UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KHOUNG QUANG LE, Petitioner, v. PAMLEA BONDI, *et al.*, Respondents.	§ § § § § § § § § §	CASE NO. 4:25-cv-6180

GOVERNMENT'S RESPONSE TO SHOW CAUSE

The Government[1] hereby responds to the Court's show cause order with this filing establishing the propriety of Petitioner's current detention.[2] The Government is not at this time moving for summary judgment because additional time is needed to coordinate with immigration officials to ensure that all necessary supporting information is provided.

INTRODUCTION

Petitioner, Khuong Quang Le, is lawfully detained under 8 U.S.C. § 1231 as an alien subject to a final order of removal. Petitioner has been in U.S. Immigration and Customs Enforcement (ICE) detention for approximately two months, which is well within the six-month detention period presumed to be reasonable under *Zadvydas*. Even assuming for the

[1] Petitioner alleges that he is being detained at the Houston Processing Center in Houston, Texas. Dkt. No. 1 at ¶ 16. This facility operates under the direction of the Federal Government; as such, it is the Federal Respondents, not the named warden in this case, who makes the custodial decisions regarding aliens detained in immigration custody under Title 8 of the United States Code. Therefore, the Federal Government is the real party in interest and respond herein.

[2] The Government failed to calendar the original show cause deadline because this matter was mistaken for a similarly styled case filed on the same day: *Le v. Bondi*, 4:25-cv-6179 (S.D. Tex) (J. Ellison). Although the Court has informally authorized the Government to file this response today, in an abundance of caution, the Government respectfully requests that it be granted leave to file this response out of time.

sake of argument that the detention period exceeded six months, Petitioner has the initial burden of proof to show that there is no significant likelihood of removal in the foreseeable future. His petition fails to meet this burden. As such, his current detention is lawful.

BACKGROUND

Petitioner Khuong Quang Le is a Vietnam citizen, with a removal order, awaiting deportation. Dkt. 1 at ¶¶ 2, 3, 35. Petitioner entered the United States in 1981. *Id.* at ¶ 35. In 1995, Petitioner was convicted of Burglary of a Habitation with Intent to Commit Theft in Harris County, Texas. *See* Exhibit 1, Form I-862. Petitioner was sentenced to confinement for a period of 15 years. *Id.* Petitioner was ordered deported in 2000. *See* Exhibit 2, Order of Removal. After his removal order was entered, Petitioner was placed on an Order of Supervision and released. Dkt. 1 at ¶ 4. ICE detained Petitioner on or about November 3, 2025, so that he could be removed to Vietnam. *Id.* at ¶ 5.

BASIS FOR DETENTION

Petitioner is lawfully detained under 8 U.S.C. § 1231 because he is subject to a final order of removal. Because Petitioner has been detained for approximately two months, the length of detention at issue raises no constitutional concerns.

I. Petitioner's approximate two-month detention is lawful.

The length of Petitioner's detention, since November of 2025, is lawful and any challenge based on *Zadvydas* is premature. A petitioner may challenge continued detention under the framework established in *Zadvydas*, which held that detention may not be indefinite and is presumptively reasonable for only six months beyond the removal period. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). If an alien's post removal order detention is less than six

months, any habeas challenge based on *Zadvydas* should be rejected as premature. *See Agyei-Kodie v. Holder*, 418 Fed. Appx. 317, 318 (5th Cir. 2011)(holding that a challenge under *Zadvydas* within the six-month period is premature). Here, the Petitioner is still within the presumptively reasonable six-month period set forth in *Zadvydas* and his habeas challenge should therefore be denied as premature.

Petitioner's current detention has been ongoing for less than six months and is thus presumptively constitutional. "Petitioner does not recall if he was detained for any length of time prior to November 3, 2025." Dkt. 1 at ¶ 6. However, even if he had been previously detained, that does not render his current detention unlawful. While *Zadvydas* did not speak with precision on the six-month presumption, some courts have treated the clock on detention as re-starting each time an alien subject to a final order of removal is again detained by ICE. *See*, *e.g.*, *Guerra-Castro v. Parra*, No. 1:25-CV-22487, 2025 WL 1984300 (S.D. Fla. July 17, 2025); *Thai v. Hyde*, -- F.Supp.3d --, 2025 WL 1655489 (D. Mass. June 11, 2025); *Dogra v. Immigr. Customs Enf't*, No. 1:09-CV-00065, 2009 WL 2878459, at *2 n.2 (W.D.N.Y. Sept. 2, 2009). Such an approach makes sense, as the overarching anathema that *Zadvydas* sought to avoid was indefinite detention—not some total cumulative period of detention.

Assuming for the sake of argument that Petitioner's challenge is not premature, he cannot meet his initial burden under the *Zadvydas* framework. In a challenge to detention under *Zadvydas*, the petitioner must "provide[] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." 533 U.S. at 701; *see also Tawfik v. Garland*, No. 4:24-CV-02823, 2024 WL 4534747, at *3 (S.D. Tex. Oct. 21, 2024) (citing *Zadvydas*, 533 U.S. at 701) (explaining that it is the detainee's initial burden to show that his

removal is not significantly likely in the reasonably foreseeable future). To carry that burden requires "something beyond speculation and conjecture"; rather, a petitioner must demonstrate that there are particular individual barriers preventing his removal. *See Idowu v. Ridge*, No. 3:03-CV-01293, 2003 WL 21805198, at *3 (N.D. Tex. Aug. 4, 2003); *see also Apau v. Ashcroft*, No. 3:02-CV-02652, 2003 WL 21801154 (N.D. Tex. June 17, 2003) (holding the fact that the respondent country had yet to issue travel documents was insufficient to meet this burden).

Petitioner has offered no evidence indicating that any real, non-speculative barriers to his removal exist. Instead, Petitioner asserts that "he does not understand the reason ICE now believes that there is a significant likelihood he will be removed in the reasonably foreseeable future." Dkt. 1 at ¶ 60. At bottom, Petitioner's position appears to be that the Government is incapable of removing him in the near future because it failed to do so in the past. But the state of foreign affairs is inherently dynamic, and thus any unsuccessful removal efforts in past administrations are minimally probative of renewed efforts now. Thus, assuming that the instant habeas petition is not premature, Petitioner has failed to meet his initial burden under *Zadvydas* to provide good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.

CONCLUSION

For the foregoing reasons, Petitioner is lawfully detained pursuant to 8 U.S.C. § 1231.

Dated: January 7, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 7, 2026, the foregoing was filed and served on counsel of record through the Court's CM/ECF system.

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