UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Loc Vinh Truong,

Petitioner,

v.

Pamela Bondi, Attorney General

Kristi Noem, Secretary, U.S. Department of Homeland Security;

Department of Homeland Security;

Todd M. Lyons, Acting Director of Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

David Easterwood, Acting Director, St. Paul Field Office, Immigration and Customs Enforcement,

and,

Ryan Shea, Sheriff of Freeborn County.

Respondents.

25-4705

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Loc Vinh Truong, through Counsel, respectfully petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241 to remedy his unlawful detention.

2. Respondents are detaining Petitioner, who is subject to a final order of removal dated July 14, 2009.

3. Respondents have not shown a significant likelihood of removal in the reasonably foreseeable future.

4. The continued detention of Petitioner serves no legitimate purpose.

5. To remedy this unlawful detention, Petitioner seeks declaratory and injunctive relief in the form of immediate release from detention.

6. Pending the adjudication of his Petition, Petitioner seeks an order restraining Respondents from transferring him to a location where he cannot reasonably consult with counsel, such a location to be construed as any location outside of the geographic jurisdiction of the day-to-day operations of U.S. Customs and Immigration's ("ICE") St. Paul, Minnesota of the Office of Enforcement and Removal Operations in the State of Minnesota.

7. Petitioner requests the same opportunity to be heard in a meaningful manner, at a meaningful time, and thus requests 72-hour notice prior to any removal or movement of him away from the State of Minnesota.

8. Petitioner requests that the Court order that, pending this petition, Petitioner be provided due process prior to any removal to any allegedly safe third country in the form of an opportunity to assert a credible fear of that country and, should such a fear exist, receive a full merits hearing for withholding of removal and DCAT before an immigration judge, should such a third country be identified and such a credible fear exist.

JURISDICTION AND VENUE

9. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1651 (All Writs Act), and § 2241 (habeas corpus); Art. I, § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), specifically, 8 U.S.C. § 1101-1537.

10. Because Truong seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this court. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

11. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v.*

Rodriguez, 138 S. Ct. 830, 839–41 (2018); *Nielsen v. Preap*, 139 S. Ct. 954, 961–63 (2019).

12. Venue is proper in this Court pursuant to 28 USC §§ 1391(b), (e)(1)(B), and 2241(d) because Truong is detained within this District. He is currently detained at the Freeborn County Jail in Albert Lea, Minnesota. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district.

PARTIES

13. Petitioner Truong is a citizen of Vietnam. Prior to his detention, Petitioner was residing in Minnesota.

14. Petitioner is currently in custody at the Freeborn County Jail in Albert Lea, Minnesota, pursuant to a final order of removal.

15. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice, which encompasses the Board of Immigration Appeals ("BIA") and the immigration judges through the Executive Office for Immigration Review ("EOIR"). Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Truong.

16. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the St. Paul ICE Field Office, and is legally responsible for pursuing Truong's detention. As such, Respondent Noem is a legal custodian of Truong.

17. Respondent Department of Homeland Security ("DHS") is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens, including Truong. As such, DHS is a legal custodian of Truong.

18. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, which oversees the detention of aliens in the United States. Mr. Lyons is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention. As such, Respondent Lyons is a legal custodian of Truong.

19. Respondent Immigration and Customs Enforcement ("ICE") is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act, including the detention of noncitizens. As such, ICE is a legal custodian of Truong.

20. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director for the St. Paul Field Office for ICE within DHS. In that capacity, Acting Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Truong. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111, and it is the field office with jurisdiction over Truong's detention in Minnesota. As such, Respondent Easterwood is a legal custodian of Truong.

21. Respondent Sheriff Ryan Shea is being sued in his official capacity as the Sheriff responsible for the Freeborn County Jail. Because Petitioner is detained in the Freeborn County Jail, Respondent Shea has immediate day-to-day control over Petitioner. As such, Respondent Shea is a legal custodian of Truong.

EXHAUSTION

22. A final order of removal has been entered against Petitioner.

23. There are no legal proceedings pending in any other federal court, state court, or administrative tribunal.

24. Notably, no statutory exhaustion requirement applies to Petitioner's claim of unlawful detention. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992); 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies only where requesting review of a final removal order).

25. Prudential exhaustion is not required when to do so would be futile or "the administrative body ... has . . . predetermined the issue before it." *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992), *superseded by statute on other grounds as stated in Woodford v. Ngo*, 548 U.S. 81 (2006).

26. Prudential exhaustion is also not required in cases where "a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim." *McCarthy*, 503 U.S. at 147. Every day that Petitioner is unlawfully detained causes him and his family irreparable harm. *Jarpa v. Mumford*, 211 F. Supp. 3d 706, 711 (D. Md. 2016) ("Here, continued loss of liberty without any individualized bail determination constitutes the kind of irreparable harm which forgives exhaustion."); *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018) (explaining that "a loss of liberty" is "perhaps the best example of irreparable harm"); *Hamama v. Adducci*, 349 F, Supp. 3d 665, 701 (E.D. Mich. 2018) (holding that "detention has inflicted grave" and "irreparable harm" and describing the impact of prolonged detention on individuals and their families).

27. Prudential exhaustion is additionally not required in cases where the agency "lacks the institutional competence to resolve the particular type of issue presented, such as the constitutionality of a statute." *McCarthy*, 503 U.S. at 147-48. Immigration agencies have no jurisdiction over constitutional

challenges of the kind Pham raises here. *See, e.g.*, *Matter of C-*, 20 1. & N. Dec. 529, 532 (BIA 1992) ("[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations."); *Matter of Akram*, 25 1. & N. Dec. 874, 880 (BIA 2012); *Matter of Valdovinos*, 18 1. & N. Dec. 343, 345 (BIA 1982); *Matter of Fuentes-Campos*, 21 1. & N. Dec. 905, 912 (BIA 1997); *Matter of U-M*, 201. & N. Dec. 327 (BIA 1991).

28. Because requiring Petitioner to exhaust administrative remedies would be futile, would cause him irreparable harm, and the immigration agencies lack jurisdiction over the constitutional claims, this Court should not require exhaustion as a prudential matter.

29. In any event, Petitioner has indeed exhausted all remedies available to him.

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

30. Truong is a native of Vietnam.

31. On or around June 29, 2009, Respondents initiated removal proceedings against Truong and transferred him to ICE custody. *See* Exh. A.

32. On July 14, 2009, Truong was ordered removed to Vietnam. *See id.* Neither party appealed the administrative decision. *See* Exh. B.

33. On October 13, 2009, 90 days after the completion of the administrative removal process, Respondents released Truong on an Order of Supervision. *See* Exh. A.

34. Respondents required Petitioner to check in periodically with Respondent ICE. *See* Exh. C.

35. Petitioner has complied with his Order of Supervision for over 16 years. *See id.*

36. On December 13, 2025, Respondents apprehended Petitioner and detained him near his residence.

37. Federal statutes and regulations required Respondents to follow certain procedures before they re-detained Petitioner.

38. Upon information and belief, Respondents did not comply with these laws prior to re-detaining Petitioner.

39. There is no indication that the official responsible for revoking Petitioner's order of supervision first referred the case to the ICE Executive Associate Director, made findings that revocation was in the public interest and that circumstances did not reasonably permit referral to the Executive Associate Director, or had been delegated authority to revoke an order of supervision.

40. On or around Monday evening, December 15, 2025, after he was already in ICE custody, Petitioner received a Notice of Revocation of Release. *See* Exh. A.

41. This Notice purported to revoke his Order of Supervision because of conclusory claims that "ICE has determined there is a significant likelihood of removal in the reasonably foreseeable future in your case" based on unidentified "changed circumstances." *See id.*

42. The Notice does not provide a reasonable basis for believing that there is now a significant likelihood of removal in the reasonably foreseeable future. *See id.*

43. The Notice does not provide Petitioner with sufficient information to be in a position to rebut the factual allegations underlying the Notice at an informal interview. *See id.*

44. The Notice does not provide enough information or detail to allow this Court to review meaningfully the relevant claims made in the Notice. *See id.*

45. Petitioner maintains that he has no reason to believe that there is a significant likelihood he will be removed in the reasonably foreseeable future.

46. The Notice does not allege that Petitioner has failed to comply with any of the terms of his Order of Supervision. *See id.*

47. The Notice does not allege that Respondents have obtained a travel document allowing for Petitioner's immediate removal from the United States. *See id.*

48. The Notice does not allege any new facts that might form an independent basis for taking Petitioner into custody. *See id.*

49. At the time of Petitioner's arrest, up through the present, there is no indication that Respondent ICE has information that could reasonably lead it to believe changed circumstances exist that justify re-detention under 8 C.F.R. § 241.13(i).

50. At the time of re-detention, there is no indication that Respondent ICE had begun the steps of having Petitioner apply for a travel document from detention for Vietnam nor some other allegedly safe third country.

51. Since Petitioner's re-detention, there is no indication that Respondents have taken timely meaningful steps to ensure Petitioner's removal from the United States in the reasonably foreseeable future.

52. There is no indication that Petitioner has been interviewed in accordance with 8 C.F.R. § 241.13(i)(3).

53. There is no indication that Respondents identified any material changes since Petitioner's release in 2009.

54. There is no indication that Respondents have secured travel documents necessary for Petitioner's removal from the United States to Vietnam or to any other country.

55. Respondents have not informed Petitioner of any imminent removal to any country.

56. The re-detention of Petitioner serves no legitimate purpose.

LEGAL FRAMEWORK

57. The Due Process Clause of the Fifth Amendment requires that "[n]o person shall… be deprived of liberty… without due process of law." U.S. Const. amend. 5.

58. It is well-established that the Fifth Amendment entitled aliens to due process of Law[.]" *Demore v. Kim*, 528 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

59. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

60. Due process therefore requires "adequate procedural protections" to ensure that the government's asserted justification for its conduct infringing on protected interests 'outweighs the individual's constitutionally protected

interest in avoiding physical restraint.'" *Id.* (citing *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)).

61. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528.

62. Civil detention must remain "nonpunitive in purpose and effect." *Zadvydas*, 533 U.S. at 690.

63. Other than punishment for a crime, due process permits the government to take away liberty only "in certain special and narrow nonpunitive circumstances . . . where a special justification . . . outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Id.* (quotation marks omitted).

64. Such special justification exists only where a restraint on liberty bears a "reasonable relation" to permissible purposes. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *see also Foucha v. Louisiana*, 504 U.S. 71, 79 (1992); *Zadvydas*, 533 U.S. at 690.

65. As the Constitution states, "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it." U.S. Const. art. I, § 9 cl. 2.

66. Such a writ is available to a person who "is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3).

67. The writ of habeas corpus is the "fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action." *Harris v. Nelson*, 394 U.S. 286, 291 (1969).

68. Hence, "the very nature of the writ demands that it be administered with the initiative and flexibility essential to ensure the miscarriages of justice within its reach are surfaced and corrected." *Id.*

69. "There is no higher duty of a court, under our constitutional system, than the careful processing and adjudication of petitions for writs of habeas corpus, for it is in such proceedings that a person in custody charges that error, neglect, or evil purpose has resulted in his unlawful confinement and that he is deprived of his freedom contrary to law." *Id.* at 291-22.

70. "The scope and flexibility of the writ – its capacity to real all manner of illegal detention – its ability to cut through barriers of form and procedural mazes – have always been emphasized and jealously guarded by courts and lawmakers." *Id.* at 291.

71. Petitioner's present detention is governed by 8 U.S.C. § 1231 and its implementing regulations at 8 C.F.R. pt. 241.

72. "[W]hen an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days (in this section referred to as the "removal period")." 8 U.S.C. § 1231(a)(1)(A).

73. The removal period begins on the latest of the following:

(i) The date the order of removal becomes administratively final.

(ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order.

(iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

8 U.S.C. § 1231(a)(1)(B).

74. The removal period may be extended beyond a period of 90 days if the alien "fails or refuses to make timely application in good faith for travel or other documents necessary to [his] departure," or otherwise fails to cooperate in the removal process. 8 U.S.C. § 1231(a)(1)(C).

75. "If the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien—

(A)to appear before an immigration officer periodically for identification;

(B)to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government;

> (C) to give information under oath about the alien's nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and
>
> (D) to obey reasonable written restrictions on the alien's conduct or activities that the Attorney General prescribes for the alien.

8 U.S.C. § 1231(a)(3) (emphasis added); *see also* 8 C.F.R. § 241.13(h)(1).

76. Regulations permit the government to withdraw or otherwise revoke release only under specific circumstances. *See* 8 C.F.R. § 241.13(h)(4).

77. Importantly, "the statutes at issue permit detention only while removal remains reasonably foreseeable." *Nadarajah v. Gonzales*, 443 F.3d 1069, 1078 (9th Cir. 2006).

78. One permissible reason to revoke release occurs when, "**on account of changed circumstances**, the Service determines that there **is** a significant likelihood that the alien may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(i)(2) (emphasis added).

79. Once such a determination is made, the noncitizen must "be notified of the reasons for revocation of [their] release" and must be provided with "an initial informal interview...to afford the alien an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.13(1)(3).

80. "The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release." *Id.*

81. If a noncitizen is not released following the informal interview, "the provisions of [8 C.F.R. § 241.4] shall govern the alien's continued detention pending removal." 8 C.F.R. § 241.13(i)(2).

82. "[O]nce the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must furnish evidence sufficient to rebut that showing." *Zadvydas*, 533 U.S. at 699-700 (emphasis added).

83. Courts in Minnesota "have found no significant likelihood of removal in five types of cases: (1) where the detainee is stateless and no country will accept him; (2) where the detainee's country of origin refuses to issue a travel document; (3) where there is no repatriation agreement between the detainee's native country and the United States; (4) where political conditions in the country of origin render removal virtually impossible; and (5) where a foreign country's delay in issuing travel documents is so extraordinarily long that the delay itself warrants an inference that the documents will likely never issue." *Ahmed v. Brott*, 2015 WL 1542131, at *4 (D. Minn. Mar. 17, 2015).

84. In determining whether due process has been violated, the Court should weigh (1) the private interest affected by the government action; (2) the risk that current procedures will cause an erroneous deprivation of the private interest, and the extent to which that risk could be reduced by additional safeguards; and (3) the government's interest in maintaining the current procedures, including the function involved and the fiscal and administrative burdens that the substitute procedural requirement would entail. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

85. As to the first *Mathews v. Eldridge*, 424 U.S. 319 (1976) factor, the private interest affected by the government action, "Petitioner's liberty interest in remaining free from governmental restraint is of the highest constitutional import." *Zavala*, 310 F. Supp. 2d at 1076; *see also Ashley*, 288 F. Supp. 2d at 670–71 ("[F]reedom from confinement is a liberty interest of the 'highest constitutional import.'") (quoting *St. John v. McElroy*, 917 F. Supp. 243, 250 (S.D.N.Y. 1996)). "[B]eing free from physical detention is 'the most elemental of liberty interests.'" *Günaydın*, 2025 WL 1459154, at *7 (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 531 (2004)).

86. In assessing the first factor, "courts consider the conditions under which detainees are currently held, including whether a detainee is held in conditions indistinguishable from criminal incarceration." *Günaydın*, 2025 WL 1459154,

at *7 (first citing *Hernandez-Lara v. Lyons*, 10 F.4th 19, 28 (1st Cir. 2021) (involving noncitizen detainee held "alongside criminal inmates" at a county jail); and then citing *Velasco Lopez v. Decker*, 978 F.3d 842, 852 (2d Cir. 2020) (observing noncitizen was "not detained" but, rather, was incarcerated in conditions identical to those imposed on criminal defendants after being convicted of "violent felonies and other serious crimes")). Petitioner is being held at the Freeborn County Jail, which houses civil immigration detainees, pre-trial criminal arrestees, and incarcerated prisoners serving criminal sentences. "He is experiencing all the deprivations of incarceration, including loss of contact with friends and family…lack of privacy, and, most fundamentally, the lack of freedom of movement." *Günaydın*, 2025 WL 1459154, at *7.

87. As to the second *Mathews v. Eldridge* factor, this Court must look at the risk that current procedures will cause an erroneous deprivation of a private interest, and the extent to which that risk could be reduced by additional safeguards. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

88. To safeguard against erroneous deprivations of liberty, the statute provides for release on an order of supervision. 8 U.S.C. § 1231(a)(3). Regulations specify who may lawfully revoke the order and the procedures that must be followed when doing so, including giving notice and an opportunity to be heard. 8

C.F.R. § 241.13(i). Respondents violated those laws here, leaving the risk of erroneous deprivation of liberty not just high, but certain. Requiring Respondents to give notice and an opportunity to respond prior to revoking an order of supervision is of great value because it reduces the probability of needless detention.

89. There have been no changes to the facts or any materially changed circumstances that justify Petitioner's detention now.

90. Respondents' re-detention of Petitioner is arbitrary.

91. There is a high risk that Respondents' current procedures cause an erroneous deprivation of a private interest.

92. This erroneous deprivation could have been avoided by additional safeguards such as proper notice and an opportunity to be heard.

93. The second *Mathews v. Eldridge* factor is met.

94. As to the third *Mathews v. Eldridge* factor, when the government ignores law that ensures notice and an opportunity to respond to a person at risk of revocation of an order of supervision, it is more likely to waste limited financial and administrative resources on unnecessary detention of people who are neither flight risks nor dangerous and for whom there is no significant likelihood of removal in the reasonably foreseeable future. This waste drags down the efficiency of the entire immigration system. And because the

government must also spend resources defending against a habeas corpus petition in federal court to compel Respondents to comply with law, requiring Respondents to instead provide notice and a meaningful opportunity to respond prior to revoking an order of supervision reduces fiscal and administrative burdens on the government.

95. To prevail on a claim asserting the deprivation of due process, a petitioner must also show "actual prejudice." *Puc-Ruiz v. Holder*, 629 F.3d 771, 782 (8th Cir. 2010) (citation omitted). Actual prejudice occurs if "an alternate result may well have resulted without the violation." *Id.* (citation omitted) (internal quotations omitted); *see also Lazaro v. Mukasey*, 527 F.3d 977, 981 (9th Cir. 2008) (explaining that prejudice is not necessary where agency action was *ultra vires*).

96. Respondents detained Petitioner by revoking his Order of Supervision in violation of statute, regulations, his constitutional rights, and the APA. His detention is unlawful.

CAUSE OF ACTION

COUNT I

Statutory Violation of 8 U.S.C. § 1231

97. Petitioner re-alleges and incorporates by reference each allegation.

98. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231.

99. The 90 day "removal period" has expired, Petitioner still has not been removed, his removal is in no way foreseeable, and yet Petitioner continues to remain in detention.

100. Petitioner has complied with the mandate of 8 U.S.C. § 1231(a)(3) since his release.

101. Petitioner's removal to Vietnam or any other country is not significantly likely to occur in the reasonably foreseeable future.

102. The Ninth Circuit held in *Nadarajah v. Gonzales*, 443 F.3d 1069, 1078 (9th Cir. 2006) that ICE's continued detention of someone like Petitioner under such circumstances is unlawful.

COUNT II

Violation of the APA – Failure to Comply with Regulatory Mandate & *Accardi* Doctrine

103. Petitioner re-alleges and incorporates by reference each allegation.

104. Under the applicable regulation, "[u]pon revocation, the alien will be notified of the reasons for revocation of his [] release." 8 C.F.R. § 241.13(i)(3).

105. One such reason may be that, on account of changed circumstances, there is a significant likelihood of removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(2).

106. The burden to establish circumstances that make removal significantly likely in the reasonably foreseeable future belongs to Respondents. *See id.*; *Zadvydas*, 533 U.S. at 699-700.

107. Respondents have not notified Petitioner that they have secured the necessary travel authorization for removal to Vietnam.

108. Respondents did not notify Petitioner that they have designated an alternative country of removal consistent with 8 C.F.R. § 1240.12(d) and secured the necessary travel authorization for removal to a third country.

109. Respondents cannot prove that Petitioner's removal is reasonably foreseeable or imminent, which is the stated reason for revocation in the Notice of Revocation of Release, so Petitioner's ongoing detention is therefore unreasonable and a violation of 8 C.F.R. § 241.13.

110. Respondents have not compiled with their regulations. *See Sarail A. v. Bondi*, No. 25-cv-2144 (ECT/JFD), ECF No. 9 at 5 (D. Minn. June 17, 2025) (recommending habeas relief when ICE similarly provided a notice that only parroted the regulatory text); *Mahamed Roble v. Bondi*, No. 25-CV-3196 (LMP/LIB), 2025 WL 2443453, at *3 (D. Minn. Aug. 25, 2025) (granting habeas relief when ICE failed to provide notice of the changed circumstances that related particularly to Respondent).

111. Respondents' failure also violates the mandate of *Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

112. Under the *Accardi* doctrine, Petitioner has a right to set aside agency action that violated agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260.

113. Under *Accardi*, Respondents' revocation of the order of supervision should be set aside for violating agency procedures, rules, or instructions.

COUNT III

Violation of the APA – Arbitrary and Capricious

114. Petitioner re-alleges and incorporates by reference each allegation.

115. Under the APA, a court "shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be .. . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

116. An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 43 (1983)).

117. To survive an APA challenge, the agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made." *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

118. Respondents failed to articulate the facts that formed a basis for their decision to revoke Petitioner's Order of Supervision in violation of the APA, let alone any rational connection between the facts found and the decision made.

119. Respondents' action is therefore arbitrary and capricious.

120. Respondents' action violates the APA.

COUNT IV

Violation of the Fifth Amendment – Substantive Due Process

121. Petitioner re-alleges and incorporates by reference each allegation.

122. The Due Process Clause of the Fifth Amendment protects against arbitrary detention by the executive branch. *Zadvydas*, 533 U.S. at 699.

123. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest.

124. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

125. Civil immigration detention cannot be punitive in nature. *See Zadvydas*, 533 U.S. at 694; *Wong Wing*, 163 U.S. at 238.

126. "[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized." *Zadvydas*, 533 U.S. at 699.

127. "[F]or detention to remain reasonable, as the period of prior postremoval confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." *Id.* At 701.

128. Courts in Minnesota "have found no significant likelihood of removal … where the detainee is stateless and no country will accept him [and] where the detainee's country of origin refuses to issue a travel document." *Ahmed v. Brott*, 2015 WL 1542131, at *4 (D. Minn. Mar. 17, 2015).

129. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite and arbitrary detention of Petitioner when Respondents are not significantly likely to remove Petitioner in the reasonably foreseeable future.

130. Petitioner has already been detained in excess of the removal period, and Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future.

131. This is a violation of the Fifth Amendment's Due Process Clause. *See Zadvydas*, 533 U.S. at 701; *Nadarajah,* 443 F.3d at 1084.

132. Continued detention violates the Fifth Amendment, and Petitioner's writ of habeas corpus must issue.

COUNT V

Violation of the Fifth Amendment – Procedural Due Process

133. Petitioner re-alleges and incorporates by reference each allegation.

134. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

135. The Fifth Amendment Due Process Clause protects against arbitrary detention and requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its legitimate goals.

136. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained.

137. Respondents violated Petitioner's Due Process rights by violating their statute and regulations.

138. Petitioner's sudden and continuing detention, with no prior notice, no showing of changed circumstances, or an opportunity to respond, violates his due process rights.

PRAYER FOR RELIEF

WHEREFORE, Petitioner, Loc Vinh Truong, asks this Court for the following relief:

1. Assume jurisdiction over this matter.
2. Issue an order restraining Respondents from attempting to move Petitioner from the State of Minnesota during the pendency of this Petition.
3. Issue an order requiring Respondents to provide 72-hour notice of any intended movement of Petitioner.
4. Issue an order requiring that Petitioner be provided due process prior to any removal to any allegedly safe third country in the form of an opportunity to assert a credible fear of that country, should such a fear exist, followed by a full merits hearing for asylum, withholding of removal, and DCAT before an immigration judge, should such a third country be identified while this petition is pending.
5. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under 28 U.S.C., chapter 153 related to habeas actions.
6. Order Respondents to show cause for their continued detention of Petitioner within three days or another reasonable time period the Court determines is appropriate pursuant to 28 U.S.C. § 2243.
7. Grant the writ of habeas corpus.

8. Order Petitioner's release from custody under an order of supervision consistent with 8 U.S.C. § 1231(a)(3) or other condition as set by the Court.

9. Declare that Respondents' action is arbitrary and capricious.

10. Declare that Petitioner's detention beyond the 6-month period violates the Due Process Clause of the Fifth Amendment where travel arrangements have not been made.

11. Grant Truong reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).

12. Grant all further relief this Court deems just and proper.

DATED: December 18, 2025

Respectfully submitted,

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Attorneys for Petitioner

Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I and others working under my supervision have discussed with the Petitioner the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge.

/s/ Gabriela Anderson

Date: December 18, 2025