

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

_____	)	
Hue Tac, a.k.a Hue Lam,	)	<b>CASE NO: 25-525</b>
	)	
Petitioner,	)	
	)	
vs.	)	<b>HEARING REQUESTED</b>
	)	
Todd Lyons, Acting Director,	)	
U.S. Immigration and Customs	)	
Enforcement;	)	
Mary De Anda-Ybarra,	)	
El Paso Field Office Director,	)	
U.S. Immigration and Customs	)	
Enforcement; and	)	
Warden of Camp East Montana	)	
Detention Facility,	)	
	)	
Respondents.	)	
_____	)	

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**

**INTRODUCTION**

1. Petitioner Hue Tac is a Vietnamese national who was ordered removed from the United States in February of 1999.
2. Shortly after the issuance of Mr. Tac's removal order, the legacy Immigration and Naturalization Service ("INS") requested that the Socialist Republic of Vietnam provide Tac with travel documents so that the agency could effectuate Tac's repatriation to Vietnam.
3. However, the Socialist Republic of Vietnam declined to issue the requested travel documents or to repatriate Mr. Tac.

4. In August of 2001, after Mr. Tac had spent more than two years in civil immigration detention, the INS released Tac from custody, pursuant to an administrative order of supervision, because the agency had determined that it could not remove Tac from the United States and thus had no lawful reason to continue his immigration detention.

5. Since this time, the Executive Branch – *i.e.*, the INS and its successor U.S. Immigration and Customs Enforcement (“ICE”) – has not received any information concerning Mr. Tac which has disturbed the INS’s August 2001 determination that there is no significant likelihood the Executive will be able to remove Tac from the United States in the reasonably foreseeable future.

6. For more than 20 years, the Executive Branch permitted Mr. Tac to retain the status of a supervised releasee.

7. On or about September 14, 2025, ICE officers arrested Mr. Tac without warning and returned him to immigration custody.

8. ICE has not adduced and cannot adduce any facts particular to Mr. Tac which suggest that its ability to remove Tac from the United States has materially changed since August of 2001, when the INS determined that it could not remove Tac.

9. Because the only permissible reasons for ICE to detain Mr. Tac are to effect his removal from the United States or to enforce violations of his administrative order of supervision (there have been none), Tac’s current immigration detention serves no legitimate purpose and thus violates both the Immigration and Nationality Act as well as the Substantive Due Process guarantee of the Fifth Amendment to the United States Constitution.

10. Accordingly, by this Petition, Mr. Tac seeks a Court order releasing him from his present unlawful detention.

### **JURISDICTION & VENUE**

11. The U.S. District Court for the Western District of Texas has jurisdiction to adjudicate the instant Petition pursuant to Sections 2241 and 1331 of United States Code Title 28.

12. The U.S. District Court for the Western District of Texas is the proper venue to hear the instant Petition because Mr. Tac is presently detained in the Camp East Montana Detention Facility within the Western District of Texas.

### **PARTIES**

13. Petitioner Tac is a resident of Massachusetts who immigrated to the United States in 1981 as a refugee and who is presently being detained for immigration purposes in the Camp East Montana Detention Facility, at the direction of ICE.

14. Respondent Warden of the Camp East Montana Detention Facility controls the facility in which Mr. Tac is presently detained and is being sued in his or her official capacity.

15. Respondent De Anda-Ybarra is the ICE El Paso Field Office Director who has directed the Camp East Montana Detention Facility to detain Mr. Tac and is being sued in her official capacity.

16. Respondent Lyons is the Acting Director of ICE, is ultimately responsible for the Camp East Montana Detention Facility's detention of Mr. Tac and is being sued in his official capacity.

### **FACTS**

17. In 1981, Mr. Tac immigrated to the United States and subsequently became a lawful permanent resident.

18. On or about December 9, 1998, the legacy Immigration and Naturalization Service ("INS") commenced removal proceedings against Mr. Tac before the Executive Office for

Immigration Review (“EOIR”) because of a conviction related to trafficking in controlled substances for which Tac had spent approximately 8 years in federal prison.

19. On or about February 5, 1999, Mr. Tac was taken into immigration custody, directly following the end of his penal sentence.

20. On or about February 12, 1999, EOIR ordered Mr. Tac’s removal to Vietnam.

21. On or about March 2, 1999, the INS submitted a travel document request to the Socialist Republic of Vietnam on behalf of Mr. Tac so that the INS could repatriate Tac to Vietnam.

22. The Socialist Republic of Vietnam declined to issue the requested travel document or to repatriate Mr. Tac.

23. On or about July 20, 2001, the INS determined that it was unable to remove Mr. Tac from the United States.

24. Accordingly, on or about August 15, 2001, the INS released Mr. Tac from immigration detention with an order of supervision.

25. For the following 24 years, Mr. Tac stayed out of trouble and did his best to comply with his order of supervision.

26. On or about September 14, 2025, ICE officers – without giving Mr. Tac any advance notice – revoked Tac’s order of supervision and returned Tac to immigration custody.

27. At the time it re-detained Mr. Tac, ICE had no reason to believe that Tac’s individual circumstances vis-à-vis the Socialist Republic of Vietnam had changed since 2001 or that the Vietnamese government, or any other foreign government, was likely to accept Tac for repatriation.

28. At present, ICE has no reason to believe that Mr. Tac's individual circumstances vis-à-vis the Socialist Republic of Vietnam have meaningfully changed since 2001 or that the Socialist Republic of Vietnam or any other foreign government is likely to accept Tac for repatriation.

29. Nevertheless, Mr. Tac has remained in ICE detention since September of 2025 and is currently detained at the Camp East Montana Detention Facility.

30. The Declaration of Janet H. Vo and Declaration of Mai Ngoc Le, each sworn under penalty of perjury, are attached to this Petition as **Exhibit 1** and **Exhibit 2**, respectively, and the allegations therein are incorporated hereto by reference – in satisfaction of the requirements of United States Code Title 28, Sections 2242 and 1746.

**FIRST CAUSE OF ACTION – UNLAWFUL DETENTION  
IN VIOLATION OF IMMIGRATION AND NATIONALITY ACT**

31. Mr. Tac incorporates paragraphs 1 through 30 above as if fully restated below.

32. Mr. Tac is currently in the custody of the Respondents under or by color of the authority of the United States – that is, detained in the Camp East Montana Detention Facility at the direction of ICE.

33. Mr. Tac's detention violates Section 241(a)(6) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1231(a)(6), and its implementing regulation, 8 C.F.R. §§ 241.13-14.

34. Specifically, Mr. Tac is being detained for immigration purposes when ICE knows that it cannot effect Tac's removal from the United States and ICE has no other permissible basis for depriving Tac of his liberty, in violation of INA Section 241(a)(6) and Regulation 241.13(i).

35. A judicial order requiring Tac's release from such custody and reinstating Mr. Tac's improperly revoked order of supervision would effectively redress Respondents' unlawful conduct.

**SECOND CAUSE OF ACTION – UNLAWFUL DETENTION  
IN VIOLATION OF U.S. CONSTITUTION, FIFTH AMENDMENT**

36. Mr. Tac incorporates paragraphs 1 through 35 above as if fully restated below.

37. Mr. Tac is currently in the custody of the Respondents under or by color of the authority of the United States – that is, detained in the Camp East Montana Detention Facility at the direction of ICE.

38. Mr. Tac’s detention violates the U.S. Constitution.

39. Specifically, Mr. Tac is being detained for immigration purposes when ICE knows that it cannot effect Tac’s removal from the United States and ICE has no other permissible basis for depriving Tac of his liberty, in violation of the Substantive Due Process guarantee of the Fifth Amendment to the United States Constitution.

40. A judicial order requiring Mr. Tac’s release from such custody and reinstating Tac’s improperly revoked order of supervision would effectively redress Respondents’ unlawful conduct.

**PRAYER FOR RELIEF**

Wherefore, Mr. Tac respectfully requests that the Court:

A. Order Respondents to immediately reinstate Mr. Tac’s improperly revoked order of supervision and release Tac from the Camp East Montana Detention Facility pursuant to the conditions of the improperly revoked order of supervision;

B. Award to Mr. Tac his reasonable litigation costs and attorney’s fees pursuant to the Equal Access to Justice Act; and

C. Grant such other further relief that is deemed just and proper by the Court.

Respectfully submitted,  
HUE TAC,

Dated: November 5, 2025

By his attorneys,

/s/ Jonathan Levy  
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**28 U.S.C. § 2242 VERIFICATION STATEMENT**

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner, and/or someone acting in his behalf, the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

/s/ Jonathan Levy  
Jonathan Levy