

FILED

Name: Nguyen Tran Quan

A Number: [REDACTED]

Address: California City IPC

22844 Virginia Blvd

California City, CA 93505

DEC 11 2025

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Nguyen Tran Quan
[your name]

Petitioner,

vs.

Warden of the California City IPC;
Christopher Chestnut
[facility where you are being detained]

Detention Facility;

PAMELA BONDI, Attorney General of the
United States; KRIISTI NOEM, Secretary,
United States Department of Homeland
Security; TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement,

Respondents.

Case No. 1:25CV01816 DAD-JDP(HC)
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PETITION FOR WRIT OR HABEAS
CORPUS UNDER 28 U.S.C. § 2241 AND
REQUEST FOR INJUNCTIVE RELIEF

I. Statement of Facts

A. Facts Regarding My Case.

My name is Nguyen Tran Quan

I have also used the Names: _____
[any other names you have used]

I am currently detained at California City Immigration Processing Center
[name of detention facility]

The detention facility's address is:

California City IPC

22844 Virginia Blvd

California City, CA 93505

The detention facility is detaining me pursuant to a contractual arrangement with my custodian, United States Immigration and Customs Enforcement (ICE).

My Alien Registration Number, or A Number, is 

My Country of birth is: Vietnam

I was ordered deported/removed on or about Dec. 1995 [date]. I was ordered deported/removed to the nation of Vietnam [nation to which you were ordered deported/removed].

In total, I have been detained by ICE for more than six months following my removal/deportation order. I do not believe there is a significant likelihood that ICE will be able to remove me to the country identified in my deportation/removal order for the following reason:

That ICE have not obtain my travel document and I was re-arrested during my check in appointment. (Oct. 2, 2025).

First or Subsequent Detention Period Following Deportation/Removal Order?

[check only one box]

☐ I have been detained by ICE continuously since the day I was ordered deported/removed.

☒ After I was ordered deported/removed, I was detained until August, 1999 [date]. I was then released from ICE custody under an Order of Supervision until Oct. 2, 2025 [date]. I was arrested and/or taken back into custody on that date and I have been detained by ICE continually since that date.

II. Jurisdiction and Venue

This case arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101, *et seq.*, and the Administrative Procedures Act (“APA”), 5 U.S.C. §§ 500-596, 701-706.

This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States as Respondent), and 28 U.S.C. § 1651 (All Writ Act). Respondents have waived sovereign immunity for purposed of this suit. 5 U.S.C. §§ 702, 706.

The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act, 28 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment; and the Court's inherent equitable powers.

Venue is proper in this district under 28 U.S.C. § 1391(e)(1) because Respondents are agencies or officers of agencies of the United States and Petitioner detained in this district. Venue is further proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this district.

Because Petitioner is seeking relief related only to custody status, which is not inconsistent with an order of deportation, exhaustion of administrative remedies, if any, is not required.

III. Requirements of 28 U.S.C. §§ 2241, 2243

The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

Petitioner is “in custody” for the purpose of § 2241 because petitioner is being detained by ICE.

IV. Parties

Petitioner is subject to a final order of removal from the United States and is detained by ICE.

The first listed Respondent in the caption of this petition is the Warden or Director of the facility in which Petitioner is detained. This person has immediate physical custody of Petitioner pursuant to a contract with ICE to detain noncitizens. This person is sued in his/her official capacity.

Respondent Pamela Bondi is the Attorney General of the United States. In this capacity, Respondent Bondi is the legal custodian of Petitioner. Respondent Bondi is sued in her official capacity.

Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). In

1. this capacity, Respondent Noem is the legal custodian of Petitioner. Respondent Noem is sued in her
2. official capacity.

3. Respondent Todd M. Lyons is the Acting Director of the United States Immigration and
4. Customs Enforcement ("ICE") and as such can authorize Petitioner's detention or release. Respondent
5. Lyons is sued in his official capacity.

6. V. Legal Framework

7. A. Detention Following a Final Order of Removal/Deportation

8. The INA provides that after a removal order becomes final, the government "shall remove the
9. alien from the United States within a period of 90 days." 8 U.S.C. § 1231(a)(1)(A). This period is
10. sometimes referred to as the "removal period." § 1231(a)(1). During the 90-day removal period,
11. detention of the noncitizen is authorized. 8 U.S.C. § 1231(a)(2).

12. 8 U.S.C. § 1231(a)(6) allows the government to detain certain enumerated classes of
13. noncitizens – including those ordered removed due to criminal convictions – for more than 90 days. *Id.*
14. § 1231(a)(6). However, "once removal is no longer reasonably foreseeable, continued detention is no
15. longer authorized by [section 1231(a)(6)]." *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001).

16. Upon release from custody, a noncitizen subject to a final order of removal must comply with
17. certain conditions of release. 8 U.S.C. § 1231(a)(3), (6).

18. B. Revocation of Post-Final-Order Release

19. The Government has promulgated regulations in the Code of Federal Regulations concerning
20. the release of noncitizens who are subject to a final removal order. 8 C.F.R. § 241.4; 8 C.F.R. § 241.13.
21. Both 8 C.F.R. § 241.4(1)(1) and § 241.13(i)(3) provide that, upon revocation of release, the noncitizen
22. "will be notified of the reasons for revocation of his or her release," and will be given "an initial
23. informal interview promptly after his or her return to Service custody to afford the alien an opportunity
24. to respond to the reasons for revocation stated in the notification." *Constantinovici v. Bondi*, __
25. F.Supp.3d __, 2025 WL 2898985, at *4 (S.D. Cal. Oct. 10, 2025) (citing cases); *Diaz v. Wofford*, 2025
26. WL 2581575, at *5 (E.D. Cal. Sept. 5, 2025) (same). "Both 8 C.F.R. § 241.4 and 8 C.F.R. § 241.13
27. were intended to provide due process protections to noncitizens following the removal period as they
28. are considered for continued detention, release, and then possible revocation of release."
Constantinovici, 2025 WL 2898985 at *5 (internal quotations and citations omitted). The government
is required to follow these regulations in revoking a noncitizen's release. *Hoac v. Becerra*, 2025 WL
1993771, at *4 (E.D. Cal. Aug. 20, 2025) (same).

1. **VI. Grounds for Relief**

2. **A. Ground One: Petitioner's Continued Detention in Immigration Custody**
 3. **Violates the Fifth Amendment Due Process Clause, 8 C.F.R. § 241.13, and**
 4. **the Administrative Procedures Act**

5. *[pick one]*

6. ☐ I am not pursuing Ground One because I have been detained by ICE continuously since
 7. the day I was deported/removed.

8. ☒ I am pursuing Ground One because I was previously release from post-final order
 9. detention and then ICE detained me again without (a) proof that an ICE official determined I there is a
 10. significant likelihood I will be deported soon, (b) notification of the reasons for revocation of my
 11. release, and/or (c) an initial informal interview promptly after my return to custody to afford me an
 12. opportunity to respond to the reasons stated in the notification.

13. Title 8 C.F.R. § 241.13(i)(2) provides that ICE may “revoke an alien's release under this section
 14. and return the alien to custody if, on account of changed circumstances, the Service determines that
 15. there is a significant likelihood that the alien may be removed in the reasonably foreseeable future.” 8
 16. C.F.R. § 241.13(i)(2). That “regulation require[s] (1) an individualized determination (2) by ICE that,
 17. (3) based on changed circumstances, (4) removal has become significantly likely in the reasonably
 18. foreseeable future.” *Kong v. United States*, 62 F.4th 608, 619-20 (1st Cir. 2023). In *Rokhfirooz*, the Court
 19. determined that these requirements were not met on a record materially indistinguishable from this one.
 20. 2025 WL 2646165, at *3. There, the government failed to produce “any documented determination,
 21. made prior to Petitioner's arrest, that his release should be revoked.” *Id.* At *3. Similarly in *Hoac* the
 22. Court ordered release where “Respondents have not provided any details about why a travel document
 23. could not be obtained in the past, nor have they attempted to show why a travel document is more
 24. likely this time around.” *Hoac*, 2025 WL 1993771, at *4.

25. In addition, Title 8 C.F.R. §§ 241.4(1), 241.13(i)(3)'s “require ICE to provide 'an initial informal
 26. interview promptly ... to afford the alien an opportunity to respond to the reasons for revocation.’”
 27. *Rombot v. Souza*, 296 F.Supp.3d 383, 387 (D. Mass. 2017) (quoting 8 C.F.R. §§ 241.4(1)(2), 241.13(i)
 28. (3)). ICE's failure to afford such an interview violates Petitioner's right to due process. *Cesay v.*
Kurzdorfer, 781 F. Supp.3d 137, 164-65 (W.D.N.Y. 2025); *see also Rombot*, 296 F. Supp.3d at 386-89.
 That violation requires release, because (1) government agencies are required to follow their own
 regulations, and (2) these particular regulations provide the most “minimal process” that the
 Constitution would permit before “someone's most basic right of freedom is taken away.” *Cesay*, 781

F. Supp.3d at 164-65; *see also Mathews v. Eldridge*, 424 U.S. 319, 348 (1976) (“The essence of due process is the requirement that a person in jeopardy of serious loss be given notice of the case against him and opportunity to meet it.” (cleaned up)). That is reason enough to grant this petition.

Numerous courts have granted habeas petitions and/or ordered an immigration detainee's release where ICE has failed to follow its own regulations in re-detaining the petitioner. *See, e.g., Phan v. Noem*, 2025 WL 2898977, at *4 (S.D. Cal. 10, 2025) (granting petition and ordering release of person with final order of removal to Vietnam where “ICE's Failure to provide an interview and opportunity to respond” and failure to show a determination “that there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future” fell short of requirement of 8 C.F.R. § 241.13(i)); *Yee S. v. Bondi*, 2025 WL 2879479, at *6 (D. Minn. Oct. 9, 2025) (partially granting petition and ordering petitioner released where “Petitioner has shown that ICE's re-detention of him on June 6, 2025 Violated the law because ICE did not comply with its own regulations under section 241.13(i)(2)”; *Hoac*, 2025 WL 1993771, at *4.⁵

B. Ground Two: Petitioner's Continued Detention in Immigration Custody Violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution Because There Is No Significant Likelihood that Petitioner Will Be Removed in the Reasonably Foreseeable Future.

Petitioner's present detention is purportedly authorized under 8 U.S.C. § 1231. Detention of non-citizens who have been ordered removed is mandatory during the so-called 90-day “removal period.” 8 U.S.C. § 1231(a)(1)(A). This period begins, as relevant here, on the “date the order of removal becomes administratively final.” 8 U.S.C. § 1231(a)(1)(B)(i). Because Petitioner's removal order became final more than six months ago the removal period has long since expired and detention is no longer required under 8 U.S.C. § 1231.

⁵ *See also Bui v. Warden, Otay Mesa Detention Facility, et al.*, 2025 WL 2988356, at *5 (S.D. Cal. Oct. 23, 2025) (granting petition and ordering release where respondent failed to follow its own regulations in revoking release); *Constantinovici*, 2025 WL 2898985 (S.D. Cal. Oct. 10, 2025)(same); *Sun v. Noem*, 2025 WL 2800037 (S.D. Cal. Sept. 30, 2025) (granting TRO for release where respondent failed to follow its own regulation in revoking release); *Va Tran v. Noem*, 2025 WL 2770623 (S.D. Cal. Sept. 29, 2025) (same); *Rokhfiouz*, 2025 WL 2646165 (granting petition and ordering release where respondent failed to follow its own regulation in revoking release); *Zhu v. Genalo*, 2025 WL 2452353, at *9 (S.D.N.Y. Aug. 26, 2025) (partially granting petition and ordering release where respondent did not follow its own regulations before revoking release); *Ceesay*, 781 F. Supp.3d at 166 (because ICE did not follow its own regulations in deciding to re-detain Ceesay, his due process rights were violated, and he is entitled to release.”); *M.S.L. v. Bostock*, 2025 WL 2430267, at *15 (D. OR. Aug. 21, 2025) (granting petition and ordering release where respondent violated regulations in revoking release); *Escalante v. Noem*, 2025 WL 2206113, at 4 (E.D. Tex. Aug. 2, 2025)(same); *Liu v. Carter*, 2025 WL 1696526, at 3 (D. Kan. June 17, 2025)(same); *Rombot*, 296 F.Supp.3d at 387 (ordering ICE to release petitioner where ICE failed to follow its own regulations in detaining petitioner).

Not only is detention no longer required, it is no longer allowed under the facts of this case. Given the “serious constitutional threat” the *Zadvydas* Court believed to be posed by the indefinite detention of non-citizens who had been admitted to the country under the Fifth Amendment’s Due Process Clause, 553 U.S. At 699, the Court interpreted 8 U.S.C. 1231(a)(6) to permit only detention related to the statute’s “basic purpose [of] effectuating [a non-citizen]’s removal[.]” *Id.* At 696-699. The Court further held that the presumptive period during which the detention is reasonably necessary to effectuate a non-citizen’s removal is six months; after that, the non-citizen is eligible for conditional release if he can demonstrate that there is “no significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701. After the “presumptively reasonable” period of six months’ detention, when the noncitizen can “provide good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,” then “the Government must respond with evidence sufficient to rebut that showing.” *Id.*

For the reasons stated in Section I (A) of this petition, there is not a significant likelihood Petitioner will be removed in the reasonably foreseeable future. Petitioner’s continued detention in ICE custody violates the Due Process Clause of the Fifth Amendment under *Zadvydas*. See e.g., *Nguyent*, 2025 WL 2419288, at *28-29 (granting preliminary injunction requiring release under *Zadvydas*).

VII. Prayer for Relief

Petitioner respectfully requests that this Court:

- (a) Assume jurisdiction over this action;
- (b) Issue an Order directing Respondents to show cause why this Petition should not be granted within three days;
- (c) Order Respondents to immediately release Petitioner from custody;
- (d) Order that Respondents may not remove or seek to remove Petitioner without notice and meaningful opportunity to respond in compliance with the statute and due process in reopened removal proceedings;
- (e) Order all other relief that the Court deems just in proper.

VIII. Declaration Under Penalty Of Perjury

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

Dec. 1, 2025

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 to the best of my knowledge. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: Dec. 1, 2025



[your signature]

NGUYEN TRAN QUAN
[your printed name]

CERTIFICATE OF SERVICE

I here certify that a true copy of this Certificate of Service and Petitioners, Petition for writ of habeas corpus under 28 U.S.C. § 2241 and request for injunctive relief was place in a prepaid postage envelope and deposited at the California City Immigration Processing Center, mailing system authorize by the detainees on Dec. 1, 2025 in California City, CA address to the Following

Office of the Clerk
United States District Court
Eastern District of California
2500 Tulare Street, Suite 1501
Fresno, CA 93721

U.S. Department of Justice
United States Attorneys Office
Eastern District of California
501 I Street, Suite 10-100
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct.

NGUYEN TRAN Quan
[name]

[A number]
CALIFORNIA CITY H&A IPC
22844 VIRGINIA BLVD
CALIFORNIA CITY, CA 93505
[address]