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**DETAINED**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO- OAKLAND DIVISION

VUONG, THIEN CHI,

Petitioner,

vs.

**PATRICIA CABANILLAS**, Field Office  
Director, ICE/San Francisco;  
**GREGORY JARCHOW**, Warden, Mesa Verde  
ICE Processing Center;  
**ALEJANDRO MAYORKAS**, Secretary of  
Homeland Security;  
**MERRICK GARLAND**, Attorney General of  
the United States,  
Respondents.

Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS  
CORPUS UNDER 28 U.S.C. § 2241 AND  
COMPLAINT FOR DECLARATORY &  
INJUNCTIVE RELIEF**

**PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND  
COMPLAINT FOR DECLARATORY & INJUNCTIVE RELIEF**

Petitioner Thien Chi Vuong, through counsel, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his continued immigration detention in violation of the Fifth Amendment and *Zadvydas v. Davis*, 533 U.S. 678 (2001). Petitioner also seeks declaratory and injunctive relief.

## I. INTRODUCTION

Petitioner has lived in the United States for nearly forty years, after entering lawfully as a nine-year-old child in 1985 due to his father's military service on behalf of the United States-aligned South Vietnamese Army (ARVN) during the Vietnam War.

The United States resettled Petitioner's family because of their cooperation with U.S. forces. His upbringing, family, identity, work, community life, and nearly all connections are here in America.

Petitioner has one non-violent conviction from 2007. He took responsibility, served his sentence, rebuilt his life, and has lived eighteen (18) years with zero arrests or criminal behavior. He became a remodeling-business owner, generated legitimate income, paid taxes, employed local workers, and provided for his entire family.

He is a deeply rehabilitated, contributing member of society.

Yet ICE has detained him in Mesa Verde ICE Processing Center, despite his suffering from:

- uncontrolled hypertension
- diabetes
- severe cervical and lumbar disc herniations
- nerve root compression
- spinal stenosis
- neurological symptoms (numbness, dizziness, radiculopathy)

Mesa Verde has been found by this District and the Ninth Circuit to provide dangerously inadequate medical care.

Meanwhile, removal to Vietnam is not reasonably foreseeable. The government has attempted to remove Petitioner since 2011, for 13+ years, without success. Vietnam will not accept individuals whose families cooperated with the U.S.-allied ARVN forces—a well-documented phenomenon.

ICE previously released Petitioner under Order of Supervision and issued him C18 employment authorization, reflecting DHS's own finding that removal is not foreseeable.

Petitioner's detention is unconstitutional under:

- Zadvydas v. Davis
- Clark v. Martinez
- Diouf v. Napolitano (Diouf II)
- Prieto-Romero v. Clark
- Nadarajah v. Gonzales
- Thai v. Ashcroft

Given the life-threatening medical danger he faces, the impossibility of removal, and his decades-long rehabilitation, Petitioner must be released immediately.

## II. JURISDICTION & VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner challenges the legality of his detention.
2. Federal question jurisdiction also arises under 28 U.S.C. § 1331.
3. Petitioner seeks declaratory and injunctive relief under 5 U.S.C. § 706 and the Fifth Amendment.

Venue is proper in NDCA because:

4. The San Francisco ICE Field Office Director (Cabanillas) is a proper respondent whose custody decisions govern Petitioner's detention.
5. Removal decisions, medical supervision decisions, and release authority for Northern California detainees originate from the San Francisco ICE Field Office.
6. NDCA has repeatedly exercised jurisdiction over Mesa Verde cases under the "appropriately situated respondent" doctrine, including Zepeda-Rivas and Roman v. Wolf.
7. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are federal officials operating within this district.

## III. PARTIES

Petitioner:

THIEN CHI VUONG, A# 

Mesa Verde ICE Processing Center

Bakersfield, California

Respondents:

- Patricia Cabanillas – Field Office Director, ICE San Francisco

- Gregory Jarchow – Warden, Mesa Verde
- Alejandro Mayorkas – DHS Secretary
- Merrick Garland – Attorney General

#### IV. FACTUAL ALLEGATIONS

##### A. Petitioner Lawfully Entered the U.S. in 1985

— As a Child Whose Father Fought for the U.S.-Allied South Vietnamese Army

1. Petitioner entered the U.S. legally in 1985
2. His father fought for the Army of the Republic of Vietnam (ARVN), a U.S.-aligned military force during the Vietnam War.
3. The U.S. specifically resettled ARVN families under HO / ODP humanitarian programs.
4. Vietnam historically refuses repatriation of ARVN-associated individuals and their children.

##### B. Petitioner Has Lived in the United States for Nearly 40 Years

5. Petitioner has resided continuously in the U.S. since childhood.
6. His entire life—family, community, work, health care, and support network—is here.
7. He speaks English fluently and has minimal connection to Vietnam.

##### C. Petitioner Has U.S. Citizen Children, Parents, Siblings, and a Grandchild

8. Petitioner's immediate and extended family are all in the U.S.
9. He is a primary caregiver and source of support.

##### D. Petitioner's 2007 Conviction

— Followed by 18 Years of Perfect Rehabilitation

10. In 2007, Petitioner pled guilty to a non-violent financial offense.
11. He accepted responsibility and completed his sentence.
12. Since release, for 18+ years, Petitioner has had:
  - no arrests
  - no criminal charges
  - no police contact

13. Courts recognize that long-term rehabilitation eliminates detention justifications.

Cases: Rodriguez, Hernandez, Singh.

E. Petitioner Is a Business Owner, Taxpayer, and Outstanding Community Member

14. After completing his sentence, Petitioner rebuilt his life.

15. He founded and operated a construction/remodeling business.

16. He regularly paid federal and state taxes.

17. He employed U.S. residents.

18. Numerous declarations attest to his honesty, work ethic, and peaceful character.

19. He is seen as a provider, father, and pillar of stability.

F. Removal to Vietnam Is Not Reasonably Foreseeable

— 13+ Years of Failed DHS Attempts

20. DHS attempted to remove Petitioner beginning in 2011.

21. For over thirteen years, Vietnam has:

- o not accepted him,
- o not confirmed nationality,
- o not issued travel documents.

22. DHS released him under an Order of Supervision.

23. DHS issued him C18 employment authorization, acknowledging removal is not foreseeable.

24. Petitioner fully complied with supervision.

G. ICE's "Refusal to Cooperate" Allegation Is False

25. ICE recently alleged Petitioner refused cooperation.

26. This is factually incorrect:

- o Petitioner signed all documents provided
- o Counsel responded promptly
- o Petitioner has a long record of compliance
- o Vietnam's refusal is unrelated to Petitioner

27. Courts reject "manufactured refusal" as a basis for detention.

Cases: Thai v. Ashcroft, Pelich v. INS, Nadarajah.

#### H. Petitioner Suffers From Life-Threatening Medical Conditions

28. Petitioner suffers from:
  - uncontrolled hypertension
  - Type 2 diabetes
  - multiple cervical herniations
  - multiple lumbar herniations
  - nerve root compression
  - stenosis
  - neurological decline
29. MRI imaging confirms structural damage.
30. Inside Mesa Verde, he has reported:
  - headaches
  - dizziness
  - numbness
  - neuropathy
  - pain
  - difficulty walking
31. Mesa Verde has been repeatedly found medically inadequate.
32. Petitioner is at immediate risk of stroke, diabetic crisis, paralysis, or death.

#### V. LEGAL CLAIMS

##### CLAIM 1 — UNCONSTITUTIONAL DETENTION

(Due Process, *Zadvydas v. Davis*)

Detention is permissible only when removal is reasonably foreseeable.

See *Zadvydas*, *Clark*, *Prieto-Romero*, *Diouf II*.

Here, removal has been impossible for 13+ years.

ICE cannot show significant likelihood of removal.

Detention is unconstitutional.

##### CLAIM 2 — PROLONGED DETENTION WITHOUT PROCESS

(Due Process – Procedural)

18 years of rehabilitation, strong community ties, and medical issues require individualized review under:

- Diouf II
- Singh v. Holder
- Hernandez v. Sessions

ICE has provided no bond hearing, no review, no process.

CLAIM 3 — CONDITIONS OF CONFINEMENT VIOLATE DUE PROCESS

(Medical Danger; Helling; Farmer; Fraihat)

Detention at Mesa Verde exposes Petitioner to serious risk of death.

This violates:

- Helling v. McKinney (objective risk)
- Farmer v. Brennan (deliberate indifference)
- Roman v. Wolf
- Zepeda-Rivas

CLAIM 4 — ICE'S REFUSAL-TO-COOPERATE DETERMINATION IS

UNLAWFUL

(Due Process & Zadvydas Standards)

ICE's allegation is:

- false
- unsupported
- a violation of due process
- legally irrelevant where removal is impossible

See Thai, Pelich, Nadarajah.

VI. PRAYER FOR RELIEF

Petitioner requests:

1. Immediate release within 24 hours.
2. Supervision under 8 C.F.R. § 241.5.
3. Declaration that detention violates Zadvydas.
4. Declaration that detention violates the Fifth Amendment.
5. Prohibition of re-detention absent court approval.
6. Any other relief the Court deems proper.

Petitioner verifies under penalty of perjury that the facts herein are true and correct.

Respectfully submitted,

Date: December 3, 2025

/S/RobertG.Cummings  
Robert G. Cummings  
Attorney for Petitioner