UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:25-cv-4758-ECT-ECW

LENG THAO,

Petitioner,

v.

DONALD J. TRUMP, *et al.*,

Respondents.

FEDERAL RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Leng Thao filed this habeas petition to seek release from detention by the U.S. Immigration and Customs Enforcement ("ICE") pending his removal from the country. Respondents Donald J. Trump, Kristi Noem, Marco Rubio, Todd M. Lyons, Pamela Bondi, and David Easterwood (collectively, the "Federal Respondents") submit this response and respectfully request that the Court deny Thao's petition because he is not entitled to habeas relief. Thao's removal to Laos is likely to occur in the foreseeable future, which disposes of his main claims in this case. To the extent Thao can also raise a habeas challenge to the procedures ICE used when revoking his release, none of those challenges have merit. And to the extent Thao is concerned about third country removal, his concerns are misplaced because ICE is working to remove him to Laos.

BACKGROUND

The Federal Respondents draw the following background from Thao's petition and from the Declaration of William J. Robinson ("Robinson Decl.").

I. Thao's Background and Removal Proceedings

Thao is a citizen of Laos who entered the United States in 1992. Pet. ¶ 2; Robinson Decl. ¶ 4. In 2006, Thao was convicted of Third-Degree Criminal Sexual Conduct, in the Minnesota District Court for Ramsey County. Robinson Decl. ¶ 5. He was sentenced to 18 months in prison and 15 years of probation. Robinson Decl. ¶ 5.

Thao was released from prison in September 2006, at which point ICE took him into custody to initiate removal proceedings. Robinson Decl. ¶ 6. He was served with a Notice to Appear the day after his arrest and charged with being removable due to a conviction for an aggravated felony. *See* 8 U.S.C. § 1227(a)(2)(A)(iii); Robinson Decl. ¶¶ 6-7. An immigration judge entered a removal order on September 19, 2006, directing that Thao be removed to Thailand or to Laos. Robinson Decl. ¶ 8, Ex. A. Thao did not appeal, so his order of removal became administratively final on September 19, 2006. Robinson Decl. ¶ 8. ICE was not able to remove Thao in the months following entry of his removal order, so the agency released him in January 2007, pursuant to an Order of Supervision. Robinson Decl. ¶ 9.

II. Thao's Current Detention

Thao is currently in ICE custody pending his removal to Laos. Robinson Decl. ¶ 13. Although the United States had years of difficulty removing Laotian nationals from the country, the situation changed recently. Laos has now resumed issuing travel documents for removals and accepting individuals for repatriation. Robinson Decl. ¶ 14. Since March 2025, ICE's St. Paul office has been able to remove more than 20 individuals to Laos. Robinson Decl. ¶ 14.

Given these changed circumstances, ICE revoked Thao's order of supervision on in December 2025 and took him into custody. Robinson Decl. ¶¶ 10-11, Ex. B. And notwithstanding Thao's speculation to the contrary, the person who signed Thao's notice of revocation was duly authorized to do so. Robinson Decl. ¶ 11. His removal should occur soon, given that ICE regularly conducts chartered removals to Laos. Robinson Decl. ¶¶ 14-15. ICE has requested a travel document for Thao and anticipates that he will be able to travel to Laos in the reasonably foreseeable future. Robinson Decl. ¶ 15.

After his arrest, ICE officers conducted an informal interview with Thao to give him an opportunity to respond to the agency's reasons for revoking his release. Robinson Decl. ¶ 12, Ex. C. Thao chose not to say anything during the interview, did not provide a written statement, and offered no documents showing that his removal was unlikely to occur in the foreseeable future. Robinson Decl. Ex. C.

III. Procedural History

Thao filed this action on December 23, 2025, seeking relief under 28 U.S.C. § 2241. Dkt. 1. The gist of Thao's petition is that ICE will not be able to remove him in the foreseeable future, so his ongoing detention violates the Due Process Clause—i.e., he is raising a *Zadvydas* issue. Pet. ¶¶ 82-91. He also challenged some of the logistics that led to his detention, including the authority of the person who revoked his release and whether ICE followed its own regulations for revoking supervision. Pet. ¶¶ 92-104. Finally, Thao alleges a few claims regarding a supposed third country removal. Pet. ¶¶ 105-22. But these

claims make no sense because he is being removed to Laos, which is the country listed in his removal order. Robinson Decl. ¶ 13.[1]

ARGUMENT

The Court should deny Thao's petition. His pursuit of habeas relief is based on the idea that ICE will not be able to remove him to Laos in the reasonably foreseeable future. Yet the evidence accompanying this response demonstrates that ICE is diligently working to coordinate Thao's removal and will likely be successful. As for procedural concerns about Thao's re-detention, they would not entitle him to habeas relief even if they had merit (which they do not).

I. Jurisdiction, Burden of Proof, and Scope of Review

Thao seeks relief under 28 U.S.C. § 2241, which gives district courts jurisdiction to hear habeas petitions brought by individuals in federal custody. As the petitioner, Thao bears the burden of proving that he is in custody in violation of the Constitution or the laws of the United States. Judicial review is narrow in immigration matters, including challenges to immigration detention. *See I.N.S. v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *Hampton v. Mow Sun Wong*, 426 U.S. 88, 101 n.21 (1976) ("[T]he power over aliens is of a political character and therefore subject only to narrow judicial review."). The Supreme Court has "underscore[d] the limited scope of inquiry into immigration legislation" and "repeatedly emphasized that over no conceivable subject is the legislative power of

[1] Thao seems to be confused on this point. He alleges that an immigration judge ordered him removed to Laos, Pet. ¶ 2, but his Prayer for Relief asks the Court to enjoin the Federal Respondents from removing him to any country other than Somalia until Thao receives written notice and a reasonable fear interview, Pet. at 36-37.

Congress more complete than it is over the admission of aliens." *Fiallo v. Bell*, 430 U.S. 787, 792 (1977) (citations and internal quotation marks omitted).

These limitations are important in habeas actions that challenge a noncitizen's civil immigration detention. Federal courts employ a narrow standard of review and exercise "the greatest caution" in evaluating constitutional claims that implicate those decisions. *Mathews v. Diaz*, 426 U.S. 67, 81-82 (1976). The plenary power of Congress and the Executive Branch over immigration necessarily encompasses immigration detention, because the authority to detain is elemental to the authority to deport. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) ("Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control."); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of this deportation procedure."); *Wong Wing v. United States*, 163 U.S. 228, 235 (1896) ("Proceedings to exclude or expel would be vain if those accused could not be held in custody pending the inquiry into their true character, and while arrangements were being made for their deportation.").

Thao's challenge in this case is to his detention pending removal. He contends that ICE's decision to re-detain him violates the Due Process Clause because there is no significant likelihood of his removal in the foreseeable future. Pet. ¶¶ 82-91. That is a *Zadvydas* claim, the framework for which the Federal Respondents will outline below. *See Zadvydas v. Davis*, 533 U.S. 678 (2001). Thao also invokes the Administrative Procedure Act, Pet. ¶¶ 92-100, and asserts a claim labeled "Violation of the *Accardi* Doctrine," Pet.

¶¶ 101-04.[2] But those claims merely quibble with how ICE made its re-detention decision. To the extent Thao truly APA-style or mandamus-style review of the agency's decision, he would have to bring a regular civil action (and pay the full filing fee rather than the $5.00 "habeas" filing fee). That is because the Eighth Circuit limits habeas petitioners to challenging the fact or duration of their confinement. *Spencer v. Haynes*, 774 F.3d 467, 469-71 (8th Cir. 2014); *Kruger v. Erickson*, 77 F.3d 1071, 1073 (8th Cir. 1996).

It is also worth emphasizing that Thao cannot use this petition to challenge the validity of his underlying removal order or ICE's execution of that order. Jurisdiction over that type of challenge lies with an immigration court in the first instance, and then with the appropriate federal court of appeals. *See* 8 U.S.C. § 1252; *Tostado v. Carlson*, 481 F.3d 1012, 1014 (8th Cir. 2007).

II. Legal and Statutory Authority for Detention Pending Removal

ICE has the authority to detain Thao pending his removal from the United States. For more than two centuries, immigration officials have had the authority to charge noncitizens as removable from the country, arrest noncitizens subject to removal, and detain noncitizens during removal proceedings. *See Abel v. United States*, 362 U.S. 217, 233 (1960). Through the Immigration and Nationality Act ("INA"), Congress enacted a multi-layered statutory scheme for the civil detention of noncitizens pending a decision on removal, during the administrative and judicial review of removal orders, and in

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[2] The Federal Respondents do not plan to address Thao's claims regarding third country removal because he is not being considered for removal to a third country at this point. The Court should summarily deny habeas relief on Counts Five, Six, and Seven.

preparation for removal. *See* 8 U.S.C. §§ 1225, 1226, and 1231. Once a noncitizen is subject to a final removal order—as Thao is here—his detention is governed by 8 U.S.C. § 1231 and its implementing regulations at 8 C.F.R. part 241.

A noncitizen who has been ordered removed lacks a legal right to remain in the United States, and his liberty interest in remaining in the country is reduced. Accordingly, federal law provides that "when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days" and "shall detain the alien" during the removal period. 8 U.S.C. § 1231(a)(1)(A) and (a)(2)(A).[3] The "removal period" is the period during which the Department of Homeland Security begins to take steps to execute the noncitizen's final removal order. *See id.* § 1231(a)(1)(A)-(B). That period begins on the latest of: (1) the "date the order of removal becomes administratively final"; (2) "[i]f 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"; or (3) "[i]f the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement." *Id.* § 1231(a)(1)(B)(i)-(iii).

Detention during the 90-day removal period can be extended in some circumstances. For example, noncitizens like Thao who are removable after being convicted of an aggravated felony may be detained beyond 90 days. *Id.* § 1231(a)(6); *see also id.* § 1231(a)(1)(C) (suspension of removal period when noncitizen fails to make timely

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[3] The Homeland Security Act of 2002 transferred many immigration enforcement and administrative functions from the Attorney General to the Secretary of Homeland Security. *See* Pub. L. No. 107-296, 116 Stat. 2135 (2002).

application for travel documents or acts to prevent removal). The Department of Homeland Security also conducts periodic post-order custody reviews to determine whether a noncitizen subject to a final removal order should continue to be detained beyond the removal period. *See* 8 C.F.R. § 241.4 (addressing continued detention for inadmissible, criminal, and other noncitizens).

After the removal period expires, a noncitizen may be released under an order of supervision. *See* 8 C.F.R. § 241.13. Specifically, a noncitizen held beyond the removal period can seek release from custody by showing that "there is no significant likelihood of removal to the country to which he or she was ordered removed, or to a third country, in the reasonably foreseeable future." *Id.* § 241.13(a). However, the Department of Homeland Security can revoke release "if, 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." *Id.* § 241.13(i)(2). The procedures for revocation are set out in a federal regulation, which requires that the noncitizen:

> be notified of the reasons for revocation of his or her release. The Service will conduct an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification. The alien may submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future . . . . 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. § 241.13(i)(3). After a noncitizen is re-detained using these procedures, § 241.4 governs his continued detention pending removal. *Id.* § 241.13(i)(2).

III. Thao's Challenge to his Detention

Thao's habeas petition challenges his continued detention on substantive grounds (Count One) and on procedural grounds (Count Two). Pet. ¶¶ 82-91. Both claims fail. As explained below, Thao's detention comports with Due Process because there is a substantial likelihood that he will be removed to Laos in the reasonably foreseeable future. That is all the Supreme Court requires. *See Zadvydas*, 533 U.S. at 689 ("[P]ost-removal-period detention [is limited] to a period reasonably necessary to bring about that alien's removal from the United States."). Furthermore, ICE properly revoked Thao's release and documented its re-detention decision in accordance with the applicable statutory and regulatory requirements. The Court should therefore deny this petition in its entirety.

A. Thao's *Zadvydas* Challenge

Thao contends that his continued detention violates the Due Process Clause. This is better known as a *Zadvydas* challenge. Although the plain language of § 1231(a)(6) does not impose any limit on how long a noncitizen can be detained pending removal, the Supreme Court in *Zadvydas* "read an implicit limitation into" the statute. 533 U.S. at 689. Thus, a person subject to a final order of removal cannot be detained indefinitely. *Id.* at 699-700. *Zadvydas* established a temporal marker: detention for six months or less is presumptively constitutional. *Id.* at 701. But continued detention does not automatically become unconstitutional after six months; longer detention still comports with due process if there is a "significant likelihood of removal in the reasonably foreseeable future." *Id.* As the Supreme Court explained:

> [a]fter this 6-month period, once the alien provides good reason to believe

> that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing. And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the "reasonably foreseeable future" conversely would have to shrink. *This 6-month presumption, of course, does not mean that every alien not removed must be released after six months. To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future*.

Id. (emphasis added). The end result is that a habeas petitioner must meet the initial burden of demonstrating no significant likelihood of his removal in the reasonably foreseeable future. *Id.* If he makes this showing, then the government must rebut it. *Id.*

1. Premature Challenge

Thao's *Zadvydas* challenge is premature. As noted above, the Supreme Court holds that six months of detention is reasonable and constitutional when ICE is carrying out a removal order. Right away, that rule creates a problem for Thao because he was detained for only four months after his removal order became final. Robinson Decl. ¶¶ 8-9. And he has been re-detained for only a few weeks now. Robinson Decl. ¶ 10. Thus, Thao's current detention is presumptively constitutional because it has not lasted more than six months.

Thao's failure to confront this issue and properly support his petition is reason enough to reject his request for habeas relief as premature. "[D]etainees awaiting removal from the United States may not file anticipatory habeas petitions prior to the six-month period having elapsed just in case their detention goes on for too long; instead, they must wait until the presumptively reasonable six-month period has passed to seek habeas relief." *Brian B. v. Tollefson*, 2024 U.S. Dist. LEXIS 158854, at *4 (D. Minn. July 26, 2024), *adopted by* 2024 U.S. Dist. LEXIS 157487 (D. Minn. Sep. 3, 2024); *see also*

Mehighlovesky v. U.S. Dep't of Homeland Sec., 2012 U.S. Dist. LEXIS 185286, at *6 (D. Minn. Dec. 7, 2012) ("A petition filed before the expiration date of the presumptively reasonable six months of detention prescribed by *Zadvydas* is properly dismissed as premature." (citations, alterations, and internal quotation marks omitted)). Indeed, earlier this morning, this Court denied a nearly identical *Zadvydas* petition as premature where the petitioner had been held for three months in 2009 and then a few weeks in December 2025. *See Saengnakhone S. v. Noem*, No. 25-cv-4775-ECT-LIB, ECF No. 10, at 8 (filed Jan. 6, 2026) ("To the extent he raises a *Zadvydas* challenge, it is premature, as Saengnakhone was detained only a few days past the 90-day removal period in 2009 and has been detained for only a few weeks since his December 2025 arrest."). The Court should likewise deny Thao's habeas petition on this basis.

2. No Due Process Violation

Thao's *Zadvydas* challenge fails on the merits because there is no due process violation in this case. Thao cannot make the initial showing required at step one of the *Zadvydas* analysis. And the Federal Respondents have presented evidence confirming that Thao's removal is likely to occur in the reasonably foreseeable future.

At step one, Thao fails to satisfy the threshold requirement that he "provide[] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. The petition is noticeably thin on this point, relying entirely on the fact that ICE did not secure a travel document before redetaining him. Pet. ¶ 83. The implication seems to be that until ICE has a travel document in-hand, the agency cannot detain Thao and he automatically demonstrates there is no significant

likelihood of removal in the reasonably foreseeable future. Yet Thao cites no authority for extending *Zadvydas* to create such a rule, and his argument is one this Court has long rejected. "The mere passage of time, including concomitant delays in obtaining travel documents, is not alone sufficient to show that no such likelihood exists unless the delays are so extraordinarily long as to trigger an inference that travel documents will likely never issue at all." *Joseph K. v. Berg*, 2019 U.S. Dist. LEXIS 248455, at *6 (D. Minn. Mar. 15, 2019) (citations and internal quotation marks omitted), *adopted by* 2019 U.S. Dist. LEXIS 248456 (D. Minn. May 3, 2019).

Furthermore, it is hardly fair to look at ICE's past pursuit of a travel document when analyzing whether the agency will be able to secure one for Thao now. Laos did not issue travel documents or accept individuals for repatriation in the decade following Thao's removal order. Robinson Decl. ¶ 14. That situation has fundamentally changed because the country is once again accepting individuals for repatriation. Robinson Decl. ¶ 14. Indeed, the local ICE office has a documented trend of successful removals to Laos in the last six months. Robinson Decl. ¶¶ 14-15. Because Thao cannot make the threshold showing under *Zadvydas*, the Court should deny his habeas petition.

Thao fares no better at the second step of the *Zadvydas* analysis. The record evidence rebuts any notion that there is no significant likelihood of his removal to Laos in the reasonably foreseeable future. *See Zadvydas*, 533 U.S. at 701. In general, courts have found no significant likelihood of removal under *Zadvydas* in five circumstances:

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.

Joseph K., 2019 U.S. Dist. LEXIS 248455, at *8-9 (citations omitted). Thao's petition does not even try to allege that any of these circumstances are present today.

Again, the problem for Thao is that there has been a significant change in the circumstances that historically prevented ICE from removing him to Laos. The petition does not acknowledge this change, let alone explain how ICE will continue to have difficulty removing Thao now that Laos is accepting individuals for repatriation. And the Federal Respondents have provided sworn testimony showing that ICE requested a travel document and anticipates receiving one soon. Robinson Decl. ¶ 15. When the record shows such "diligent and reasonable efforts to obtain travel documents," and "the alien's native country ordinarily accepts repatriation, and that country is acting on an application for travel documents, most courts conclude that there is a significant likelihood of removal in the foreseeable future." *Ahmed v. Brott*, 2015 U.S. Dist. LEXIS 45346, at *15 (D. Minn. Mar. 17, 2015) (citations and internal quotation marks omitted). To the extent ICE encounters delays in obtaining a travel document, such delays would not be "sufficient to trigger an inference that there is no significant likelihood of removal; they simply show that the bureaucratic gears are slowly grinding away." *Id.* (citations, alterations, and internal quotation marks omitted). Once again, this Court confronted these exact arguments

earlier today in *Saengnakhone S.* and concluded that the Federal Respondents had adequately shown changed circumstances that made redetention appropriate. No. 25-cv-4775-ECT-LIB, ECF No. 10, at 12.

Thao's current detention serves a clear purpose by "assuring [his] presence at the moment of removal." *Zadvydas*, 533 U.S. at 699. The Supreme Court long ago recognized that detention to facilitate removal is a legitimate governmental objective. *See Wong Wing*, 163 U.S. at 235 ("Proceedings to exclude or expel would be vain if those accused could not be held in custody pending the inquiry into their true character and while arrangements were being made for their deportation."). Likewise, Thao's detention has a definitive endpoint: his removal to Laos. He has currently been detained for less than a month while ICE works to facilitate that removal, and "[t]he mere passage of time, including concomitant delays in obtaining travel documents, is not alone sufficient to show that no such likelihood exists unless the delays are so extraordinarily long as to trigger an inference that travel documents will likely never issue at all." *Yongdi Chen v. Banieke*, 2015 U.S. Dist. LEXIS 105145, at *11 (D. Minn. July 14, 2015), *adopted by* 2015 U.S. Dist. LEXIS 104914 (D. Minn. Aug. 11, 2015). For these reasons, the Federal Respondents have rebutted any presumption Thao raised (or tried to raise) regarding the likelihood of his removal in the reasonably foreseeable future.

In addition to *Saengnakhone S*, this case is nearly identical to the habeas petition filed in *Vue v. Mchenry et. al.*, which the Court dismissed. No. 25-2827 (PAM/DLM) (D. Minn. filed July 11, 2025). Like Thao, the petitioner in *Vue* was a citizen of Laos who was ordered removed from the United States more than twenty years ago. *Id.* ECF No. 7,

at 2 (memorandum and order filed July 21, 2025). And like Thao, the petitioner was arrested and re-detained in 2025, when ICE revoked his Order of Supervision and started the process of obtaining travel documents from Laos. *Id.* Mr. Vue filed a habeas petition to challenge his detention, invoking *Zadvydas*. *Id.* at 4. This Court denied that petition on July 21, 2025, concluding that: (1) the petitioner had received a Notice of Revocation that explained the basis for the revocation of his supervision; and (2) ICE was securing a travel document for him so his removal to Laos was reasonably likely to occur in the foreseeable future. *Id.* at 4-5. *Vue* is on-point and supports denying Thao's petition.

Because the constitutional due process standards set forth in *Zadvydas* are satisfied in this case, Thao is not entitled to habeas relief.

B. Thao's Procedural Challenge

Thao also asserts procedural challenges to his re-detention. For example, he questions whether the person who signed the Notice of Revocation of Release had the authority to do so, and he asserts that ICE never gave him adequate notice of the reasons for revoking his release. These allegations are immediately out of place in a habeas action because Thao does not tie them to the appropriate ***habeas*** remedy: release from custody. If the Court concludes that ICE's re-detention procedures were deficient, then the solution is for the agency to redo the process and correct any deficiencies—not release Thao from detention outright. Because none of the procedural issues listed in the petition would require Thao's release from custody, the Court should not grant him habeas relief as to any of those challenges.

Setting aside the mismatch between procedural claims and habeas remedies, Thao's challenges lack merit for several reasons. First, he overlooks that nothing in § 1231 "shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers." 8 U.S.C. § 1231(h). Thao is trying to obtain habeas relief by asserting rights to procedural steps that he simply does not enjoy.

Second, Thao reads requirements into ICE's regulations that do not exist. He goes on about "findings" that ICE officials must make when deciding to re-detain a noncitizen, *see, e.g.*, Pet. ¶¶ 6, 97, 103, without citing any statute or regulation that requires those findings to be put in writing and delivered to the noncitizen. The regulation is straightforward; under 8 C.F.R. § 241.13(i)(2), ICE is authorized to revoke a noncitizen's release and return him to custody "if, on account of changed circumstances, the [agency] determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future."[4] That is what happened. ICE personnel determined that they would be able to remove Thao from the United States because Laos is accepting individuals for repatriation. Robinson Decl. ¶¶ 13-15. As, the notice explained:

[4] Thao's petition regularly invokes provisions in 8 C.F.R. § 241.4. But that section does not govern the re-detention decision at issue here, which arises under § 241.13(i).

> This letter is to inform you that your order of supervision has been revoked and you will be detained in the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your official alien file and a determination that there are changed circumstances in your case.
>
> On September 19, 2006, you were ordered removed to LAOS by an U.S. Immigration Judge and you are subject to a final order of removal. On March 3, 2010, ICE released you from custody on an Order of Supervision. You have not been compliant with the terms of your release. Additionally, due to changes in circumstances, ICE will pursue new efforts to remove you to LAOS.

Robinson Decl. Ex. B. There is no regulatory requirement to provide any further explanation to Thao or to list out the other findings that led to his re-detention.

Third, Thao claims he was denied notice and an opportunity to respond. *See, e.g.*, Pet. ¶¶ 59, 91. That's wrong. The same day he was detained, Thao was offered an informal interview to respond to the reasons ICE gave for revoking his supervision. Robinson Decl. ¶ 12, Ex. C. He chose to remain silent. And despite the invitation to provide a written statement or documents regarding the likelihood of his removal to Laos, Thao offered nothing.

Fourth, Thao's Notice of Revocation of Release was signed by a Deputy Field Office Director. Robinson Decl. Ex. B. That person had the authority to sign the notice and make re-detention decisions. Robinson Decl. ¶ 11.

* * *

Thao's procedural challenges would not entitle him to relief even if they had merit. As discussed above, the record evidence of ICE's re-detention decision shows that the agency complied with the applicable regulatory requirements. To the extent the Court takes issue with any of the logistics or paperwork surrounding Thao's re-detention (and to the

extent the Court concludes those matters can be resolved through a writ habeas corpus rather than an APA action), then the appropriate remedy is to direct ICE to redo the process and correct any deficiencies. For these reasons, Thao's procedural Due Process and related procedural challenges do not entitle him to habeas relief.

CONCLUSION

The Federal Respondents respectfully request that the Court deny Thao's habeas petition in its entirety. No evidentiary hearing is necessary in this matter because the submissions filed with this response provide a sufficient record upon which the Court can adjudicate the petition.

Dated: January 6, 2026

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