

United States District Court
for the
Western District of Oklahoma

Thank Tri Ta
petitioner
v.
Ice

CASE No.
CIV-25-1256-PRW

Admended Writ of Habeas Corpus
28 USC 2241

Supplement Brief

FILED

NOV 04 2025

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY KB DEPUTY

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR: Violation of the due process clause of the Fifth Amendment to the US Constitution.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Ice has been removing vietnamese national to third country (south Sudan, Libia, Eritriani, and Uganda) without notice and oppurtunity to be heard.

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: This is not applicable to this matter.

Request for Relief

15. State exactly what you want the court to do: I pray this Honorable Court order my immediate release from ICE custody to unite with my wife and children awaiting my travel documents to vietnam.

I also pray that this court refrain^{ICE} from arresting me if there is no possible way that Vietnam will issue me travel document within ~~see~~ foreseeable time. I pray ICE refrain from deporting me to third country without notice and opportunity to be heard. I also pray your Honor to direct ICE to ~~re~~ reinstate me to my prior supervision release order and work authorization to continue to work and support myself during time of waiting for my travel document.

Numerous district courts have rules that ICE should be prevented from removing immigrants to a ^{third} country without adequate notice and an opportunity to be heard. ICE has practices of removing individuals to third country without notice and opportunity to be heard is why courts have rejected similar arguments by the government that such claims are speculative and unripe - by the time they are ripe by the government's argument, it will be too late for the individuals to meaningfully challenge the removal.

ECF No. 9 at 8 (citing D.V.B. v. U.S. Dept. of Homeland Sec. 778 F. Supp. 3d 355, 389 (D. Mass. 2025)).

See also Loungmilith v. Noem, 2025 U.S. District Lexis 200619 (Same) Arostegui-Maldonado v. Baltazar, 2025 U.S. Dist. Lexis 153843 (2025 Dist. Colorado)

See also Quoc chi Hoac v. Becerra, 2025 U.S. Dist. Lexis 136002 Zakzouk v. Becerra, 2025 U.S. District Lexis 201666 (same) Mahdejian v. Bradford, 2025 U.S. Dist. 154931 (same)

On July 9, 2025, ICE issued new guidance indicating it may remove any alien to a ~~third country~~ "without the need for further procedures" as long as the U.S. has received credible assurances "from that country that deportees will not be prosecuted or tortured. This procedure does not inform an individual subject to removal of his right to apply for withholding of deportation or of the opportunity to present any fear of persecution or harms upon return to the designated country. As such, this new guideline if implemented without further procedures would violate the immigrant due process right under Andriasian, 180 F.3d 1033. See Mong Tuyen Thi TRAN v. Scott, 2025 U.S. Dist. Lexis 201561 (D. Wash Oct 12, 2025)

In the weeks since filing this petition, numerous courts have encountered identical and/or similar claims and have ruled in favor of such claims and petitions.

See Liu v. Carter, 2025 U.S. Dist. Lexis 79059, 2025 WL 1207089, at *2 (D. Kansas April 25, 2025)

Ping Heng Qui v. Carter, 2025 U.S. Dist. Lexis 190236 (D. Kan Sept 26, 2025)
Wing Nuen Liu v. Carter, 2025 U.S. Dist. Lexis 115275 (D. Kan June 25, 2025)
Xuan Ho v. Noem, 2025 U.S. Dist. Lexis 207382 (D. S.D. Cal Oct 20, 2025)
Yee S v. Bowdi, 2025 U.S. Dist. Lexis 200016 (2025)
S.F. v. Bostock, 2025 U.S. Dist. Lexis 198258 (2025)

Siguenza v. Moniz, 2025 U.S. Dist. Lexis 188746. Most courts to consider the issue have concluded that the Zadvydas perior is cumulative, motivated, in part, by a concern that the federal government could otherwise detain noncitizens indefinitely by continuously releasing and redetaining them. See Nguyen v. Scott, No 25-cv-01398, 2025 U.S. Dist. Lexis 162859, 2025 WL 2419288, at *13 (W.D. Wash August 21, 2025); Escalante v. Noem, No 25-cv-00182, 2025 U.S. Dist. Lexis 148899, 2025 WL 2206113, *3 (E.D. Tex August 2, 2025). In Nguyen v. Warden, 2025 U.S. Dist. Lexis 207379 (S.D. Cal Oct 21, 2025) The court rejects the government's arguments, that merely preparing travel document show likelihood of removal and the six month detention perior resets with each detention.

Your honor, the complexity of immigration laws and my lack of legal education and restricted internet access made it difficult to articulate my claims without counsel on top of my inability to earn money while detained. I am truly suffering the deprivation that come with detention as I am in custody over 5 hrs away from my home and family, and despite being in custody for a civil offense, I am detained with and subject to the same rules as those incarcerated at Cimarron for criminal offenses."

On Oct 8, 2025, I made a request to Ice on an approved facility tablet about the status of my travel document. On Oct 14, 2025, Ice responded "No update has been receiving regarding your travel document." Ice has thus far failed to follow these provisions in three material respects. First subsection 241.13(i)(2) requires Ice to determine that the detainee is likely to be removed in the reasonable foreseeable future on account of changed circumstances. Ice assert that they have determined that there are changed circumstances and that I will be removed to Vietnam in the reasonably foreseeable future. 241.13(2) requires that this determination is made

before the removable alien has had his release revoked. See Continued Detention of aliens Subject to Final Orders of Removal, 66 Fed. Reg. 56967, 56971 (Nov. 14, 2001). Codified at CFR pts. 3.241) ("In any case where, based on a changed circumstances, the Service later makes a determination that there is a significant likelihood that the Service subsequently will be able to remove the alien.. in the reasonably foreseeable future, the custody provision of 241.4 will again apply. In that event, the Service may return the alien to detention with the removal...." (emphasis added)). As in Rokhfirooz, there is no record here that such a determination was made on or before the revocation of my release on September 17, 2025. Rokhfiroo v. La Rose, 2025 WL 2646165, at *3 (S.D. Cal. Sept 15, 2025). Therefore, in Rokhfiroo, Judge Huie ordered the aliens release. In Kha Nguyen TRAN v. Noem, 2025, U.S. Dist. Lexis 211542 (S.D. Cal. Oct 27, 2025) "the court stated even if ICE made a determination on the likelihood of TRAVIS removal before revoking his release, it would not have been "on account of" changed circumstances. Indeed, ICE did not even submit a request to Vietnam for travel document until September 18, 2025 — three months after taking TRAN into custody. ICE provide no evidence of an actual determination of changed circumstances that justified the initial revocation of TRAN's release.

On the date of my arrest, I told the arresting officer my report date is December 22, 2025 (see exhibit A), as he was driving and I am handcuff in the back seat, he told me that he is required to arrest everyone with final order of removal. Once arrived at Dallas booking station, I was finger prints, take pictures, and put in an 8' by 10' foot cell with 28 other detainees. It was overly crowded we all have to sleep sitting down. It was extremely cold and we had to staying in there for two nights and day. Since the day of my arrest til now, I was never provide with any written paper or any informal interview as to the reason for my release's revocation. I have sent multiple custody redetermination requests on ICE's facility tablet, and have received no response.

A government Agency is required to follow its regulations. United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954). This is especially so when the regulation provides for procedural due process. See Niz-Chavez v. Garland, 593 U.S. 155, 172 (2021) ("If men turn square corners when they deal with the government, it cannot be too much to expect the government to turn square corners when it deals with them."). ICE violated 8 C.F.R. 241.13 (i)(2).

In a recent development, Momenia v. Bondi, 2025 U.S. 2025, Dist. Lexis 211038 (W.D. OK Oct 27, 2025) an opinion in this District stated ICE violated its own regulations in arresting and detaining Momenia and ordered him released.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

~~09/27/2025~~ ~~10/04/2025~~ 10-28-2025

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 10/28/2025
~~09/26/2025~~


thanh tri ta
Signature of Petitioner

Signature of Attorney or other authorized person, if any

Certificate of Service

I hereby certify that on (date) Oct 28, 2025, I filed the attached document with the Clerk of Court. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the Electronic Case Filing System.

I hereby certify that on (date) Oct 28, 2025, I filed the attached document with the Clerk of Court and served the attached document by (service method) Mailing on the following, who are not registered participants of the Electronic Case Filing System: (insert names and addresses)



Signature