

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT COURT OF TEXAS
DALLAS DIVISION

Vida Ven,)
Petitioner)
Vs.)
Warden/Director)
Prairieland TX Detention Facility,)
Joshua Johnson)
Acting Field Office Director)
Dallas Enforcement and Removal Operations of)
Immigration and Customs Enforcement (ICE),)
Kristi Noem)
Secretary, Department of Homeland Security,)
Todd Lyons)
Acting Director, Immigrations and Customs)
Enforcement,)
Marcos Charles, Acting Executive Associate)
Director, ICE and Removal Operations,)
Pamela Bondi, U.S. Attorney General,)
Respondents)

Cause No.: _____

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

1. Petitioner Vida Ven (A# , through counsel, seeks a writ of habeas corpus under 28 U.S.C. § 2241, challenging the legality of his continued detention by Immigration and Customs Enforcement (“ICE”).

I. OVERVIEW

2. Mr. Vida Ven is a non-Criminal, 49-year-old Cambodian citizen who has been told that his Order of Removal will be executed on December 14, 2025. Mr. Ven entered, with inspection, on a spousal immigrant visa in August 2004. That marriage ended in divorce. He currently has a pending I-751, Petition for Waiver of Joint Filing of Removal of Conditions with USCIS.
3. In 2016, Mr. Ven re-married Cendy Chhim a lawful permanent resident, they have two children together, they own and operate a donut shop, and they own real property together including the marital home.
4. Ms. Chhim, filed an Immigrant Visa petition for Mr. Ven on September 19, 2025. Ms. Chhim is awaiting her Citizenship re-interview at the Dallas Field Office since which has been pending since October of 2024.
5. Mr. Ven, who only filed a joint I-751 with first wife, recently filed an I-751 Waiver application with USCIS. USCIS has sole jurisdiction to Adjudicate the I-751 and as soon as we receive a hard copy receipt, we will be filing a

Motion for Emergency Stay with the Board of Immigration Appeals as well as a Motion to Reopen.

6. Accordingly, the Petitioner is left with no recourse but to file this a writ of habeas corpus and seek his release from physical custody.

II. PARTIES

7. Petitioner, Vida Ven, is a non-citizen from the country of Cambodia who entered the United States with Inspection and became a Permanent Resident, who is currently detained by ICE at the Prairieland Detention Facility in Alvarado, TX. (*Ex. 1 ICE Detainee Locator*)
8. The Warden / Director of the Prairieland Detention Facility is the immediate jailer. For security reasons, the Warden/Director's name is not public. He is the head of the facility that currently maintains physical custody of the Petitioner. He is sued in his official capacity only.
9. Respondent Joshua Johnson is the Dallas ICE Enforcement and Removal Field Office Director. He is the head of the ICE office that unlawfully facilitated the re-detention of Petitioner, and such arrest and re-detention took place under the direction and supervision. He is sued in his official capacity only.
10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"). She is the cabinet-level secretary responsible for all

immigration enforcement in the United States. She is sued in her official capacity only.

11. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States. He is sued in his official capacity only.
12. Respondent Marcos Charles is the Acting Executive Associate Director of ICE Enforcement and Removal Operations. He is the head of the ICE office that carries out arrests of noncitizens and removals from the United States. He is sued in his official capacity only.
13. Respondent Pamela Bondi is the Attorney General of the United States. The Immigration Judges who decide removal cases and application for relief from removal do so as her designees. She is sued in her official capacity only.

III. JURISDICTION

14. This Court has jurisdiction to hear this case under *28 U.S.C. § 2241* and *28 U.S.C. § 1331*, Federal Question Jurisdiction, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to *28 U.S.C. § 2241*, and the *All Writs*

Act, 28 U.S.C. § 1651.

IV. CUSTODY

15. Petitioner is under the Physical custody of the Respondents and is currently detained at the Prairieland Detention facility in Alvarado, Texas. Petitioner was most recently taken into custody on or about May 15, 2025 and has been in detention since that date. Previously, the Petitioner was in ICE Custody from on or approximately July 14, 2010, until February 16, 2011. The Petitioner has been subject to a final order of removal since February 24, 2000.

V. VENUE

16. Venue is proper in this court, pursuant to *28 USC §1391(e)*, in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where the Petitioner is detained.

VI. REQUIREMENTS SET FOR IN 28 U.S.C 2243

17. 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 order to show cause 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.* (emphasis added).

18. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

VII. FACTS

19. The Petitioner, Vida Ven, entered the United States with inspection on August 24, 2002, at San Francisco CA as a Conditional Permanent Resident. His first marriage ended in divorce.
21. The Petitioner and his first wife filed a Joint I-751 to remove condition of Mr. Ven’s Permanent Residence while residing together in California. Before USCIS interviewed them on the I-751, the marriage broken down. When the Petitioner was interviewed on the I-751, he was alone and USCIS denied the case and USCIS filed a Notice to Appear “NTA” in Immigration Court (no court date was listed on the NTA). Ultimately, Mr. Ven did not appear for his first Immigration Court hearing and was ordered Removed in Absentia.
22. Mr. Ven was entitled to file an I-751 and request a waiver of the joint filing requirements with USCIS. This was never done. By law USCIS would have

jurisdiction to first review a filing of a I-751 and if denied the immigration court could review the petition de novo. Mr. Ven has never, until December 8, 2025, filed a proper I-751 waiver of the joint filing requirement. The present I-751 is asking for a waiver of the joint filing requirement. USCIS has sole jurisdiction over its adjudication. Counsel concurrently moves for a Stay of Removal Order.

23. Mr. Ven subsequently remarried a permanent resident. The couple lives in Lamesa Texas, owns and operates a donut shop together, they own real property together and have debts including a mortgage together. They have two minor children who reside with them in Lemasa TX.

CAUSE OF ACTION I

Due Process U.S. Constitution, 5th Amendment

24. Petitioner incorporates by reference paragraphs 1 – 23.
25. The Fifth Amendment guarantees liberty and requires that immigration detention be reasonably related to a legitimate governmental purpose. Petitioner's detention, considering his non-criminal background, entry with inspection, Permanent Resident Spouse, young children dependents and business interests in the United States, his continued detention is unreasonable and unlawful.

26. His pending I-751 Waiver of Removal of Condition Petition, when granted, will restore his Permanent Resident status. Mr. Ven has due process rights to having his immigration petition properly adjudicated.
27. Under the Fifth Amendment to the United States Constitution, those threatened with the loss of liberty or property due to actions by the federal government are entitled to due process of law. The Petitioner's continued physical detention is in violation of the fifth amendment.
28. Detention is not a requirement of deportation. To the contrary, detention is a deprivation of liberty that carries with it serious consequences independent of any decision to deport. The Petitioner's current detention serves only to take away the liberty of a non-citizen, separating him from his family and community and jeopardizing his ability to pursue pending legal avenues for relief. Because "[f]reedom from imprisonment . . . lies at the heart of the liberty [the Due Process] Clause protects," *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) the Petitioner should be immediately released and declare. that any revocation of his order of supervised release was unlawful without a constitutionally adequate hearing.
29. An orderly departure, commonly provided to noncitizens by sending a Form I-166 (colloquially referred to as a "bag and baggage letter")¹, is a process by

¹ A bag and baggage order "issues once the government determines that there is no further administrative relief available to an alien who is subject to an order of removal, and instructs the alien to appear at a specified location

which ICE directs an individual to appear for removal at a particular date and time. When an individual is ordered removed and either was never detained or has been previously released from custody, it is standard for ICE to provide the individual with an orderly departure as this process saves enforcement and detention resources, and affords an individual the opportunity to put their affairs in order and pursue any further relief for which they may be eligible. Instead of following this common and humane removal procedure, ICE arbitrarily arrested the Respondent and quickly shuttled him away, without any assertion that he was a flight risk or danger. In doing so, ICE violated its own regulations, statutory authority, and the Petitioner's constitutionally protected rights.

29. Further, Petitioner is seeking to restore his permanent residence status with USCIS. Under Immigration Law USCIS and not Immigration Court have jurisdiction to grant adjustment of status, even with an existing removal order.
30. Petitioner has a due process interest in continuing the immigration journey towards permanent residence status in which his continued detention unlawfully thwarts and interferes with his progress.

and time for removal." *Singh v. Gonzales*, 494 F.3d 1170, 1772 n.3 (9th Cir. 2007).

CAUSE OF ACTION II
Habeas Corpus Under 28 U.S.C. § 2241

31. Petitioner incorporates by reference paragraphs 1 –30.
32. Petitioner is in custody in violation of federal law and the Constitution.
 - a. *Indefinite Detention Violates Zadvydas v. Davis*
33. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that post-removal-order detention is limited to six months, and continued detention is only lawful if removal is reasonably foreseeable.
34. Here, Petitioner has peacefully and productively in the community for nearly 15 years and built a life. There is no change in circumstances regarding the Petitioner's matter, he is not a flight risk and he is not a danger to the community. Because of the pending I-751 waiver pending before the USCIS, there is no significant likelihood of removal of the Petitioner in the foreseeable future.
35. The Respondents have made no showing in the past or currently that they can even produce a travel document for the Petitioner in which they can effectuate removal.
36. Continued detention therefore violates both *Zadvydas* and the Immigration and Nationality Act.

REQUEST FOR RELIEF

Petitioner pray for judgment against Respondents and respectfully request that the Court enters an order:

1. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner from detention and reinstate his prior Order of Supervision;
2. Order Respondents to provide a status report on Petitioner's Removal;
3. Enjoin Respondents from moved the Petitioner out of the Northern District of Texas while this habeas petition is pending.
4. Enjoin Respondents from further holding the Petitioner in physical custody absent evidence of imminent ability to remove Petitioner;
5. Enjoin Respondents from removing Petitioner to at third country without affording him notice and the ability to challenge third country removal;
6. Declare that Petitioner's continued detention violates federal law and the Constitution;
7. Award reasonable attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.
8. Grant any other relief the Court deems just and proper.

Respectfully submitted,

December 13, 2025

/s/Javier Rivera
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Vida, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 12th day of, December 2025.

/s/ Javier Rivera
Javier Rivera