

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241****Instructions**

1. **Who Should Use This Form.** You should use this form if
  - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
  - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
  - you are alleging that you are illegally detained in immigration custody.
  
2. **Who Should Not Use This Form.** You should not use this form if
  - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
  - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
  - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
  
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
  
4. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
  
5. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
  
6. **Submitting Documents to the Court.** Mail your petition and \_\_\_ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.
 

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
  
7. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> SERVED ON
<input type="checkbox"/> ENTERED	<input type="checkbox"/> RE OF RECORD
COURT	
<div style="border: 1px solid black; padding: 5px; display: inline-block;">           DEC 29 2025         </div>	
CLERK OF DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT  
for the

HOANG Kim TEAN  
Petitioner,

PAMELA BONDI, Attorney General of the  
United States; KRISTI NOEM, Secretary,  
United States Department of Homeland  
Security; MICHAEL BERNACKE, Field  
Director, West Valley City Office; TODD  
LYONS, Acting Director; JOHN MATTOS,  
Nevada Southern Detention Center.

Case No. 2:25-cv-02397-APG-DJA  
(Supplied by Clerk of Court)

(name of warden or authorized person having custody of petitioner)

"AMENDED PETITION"

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: HOANG Kim TEAN  
(b) Other names you have used: N/A

2. Place of confinement:  
(a) Name of institution: N.S.D.C  
(b) Address: 2190 EAST MESQUITE AVE  
PAHRUMP, NEVADA, 89060

(c) Your identification number: 

3. Are you currently being held on orders by:  
 Federal authorities     State authorities     Other - explain:

4. Are you currently:  
 A pretrial detainee (waiting for trial on criminal charges)  
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: \_\_\_\_\_

(b) Docket number of criminal case: \_\_\_\_\_

(c) Date of sentencing: \_\_\_\_\_

Being held on an immigration charge

Other (explain): AFTER 4 1/2 YEARS IN PRISON FOR (2) FELONY COURTS IN THE STATE OF NEVADA PETITIONER EXPIRED HIS PRISON TERM AND WAS PICK UP BY ICE ON NOV. 14, 2025. AND HAVE BEEN IN ICE CUSTODY SINCE

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**Decision or Action You Are Challenging**

5. What are you challenging in this petition:

- How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (*explain*): \_\_\_\_\_

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: \_\_\_\_\_
- (b) Docket number, case number, or opinion number: \_\_\_\_\_
- (c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*): \_\_\_\_\_
- (d) Date of the decision or action: \_\_\_\_\_

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Docket number, case number, or opinion number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(b) If you answered "No," explain why you did not appeal: I WAS IN ICE CUSTODY  
2012-2019 BUT WAS RELEASED UNDER SUPERVISION  
WITH NO HEARS

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes  No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes  No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes  No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

Multiple horizontal lines for handwritten response to question (c).

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

(a) Date you were taken into immigration custody: Nov. 14, 2025

(b) Date of the removal or reinstatement order: July or Aug. 2001

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

Multiple horizontal lines for handwritten response to question (c) sub-questions.

(d) Did you appeal the decision to the United States Court of Appeals?

Yes  No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes  No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE:** PETITIONER'S CONTINUED DETENTION VIOLATES HIS FIFTH AMENDMENT RIGHTS TO DUE PROCESS BECAUSE HIS REMOVAL IS NOT REASONABLY FORESEEABLE

ZADYDAS. VS DAVIS. 533 U.S. 678, 689 (2001)

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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

8 U.S.C. § 1231(a)(6) emphasis added. However, in Zadvydas, Supra, the Supreme Court concluded that due Process imposes an "implicit limitation upon 8 U.S.C. § 1231(a)(6). Zadvydas, 533 U.S. at 689. Specifically, the Court held that 8 U.S.C. § 1231(a)(6) authorizes detention only for "a period reasonably necessary to bring about the non-citizen's removal from the United States" and that six months of detention after the removal order is final is "presumptively reasonable."

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

Yes  No

**GROUND TWO:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Yes  No

**GROUND THREE:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Yes  No

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**GROUND FOUR:**

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

(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:

**Request for Relief**

15. State exactly what you want the court to do: APPOINT COUNSEL; ISSUE A RESTRAINING ORDER AGAINST I.C.E; GRANT PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO: 28 U.S.C. SECTION 2241; ORDER THAT PETITIONER BE RELEASED FROM CUSTODY

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

---

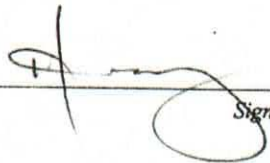
**Declaration Under Penalty Of Perjury**

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

---

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: Dec. 23. 2025

  
\_\_\_\_\_  
*Signature of Petitioner*

\_\_\_\_\_  
*Signature of Attorney or other authorized person, if any*

**CERTIFICATE OF SERVICE**

I, Haeng Kim Teto, hereby certify that the foregoing documents have been submitted on DEC 23, 2025. Further, I personally served a true, complete and correct copy of the foregoing documents by placing it in a pre-paid stamped envelope through the institutional internal legal mail system at the Nevada Southern Detention Center and mailing it to the following individuals:

**Michael Bernacke**  
Salt Lake City ICE Field Office Director  
2975 Decker Lake Drive, Ste 100  
West Valley City, UT 84119-6096

**Todd M. Lyons**  
ICE Deputy Director  
500 12<sup>th</sup> St., SW,  
Washington, DC 20536

**Kristi Noem**  
Secretary of the Department  
of Homeland Security  
2707 Martin Luther King Jr. Ave, SE,  
Washington, DC 20528

**Kerri Ann Quihuis**  
DOJ-USAO  
501 South Las Vegas Blvd., South  
Ste#1000  
Las Vegas, NV 89101


**Pamela J. Bondi**  
Attorney General of the United States  
950 Pennsylvania Avenue, NW,  
Washington, DC 20530-0001

**John Mattos**  
Warden, Nevada Southern Detention Center  
2190 East Mesquite Avenue  
Pahrump, NV 89060

**Executed in Pahrump, Nevada**

Haeng Kim Teto  
Petitioner: Haeng Kim Teto

**DATE:** DEC .23. 2025

Alien No.   
Nevada Southern Detention Center  
2190 East Mesquite Avenue  
Pahrump, NV 89060