

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

UNITED STATES DISTRICT COURT

for the

FILED

TANG, HOA VAN

Petitioner

v.

WARDEN - DR. SCARLET GRANT

Respondent

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

DEC 08 2025

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

Case No.

(Supplied by Clerk of Court)

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

Personal Information

- 1. (a) Your full name: TANG, HOA VAN
- (b) Other names you have used: N/A
- 2. Place of confinement:
  - (a) Name of institution: Cimarron Correctional Facility
  - (b) Address: 3200 S KINGS HWY. CUSHING OKLAHOMA 74023

(c) Your identification number: 

- 3. Are you currently being held on orders by:
  - Federal authorities
  - State authorities
  - Other - explain: IMMIGRATION AND CUSTOM ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS, DHS.

- 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): HELD ON AN ORDER OF REMOVAL

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)

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- 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: U.S. DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATI

(b) Docket number, case number, or opinion number:



(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

PROLONGED DETENTION, REVOCATION OF ORDER OF SUPERVISION  
VIOLATION OF DUE PROCESS

(d) Date of the decision or action: 05/20/2025

Your Earlier Challenges of the Decision or Action

7. First appeal N/A

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:

(b) If you answered "No," explain why you did not appeal: THERE IS NO APPEAL TO A PROLONGED DETENTION

8. Second appeal N/A

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

- Yes
- No

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(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:

N/A

9. Third appeal N/A

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:

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

N/A

10. Motion under 28 U.S.C. § 2255 N/A

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

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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? **N/A**

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:

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

**N/A**

**11. Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody:
- (b) Date of the removal or reinstatement order:
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

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If "Yes," provide:

- (1) Date of filing:
- (2) Case number:
- (3) Result:
- (4) Date of result:
- (5) Issues raised:

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

Yes  No

If "Yes," provide:

- (1) Name of court:
- (2) Date of filing:
- (3) Case number:
- (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. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

PROLONGED DETENTION IN EXCESS OF SIX MONTHS UNDER ZADYDAS V. DAVIS AND DEMORE V. KIM

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

I WAS REDETAINED ON THE 20TH OF MAY 2025 BY ICE AND HAVE REMAINED IN DETENTION SINCE.

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

Yes  No

GROUND TWO:

VIOLATION OF FIFTH AMENDMENT DUE PROCESS CLAUSE

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

I WAS ARRESTED AND DETAINED ON THE 20TH OF MAY 2025 BY ICE AND I HAVE NOT BEEN AFFORDED A BOND HEARING FOR BEING IN PROLONGED DETENTION, AND HAVE BEEN AND REMAINED IN DETENTION SINCE THAT I GOT REDETAINED WHICH IS CAUSING IRREPAIRABLE HARM TO ME AND MY FAMILY.

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

Yes  No

GROUND THREE:

REVOCATION OF ORDER OF SUPERVISION WITHOUT AND IN VIOLATION OF DUE PROCESS

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

MY ORDER OF SUPERVISION WAS REVOKED WITHOUT ANY ~~HEARING~~ INTERVIEW, NOTICE OF REVOCATION, REVOCATION HEARING IN FRONT OF A NEUTRAL DECISION MAKER AND AS OF TODAY, NONE OF THIS HAS BEEN DONE AND I HAD BEEN ON AN ORDER OF SUPERVISION SINCE 2004.

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

Yes  No

GROUND FOUR: VIOLATION OF IMMIGRATION AND NATIONALITY ACT AND APPLICABLE IMMIGRATION AND CUSTOMS ENFORCEMENT REGULATIONS

(a) Supporting facts (Be brief. Do not cite cases or law.): ICE HAS REFUSED TO RELEASE ME ON AN ORDER OF SUPERVISION DURING MY 90 DAY DETENTION CONCLUDING THAT, THERE IS A SIGNIFIGANT LIKELIHOOD OF REMOVAL IMMIGRATION HISTORY AND CRIMINAL HISTORY AS REASONS TO MAINTAIN CUSTODY AND CONTINUE MY DETENTION, WHEN, THERE ARE NO CHANGES IN CIRCUMSTANCES FROM THE FIRST TIME I WAS RELEASED ON AN ORDER OF SUPERVISION SINCE 2004. AND WAS ALSO GIVEN A RELEASE NOTIFICATION AND DECISION TO CONTINUE DETENTION ON 08/18/202

(b) Did you present Ground Four in all appeals that were available to you?  Yes  No N/A

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. I KINDLY REQUEST THAT THIS COURT

ORDER MY RELEASE ON MY PREVIOUS ORDER OF SUPERVISION,  
OR IMMEDIATE RELEASE ON A NEW ORDER OF SUPERVISION, OR  
IN ALTERNATIVE ANY RELIEF THAT THIS COURT DEEM NECESSARY  
OR APPLICABLE TO ME.

② I ALSO REQUEST A TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION PREVENTING RESPONDENT FROM REMOVING OR TRANSFERRING ME OUTSIDE OF THE STATE OF OKLAHOMA PEN...

③ I ALSO REQUEST A DECLARATORY JUDGMENT PURSUANT TO 28 U.S.C. § 2201 THAT I AM DETAINED PURSUANT TO 8 U.S.C. § 1231 (a)(1) "BECAUSE I HAVE PREVIOUSLY DEMONSTRATED TO ICE'S SATISFACTION THAT THERE IS NO SIGNIFICANT LIKELIHOOD OF MY REMOVAL IN THE REASONABLE FORESEEABLE FUTURE AND ICE DID NOT REBUT THIS SHOWING PRIOR TO REDETAINING ME AND UNTIL ICE REBUTS THIS SHOWING, I MAY NOT BE REDETAINED.

④ I KINDLY REQUEST AN EXPEDITED RULING ON THIS PETITION AND I AM OKAY WITH A MAGISTRATE JUDGE MAKING A RULING ON THIS PETITION IN AN INDIVIDUALIZED BOND HEARING WHERE THE RESPONDENT HAS THE BURDEN OF PROOF SHOWING THAT I AM A FLIGHT RISK OR A DANGER AND THE FACT THAT I HAVE PREVIOUSLY BEEN RELEASED ON SUPERVISION BEFORE SHOULD WEIGH IN MY FAVOUR WHEN CONSIDERING DANGEROUSNESS AND A REASONABLE AMOUNT OF BOND BE SET.

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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:

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: 12/04/2025



*Signature of Petitioner*

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