Petitioner removed from the United States. Ex. A, Declaration of DFOD Brian Acuna, ¶ 3. Respondents have no record of the

² This would predate his parents' divorce, and regardless, Mr. Souvannarath would not have been that age based on his own date of birth.

Petitioner appealing that decision, which became a final order of removal. *Id.* Petitioner was ordered removed to either Laos or Thailand. *Id.* Respondents are not aware of any attempt by the Petitioner to reopen his immigration proceedings since that time or to seek an administrative determination of his citizenship.³

On or about June 18, 2025, Petitioner was detained by the Department of Homeland Security (DHS) for purposes of effectuating his removal from the United States. Ex. A, ¶ 4. On July 22, 2025, Petitioner initiated a habeas proceeding in the Western District of Louisiana. *Souvannarath v. Rice*, no. 25-1058 (W.D. La.). That court denied the Petitioner's motion to proceed in forma pauperis and ultimately dismissed the petition for failure to pay the filing fee.

Petitioner was subsequently transferred to the Louisiana ICE Processing Center in Angola, LA. Ex. A, ¶ 6. On October 16, 2025, Petitioner initiated this proceeding, seeking "emergency" relief from the Court the following day. Docs. 1-3. The Court issued a temporary restraining order (TRO) *ex parte* on October 23, 2025. Doc. 4.

On October 20, 2025, Petitioner was transferred from the Louisiana ICE Processing Center to the Alexandria Staging Facility in Alexandria, LA, where he was booked into that facility at 9:26 a.m. Ex. A, ¶ 7. On October 24, 2025, at approximately 3:00 a.m., Petitioner's removal flight departed Alexandria enroute to Baltimore, MD, where it arrived at approximately 6:10 a.m. EDT. *Id.* ¶ 8. That same day, at approximately 11:45 a.m. EDT, Petitioner's removal flight departed the United States from Baltimore. *Id.*

Respondents, their agents, and their officers had no notice of the Court's TRO prior to Petitioner's removal from the United States. The docket of this matter reflects that the Clerk of

³ Public records of the Petitioner's immigration court proceedings are available through the Executive Office of Immigration Review (EOIR) Automated Case Information System (ACIS), at: <https://acis.eoir.justice.gov/en/>

Court mailed service of the Court's TRO to the "Petitioner" on October 24. Doc. 4.⁴ A copy of the Court's TRO was received by mail at the Office of the U.S. Attorney on Thursday, October 29 at 2:01 p.m.⁵

ARGUMENT

A. The Court Lacks Jurisdiction to Declare Petitioner's Citizenship

Respondents dispute Petitioner's contention that he is entitled to citizenship under INA § 321(a) [8 U.S.C. § 1432(a)], and some of the facts set forth throughout his pleadings. Nevertheless, the Court lacks subject matter jurisdiction to resolve the dispute.

Petitioner asks this Court to "declare" his citizenship. Doc. 2-3, p. 8, § X(3); Doc. 3, p. 2, § I(2). Under 8 U.S.C. § 1503(a), a person within the United States may bring an action for "declaration" of their U.S. nationality via the Declaratory Judgment Act, 28 U.S.C. § 2201. But such an action "may be instituted only within five years after the final administrative denial of such right or privilege" and must be filed in the district where "such person resides or claims a residence." *Id.*; see also *Flores v. Hartnett*, No. 21-50139, 2022 WL 101978, at *2 (5th Cir. Jan. 10, 2022). Exhaustion of administrative remedies is a jurisdictional prerequisite to seeking any such declaration. *Id.*, at *3. Moreover, no person can seek such a declaration of citizenship if raised "in connection with any removal proceeding" 8 U.S.C. § 1503(a)(1). Such challenges must instead be presented to the appropriate court of appeals. See *id.* § 1252(b)(5).

Petitioner's final order of removal was issued in 2006. Ex. A, ¶ 3. Despite having the burden of proof on jurisdiction,⁶ there are no allegations suggesting that Petitioner pursued any

⁴ It is unclear whether the docket entry contains a typographical error or whether the order has been mailed to all Respondents.

⁵ The envelope is postmarked Saturday, October 25. Metered postage is dated October 24.

⁶ See *Voice of the Experienced v. Ardoin*, No. 23-331-JWD-SDJ, 2025 WL 2977060, at *15 (M.D. La. Oct. 21, 2025) ("[T]he plaintiff constantly bears the burden of proof that jurisdiction does in fact exist." (quoting *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001))).

administrative determination of his purported citizenship, such as through the filing of a Form N-600. Rather, it appears that Petitioner is using the guise of this purported citizenship dispute to collaterally attack his own final removal order in contravention of 8 U.S.C. § 1503(a)(1).

To be clear, the Fifth Circuit has held that § 1503(a) provides no such jurisdictional bar where “a citizenship claim finds its genesis outside of the context of removal proceedings.” *Rios-Valenzuela v. Dep’t of Homeland Sec.*, 506 F.3d 393, 399 (5th Cir. 2007). But that scenario is inapplicable here. Based on the relief sought in his own filings (i.e., declaration to support “stay of removal”; “immediate temporary stay of removal”), Petitioner cannot plausibly allege that a declaration would not arise out of the context of his administrative removal. Doc. 2-3, p. 8; Doc. 3, p. 4.

District courts in this circuit have held that petitioners in similar circumstances were jurisdictionally barred from pursuing relief under § 1503(a)(1) where the claims were made in direct response to imminent removal. *See, e.g., Garza v. Bennett*, No. CV B: 17-158, 2017 WL 7248899, at *9 (S.D. Tex. Oct. 27, 2017), *report and recommendation adopted*, No. 1:17-CV-00158, 2018 WL 671271 (S.D. Tex. Jan. 31, 2018) (petitioner only filed suit when informed the Government intended to remove him from the United States) (citing *Yi v. U.S.*, No. CV H-14-3289, 2016 WL 8488349, at *6 (S.D. Tex. Mar. 31, 2016) (“declaratory judgment action was filed to circumvent the administrative removal process.”)).

As previously mentioned, Petitioner’s final order of removal was issued in 2006. He has not set forth any administrative efforts taken to resolve issues of his citizenship since that time, and he cannot avail himself of the relief afforded under 8 U.S.C. § 1503(a) without first doing so. Therefore, the Court lacks subject-matter jurisdiction to issue such a declaration.

B. The Court Lacks Jurisdiction to Resolve Citizenship Disputes or Review Removal Actions

Petitioner attempts to assert a claim of citizenship based on a provision of the INA that was repealed in 2001,⁷ and replaced by the Child Citizenship Act (CCA).⁸ But Petitioner's claim is improperly before this Court. The INA explicitly reserves issues of nationality to the relevant U.S. Court of Appeals or, *if transferred*, to the district court where the petitioner resides. 8 U.S.C. § 1252(b)(5)(A)-(B) (emphasis added); *see also Omolo v. Gonzales*, 452 F.3d 404, 407 (5th Cir. 2006). "The petitioner may have such a nationality claim decided only as provided in this paragraph." 8 U.S.C. § 1252(b)(5)(C) (emphasis added).

The Petitioner's final order of removal was rendered in 2006, and he did not appeal. Ex. A, ¶ 3. Regardless, the exclusive means of review of a final order of removal is through "a petition filed with an appropriate court of appeals . . .," 8 U.S.C. § 1252(a)(5), meaning that the order is incontestable in this proceeding. So far as the Respondents are aware, Petitioner did not move to reopen that final order of removal, either. But "[j]udicial review of all questions of law and fact . . . arising from any action taken or proceeding brought to remove an alien from the United States under this subchapter shall be available only in judicial review of a final order under this section." 8 U.S.C. § 1252(b)(9). "Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of title 28 or any other habeas corpus provision . . . to review . . . such questions of law or fact." *Id.* Section 1252(g) further provides:

Except as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, . . . no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to *commence*

⁷ 8 U.S.C. § 1432(a) granted citizenship to "a child born outside the United States of alien parents...[where] the naturalization of the parent having legal custody of the child when there has been a legal separation of the parents... and if such naturalization takes place while such child is unmarried and under the age of eighteen years; and such child is residing in the United States pursuant to a lawful admission for permanent residence at the time of the naturalization." 8 U.S.C. § 1432(a)(3)-(5). It was repealed on October 30, 2000, through the Child Citizenship Act of 2000. *See* Pub. L. 106-395, 114 Stat. 1631.

⁸ Took effect on February 27, 2001.

proceedings, *adjudicate* cases, or *execute* removal orders against any alien under this chapter.

8 U.S.C. § 1252(g) (emphasis added). As a result, the Court lacks jurisdiction over any challenge to the execution of Mr. Souvannarath’s final order of removal.⁹

Those jurisdictional limitations are well-founded. They apply “to protect from judicial intervention the Attorney General’s long-established discretion to decide whether and when to prosecute or adjudicate removal proceedings or to execute removal orders.” *Duarte v. Mayorkas*, 27 F.4th 1044, 1055 (5th Cir. 2022) (quoting *Alvidres-Reyes v. Reno*, 180 F.3d 199, 201 (5th Cir. 1999)).

It is clear that Petitioner is now seeking judicial review of the decision to execute his removal order. See, Doc. 2-3, p. 6 (“Enter an immediate stay of removal”); *id.* p. 9 (“threatened removal unlawful”); *id.* p. 4 (“Citizenship issues are jurisdictional and must be resolved before removal can proceed.”); see also Doc. 3, p. 2 (immediate temporary stay of removal); *id.* (Removal would be unlawful); *id.* p. 3 (“illegal removal”); *id.* pp. 3-4 (requesting stay of removal). Because Mr. Souvannarath’s claim falls within one of the “three discrete actions” of Section 1252’s jurisdictional bar—the Attorney General’s decision or action to execute removal orders—the Court is deprived of subject matter jurisdiction over his claim. *Momin v. Tate*, No. 4:25-CV-4389, 2025 WL 2956131, at * 2 (S.D. Tex. Oct. 1, 2025), *report and recommendation adopted*, No. 4:25CV4389, 2025 WL 2962574 (S.D. Tex. Oct. 20, 2025) (quoting *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999)).

⁹ See, e.g., Mem. Order at 6, *Mohamed Ali v. Williams*, No. 25-419 (W.D. La. July 29, 2025), Doc. 22 (denying request for order to prevent removal from the United States pending adjudication of application for temporary protected status based on 8 U.S.C. § 1252(g)); Order at 2, *Oliveira v. Patterson*, No. 25-1463 (W.D. La. Oct. 9, 2025), Doc. 13 (denying motion for temporary restraining order to prevent removal or transfer of Petitioner based on 8 U.S.C. § 1252(g)).

CONCLUSION

Respondents regret any confusion concerning the removal of Mr. Souvannarath. But no officer or agent of the Respondents had notice of the Court's TRO prior to Mr. Souvannarath's removal from the United States, and the TRO had not yet been issued when Mr. Souvannarath was removed from this district.

Either way, Mr. Souvannarath cannot seek a judicial declaration of citizenship without first exhausting administrative remedies. And Mr. Souvannarath cannot rely on that purported citizenship claim to circumvent the jurisdictional limits on execution of his final order of removal. To whatever extent Petitioner seeks to contest facts surrounding his citizenship status, he must channel those claims to the relevant court of appeals.

Respondents request that the Court deny Mr. Souvannarath's motion for a preliminary injunction, dissolve the current temporary restraining order for lack of jurisdiction, and dismiss the habeas petition.

Baton Rouge, Louisiana, this 29th day of October, 2025.

Respectfully submitted,

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