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

Tanh Van Tran,  
Petitioner,  
v.  
David R Rivas, et al.,  
Respondents.

No. CV-25-04329-PHX-MTL (CDB)  
**ORDER**

Petitioner Tanh Van Tran filed a Petition for Writ of Habeas Corpus Under § 2241, a Motion to Appoint Counsel, a Motion for Preliminary Injunction, and a Motion for Limited Discovery. (Docs. 1-4.) The Court will grant the motions for counsel and for limited discovery and require Respondents to answer the Petition and Motion.

**I. Background**

In his Petition, Petitioner names San Luis Detention Center Warden David R. Rivas; Immigrations and Customs Enforcement (“ICE”) San Diego Field Office Director Patrick Divver; United States Attorney General Pamela J. Bondi; and United States Department of Homeland Security Secretary Kristi Noem as Respondents. Petitioner raises two claims for relief.

Petitioner was born in 1975 in Vietnam and was granted lawful permanent resident status in 1980. (Doc. 1 ¶ 10.) Following several criminal convictions, Petitioner was ordered removed from the United States on March 14, 2002. (*Id.* ¶ 14.) On March 20, 2002, a form entitled Information for Travel Document or Passport was completed and

1 indicated Petitioner did not have a passport. (*Id.* ¶ 14.) Petitioner was subsequently  
2 released on multiple Orders of Supervision (“OSUP”) in 2002, 2004, 2008, 2009, 2010,  
3 2011, and 2019 because ICE was unable to obtain travel documents to effectuate his  
4 removal to Vietnam because at that time it would not accept individuals like Petitioner  
5 who left Vietnam prior to 1995. (*Id.* ¶¶ 15, 17, 19, 21, 22, 23, 25, 27.) Petitioner was  
6 arrested on June 17, 2025 and he was taken into immigration custody. (*Id.* ¶ 28.)

7         Meanwhile, in November 2020, the United States and Vietnam executed a  
8 Memorandum of Understanding (“MOU”) creating a process for removing pre-1995  
9 immigrants. (*Id.* ¶ 29h.) Petitioner argues ICE is unable to obtain travel documents for  
10 him because he does not possess his passport and, as a result, he will not be able to meet  
11 the requirements of the MOU. (*Id.* ¶ 30.)

12         In his first claim for relief Petitioner alleges his current detention violates his due  
13 process rights under the Fifth Amendment because the removal period expired in 2002,  
14 and there is no significant likelihood he will be removed to Vietnam in the reasonably  
15 foreseeable future because he does not have satisfactory documentation consistent with  
16 the MOU’s requirements for the Vietnamese Embassy to issue travel documents. (*Id.*  
17 ¶¶ 32-36.) In his second claim for relief, Petitioner alleges his detention violates his due  
18 process rights because Respondents have not provided him sufficient notice of any third  
19 country to which they intend to remove him or an opportunity to request relief from  
20 removal to that country. (*Id.* ¶¶ 37-39.) Petitioner also filed a Motion for Preliminary  
21 Injunction seeking immediate release from detention. (Doc. 3.)

## 22 **II. Motion for Appointment of Counsel and Motion for Limited Discovery**

23         Petitioner moves for the appointment of counsel. The Court finds the interests of  
24 justice support appointment of counsel in this matter and will grant the motion. 18  
25 U.S.C. § 3006A(a)(2)(B). Finally, Petitioner moves for limited discovery of five  
26 categories of materials related to his immigration proceedings. The Court will grant the  
27 request for limited discovery subject to Respondents’ objections. The parties will be  
28 required to first meet and confer regarding any objections and, if an impasse is reached,

1 must notify the Court no later than December 5, 2025. Respondents must otherwise  
2 provide the requested documents no later than December 19, 2025.

3 **IT IS ORDERED:**

4 (1) Petitioner's Motion for Appointment of Counsel (Doc. 2) is **granted**.  
5 Assistant Federal Public Defender Keith Hilzendeger is appointed to represent Petitioner  
6 in this case pursuant to 18 U.S.C. § 3006A(a)(2)(B).

7 (2) The Clerk of Court must enter the appearance of Assistant Federal Public  
8 Defender Hilzendeger on behalf of Petitioner in this action.

9 (3) Counsel for Petitioner must immediately serve the Petition upon  
10 Respondents.

11 (4) If not already issued, the Clerk's Office must issue any properly completed  
12 summonses.

13 (5) The Clerk of Court must immediately transmit by email a copy of this  
14 Order and a copy of the Petition and Motion for Preliminary Injunction to the United  
15 States Attorney for the District of Arizona, to the attention of Katherine Branch at  
16 katherine.branch@usdoj.gov, Melissa Kroeger at melissa.kroeger@usdoj.gov, Lon  
17 Leavitt at lon.leavitt@usdoj.gov, and Theo Nickerson at theo.nickerson2@usdoj.gov.

18 (6) Petitioner's Motion for Limited Discovery (Doc. 4) is **granted as**  
19 **explained herein**. Any disputes regarding discovery must be filed no later than  
20 **December 5, 2025**. Respondents must respond to the five requests for documents no  
21 later than **December 19, 2025**.

22 (7) Respondents must answer the Petition and Motion no later than **December**  
23 **19, 2025**. Petitioner may file a reply no later than **January 5, 2026**.

24 Dated this 24th day of November, 2025.

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27 Michael T. Liburdi  
28 Michael T. Liburdi  
United States District Judge