

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

CHANTHILA SOUVANNARATH,
Petitioner,

v.

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

Respondents.

Civil Action No.
25-cv-938-SDD-SDJ

RESPONSE TO ECF NOS. 12 AND 15

Newly-retained counsel for Petitioner Chanthila Souvannarath submits this Notice in response to Respondents' ECF Nos. 12 and 15 and raises three points.

First, Petitioner disputes the timeline and events at issue as described in Respondents' Notice. ECF No. 12. Petitioner's habeas corpus petition was docketed and filed in this Court on October 16, 2025. *See* ECF No. 4 at n.1. That filing established this Court's jurisdiction over Mr. Souvannarath's habeas petition and his attendant claims, including his claim to United States citizenship. *See Ex parte Endo*, 323 U.S. 283, 306–7 (1944) (establishing the *Endo* rule that transfer does not remove jurisdiction); *Padilla v. Rumsfeld*, 542 U.S. 426, 435 (2004) (stating that a habeas corpus petition challenging current custody generally must be filed in the district of confinement, which was the Middle District of Louisiana at the time Mr. Souvannarath filed his petition); *Padilla*, 542 U.S. at 441 (explaining that a district court retains jurisdiction and "may direct the writ to any respondent within its jurisdiction who has legal authority to effectuate [the petitioner's] release" (citing *Ex Parte Endo*, 323 U.S. 283)); *Lee v. Wetzel*, 244 F.3d 370, 373–75 (5th Cir. 2001) (applying the rule as "jurisdiction over a habeas petition attaches at the time of

filing”); *Griffin v. Ebbert*, 751 F.3d 288, 290 (5th Cir. 2014) (“Jurisdiction over a habeas petition is not destroyed by the transfer of the petitioner and accompanying custodial change”); *Enwonwu v. Joyce*, 2025 WL 2112712, at *2 (W.D. La. May 14, 2025) (applying *Lee* and *Griffin*). Thus, the fact that Mr. Souvannarath was physically removed from the jurisdiction of this Court is of no moment. *See, e.g. Lee*, 244 F.3d at 373–75. This Court had jurisdiction before it issued its October 23, 2025 Order and maintains jurisdiction over Mr. Souvannarath’s claims and its Order today.¹ *Id.* If the Court is of the view that Mr. Souvannarath needs to be in the United States to make out his case, then the answer is simple: he needs to be repatriated in order to do so. *See* ECF No. 4 at 4 (“If Petitioner is deported, he will be unable to effectively ligate his case from Laos.”)

Second, whether Immigration and Customs Enforcement (“ICE”) Order was on notice of this Court’s order is disputed. What is not disputed is that ICE was on notice that a habeas petition had been filed positing a substantial claim to United States citizenship as early as October 17, 2025. *Id.* at 3 (“Petitioner has provided a certificate of service showing that Respondents have been served with the instant Motion.”) At bottom, ICE knows better than to hide behind their own willful blindness in disclaiming responsibility for what transpires on court dockets implicating alleged unlawful actions by the agency. So too do they know that retaliating against Mr. Souvannarath for filing a habeas petition, by abruptly removing him from the United States, is unlawful—particularly when ICE’s very authority to detain him has been placed into question by the habeas petition at issue. In any event, on information and belief, the following events are alleged to have

¹ Despite the insinuations in Respondents’ Notice, counsel for Petitioner Mr. Souvannarath met with him, at Petitioner’s request, for a legal consultation on October 20, 2025—days before he was removed from the United States. Counsel then proceeded, at Mr. Souvannarath’s request, to look into the legal issues at bar in his case and was in the process of doing so when apprised by his wife of his sudden removal on the evening of October 27, 2025. As counsel for Respondents noted, the undersigned contacted the U.S. Attorney’s Office on the morning of October 28, 2025 to apprise them of this fact, including that counsel would be enrolling in this matter, that Petitioner’s removal was in violation of this Court’s order, and that counsel would move to enforce the Order.

taken place:

- The Warden of the Louisiana ICE Processing Center on the grounds of the Louisiana State Penitentiary (“Camp 57”) was served with Mr. Souvannarath’s habeas petition on October 17, 2025.
- On or around October 20, 2025, after speaking with counsel, Mr. Souvannarath was removed from Camp 57 and transported to the Alexandria Staging Facility in Alexandria, Louisiana. ECF No. 15-1 at ¶ 7 (Acuna Declaration).
- A deportation flight to Southeast Asia was initiated on October 23, 2025 and Mr. Souvannarath was a passenger on that flight.
- That flight was aborted the same day and returned to the Staging Facility in Alexandria.
- On the morning of October 24, 2025, Mr. Souvannarath’s wife spoke to an ICE official who indicated to her that Mr. Souvannarath’s removal had been stayed following an order.

Third, Respondents utilize their Notice to assert that this Court lacks jurisdiction pursuant to 8 U.S.C. 1252(g). ECF No. 12. This improperly assumes that Petitioner’s claims—that he is a United States citizen and, therefore, that his detention and removal were improper—are facially meritless, but that is contrary to the assessment and logic behind this Court’s Order. ECF No. 4.

In light of Respondents’ evening filing (ECF No. 15), counsel for Petitioner will seek to confer with counsel for Respondents to identify amenable timelines for forthcoming briefing (a) seeking leave to conduct limited discovery in this action as to the timeline of events concerning Respondents’ Notice of this Court’s order, and events surrounding any retaliation against Petitioner for the filing of his petition, and (b) to accommodate Respondents’ response to Petitioner’s pending Motion, ECF No. 11. Petitioner would respectfully request that the Court reserve final judgment until such negotiations are complete.

Respectfully submitted,

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** Pro hac vice application pending*