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6 *Attorneys for Petitioner Nguyen*

7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF ARIZONA**

9 Hung Ba Nguyen,

10 Petitioner,

11 vs.

12 David R. Rivas, Warden, et al.,

13 Respondents.  
14

No.

**Motion for Appointment of Counsel  
Under 18 U.S.C. § 3006A(a)(2)(B)**

15 Simultaneously with this document, Mr. Nguyen has filed a petition for a writ of habeas  
16 corpus under 28 U.S.C. § 2241. In this petition, he asserts that he cannot be removed from the  
17 United States because he cannot obtain travel documents to facilitate such a removal, and as a  
18 result that his continued detention in immigration custody violates the Due Process Clause of the  
19 Fifth Amendment. *See generally Zadvydas v. Davis*, 533 U.S. 678 (2001). Because he is almost  
20 certain to prevail on this claim, he respectfully asks the Court to appoint Assistant Federal Public  
21 Defender Keith Hilzendeger to assist him in litigating his petition. Mr. Hilzendeger has spoken  
22 with Mr. Nguyen at his place of incarceration, and reports that Mr. Nguyen has agreed to accept  
23 representation if the Court should appoint counsel.

24 Under 18 U.S.C. § 3006A(a)(2)(B), this Court may appoint counsel for any person who is  
25 seeking relief under 28 U.S.C. § 2241. Mr. Nguyen is seeking relief under that provision. The  
26 Ninth Circuit has said that a court should appoint counsel under this provision if the petitioner is  
27 likely to succeed on his petition and to have difficulty “articulat[ing] his claims *pro se* in light of  
28

1 the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)  
2 (per curiam). Although Mr. Nguyen is fluent in English, he lacks the legal training and knowledge  
3 to articulate his claims, which involve the intersection of two complex areas of law—habeas and  
4 immigration law. Nor does he have the wherewithal to litigate these claims from his jail cell,  
5 where he has no access to the documents necessary to refute the government’s case for  
6 continued detention. Although the San Luis Regional Detention Center maintains a kind of law  
7 library for detainees to use (as required by its contract with ICE), other clients of the Federal  
8 Public Defender who are detained there have reported that it is often out of service due to a poor  
9 internet connection. They have also reported that the facility does not make staff available to  
10 assist detainees in using the law library as ICE policy requires, and that the facility does not  
11 permit more than one detainee to use the law library at a time such that detainees cannot assist  
12 each other in using it. And for the reasons set forth in the accompanying motion for a preliminary  
13 injunction, he is almost certain to succeed on his *Zadvydas* claim. Mr. Nguyen thus respectfully  
14 asks the Court to appoint Assistant Federal Public Defender Keith Hilzendegeer to assist him in  
15 this matter.

16 Respectfully submitted:

December 17, 2025.

17 JON M. SANDS  
18 Federal Public Defender

19 *s/Keith J. Hilzendegeer*  
20 KEITH J. HILZENDEGER  
21 Assistant Federal Public Defender  
22 *Attorney for Petitioner Nguyen*  
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