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6 *Attorneys for Petitioner Tran*

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 Tanh Van Tran,

10 Petitioner,

11 vs.

12 David R. Rivas, Warden, et al.,

13 Respondents.
14

No.

**Motion for Appointment of Counsel
Under 18 U.S.C. § 3006A(a)(2)(B)**

15 Simultaneously with this document, Mr. Tran has filed a petition for a writ of habeas
16 corpus under 28 U.S.C. § 2241. In this petition, he asserts that he cannot be removed from the
17 United States because he cannot obtain travel documents to facilitate such a removal, and as a
18 result that his continued detention in immigration custody violates the Due Process Clause of the
19 Fifth Amendment. *See generally Zadvydas v. Davis*, 533 U.S. 678 (2001). Because he is almost
20 certain to prevail on this claim, he respectfully asks the Court to appoint Assistant Federal Public
21 Defender Keith Hilzendeger to assist him in litigating his petition. Mr. Hilzendeger has spoken
22 with Mr. Tran at his place of incarceration, and reports that Mr. Tran has agreed to accept
23 representation if the Court should appoint counsel.

24 Under 18 U.S.C. § 3006A(a)(2)(B), this Court may appoint counsel for any person
25 seeking relief under 28 U.S.C. § 2241. Mr. Tran is seeking relief under that provision. The Ninth
26 Circuit has said that a court should appoint counsel under this provision if the petitioner is likely
27 to succeed on his petition and to have difficulty “articulat[ing] his claims *pro se* in light of the
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1 complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983) (per
2 curiam). Although Mr. Tran is fluent in English, he lacks the legal training and knowledge to
3 articulate his claims, which involve the intersection of two complex areas of law—habeas and
4 immigration law. Nor does he have the wherewithal to litigate these claims from his jail cell,
5 where he has no access to the documents necessary to refute the government’s case for
6 continued detention. Although the San Luis Regional Detention Center maintains a kind of law
7 library for detainees to use (as required by its contract with ICE), other clients of the Federal
8 Public Defender who are detained there have reported that it is often out of service due to a poor
9 internet connection. They have also reported that the facility does not make staff available to
10 assist detainees in using the law library as ICE policy requires, and that the facility does not
11 permit more than one detainee to use the law library at a time such that detainees cannot assist
12 each other in using it. And for the reasons set forth in the accompanying motion for a preliminary
13 injunction, he is almost certain to succeed on his *Zadvydas* claim. Mr. Tran thus respectfully asks
14 the Court to appoint Assistant Federal Public Defender Keith Hilzendegeer to assist him in this
15 matter.

16 Respectfully submitted:

November 19, 2025.

17 JON M. SANDS
18 Federal Public Defender

19 s/Keith J. Hilzendegeer
20 KEITH J. HILZENDEGER
21 Assistant Federal Public Defender
22 *Attorney for Petitioner Tran*
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