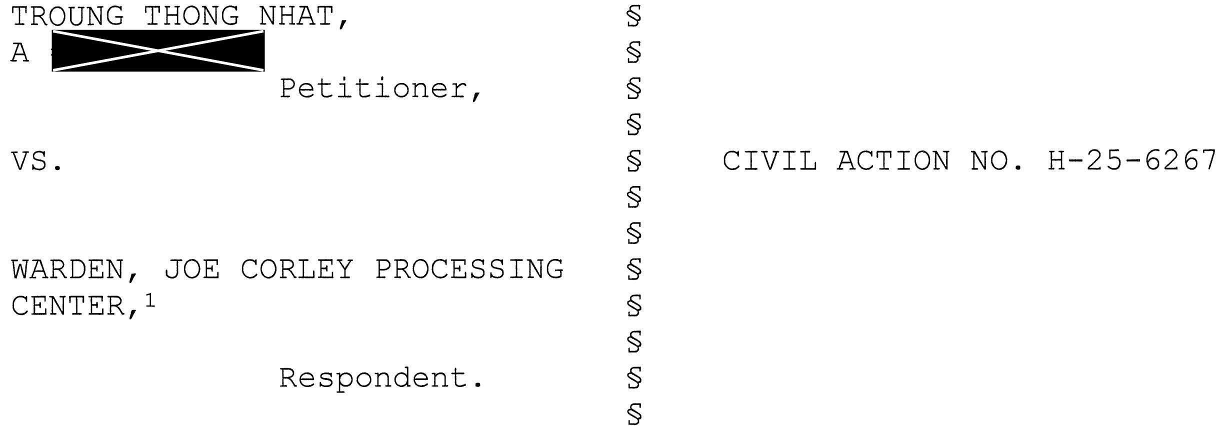
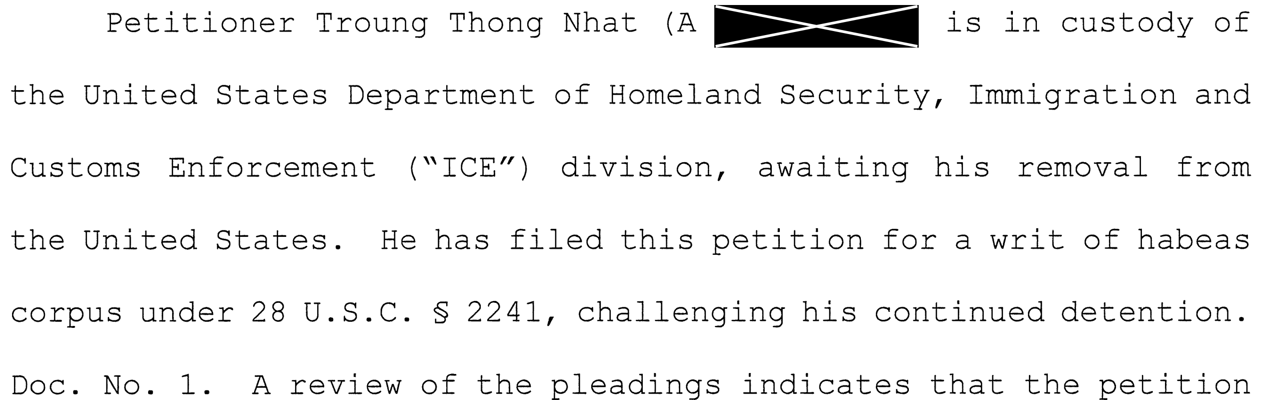
United States District Court
Southern District of Texas
ENTERED
January 15, 2026
Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION



TROUNG THONG NHAT, A [redacted] Petitioner,	§	
VS.	§	CIVIL ACTION NO. H-25-6267
WARDEN, JOE CORLEY PROCESSING CENTER,[1] Respondent.	§	

MEMORANDUM AND ORDER



Petitioner Troung Thong Nhat (A [redacted] is in custody of the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE") division, awaiting his removal from the United States. He has filed this petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging his continued detention. Doc. No. 1. A review of the pleadings indicates that the petition

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[1] Petitioner named U.S. Secretary of Homeland Security Kristi Noem as the Respondent. However, as Petitioner's immediate custodian, the Warden of the Joe Corley Processing Center, is the proper respondent in this habeas case. *See* Rumsfeld v. Padilla, 542 U.S. 426, 434-35 (2004) ("there is generally only one proper respondent to a given prisoner's habeas petition" and "the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official"); *see also* 28 U.S.C. § 2242 (a federal habeas petition shall be directed to "the person who has custody over [the petitioner]"); 28 U.S.C. § 2243 ("The writ . . . shall be directed to the person having custody of the person detained."). The style of this case is corrected to name the Warden of the Joe Corley Processing Center as Respondent.

fails to state a valid claim because it is premature. Accordingly, the petition will be dismissed without prejudice for the reasons set forth below.

I. Background

Troung Thong Nhat ("Nhat") discloses that he is subject to a final order of removal. Id. at 1. He contends that Vietnam is a communist country and that he cannot go back there. Id. at 3. Noting that he has been in custody of immigration officials for 95 days as of the date he filed his petition, Nhat contends that he is being detained unlawfully and seeks supervised release. Id. at 3, 8.

II. Discussion

In Zadvydas v. Davis, 121 S. Ct. 2491 (2001), the Supreme Court held that the United States Constitution does not permit indefinite detention lasting beyond six months past the removal period. Id. at 2505. After the expiration of six months, an alien may seek his release from custody by demonstrating a "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future[.]" Id. The alien bears the burden of proof in showing that no such likelihood of removal exists. Id. Once this has been shown, the burden shifts to the

government, which "must respond with evidence sufficient to rebut that showing." Id. Not every alien in custody will be entitled to automatic release after the expiration of the six-month period under the scheme announced in Zadvydas, however. "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.

In this case, Nhat states that he has been confined under his final order of removal 95 days as of the date he filed his petition. Nhat does not show that he has been in custody more than six months past the expiration of the removal period, and, therefore, does not state a claim for relief under Zadvydas. 121 S. Ct. at 2505; Chance v. Napolitano, 453 F. App'x 535, 536 (5th Cir. 2011) (unpublished op.) (holding that the district court did not err when it dismissed the petition as premature because the petitioner had not been in custody for six months past the date the removal order was entered); Okpoju v. Ridge, 115 F. App'x 302 (5th Cir. 2004) (unpublished op.), *cert. denied*, 125 S. Ct. 2528 (2005) (same). Accordingly, the petition must be dismissed without prejudice as premature.

III. ORDER

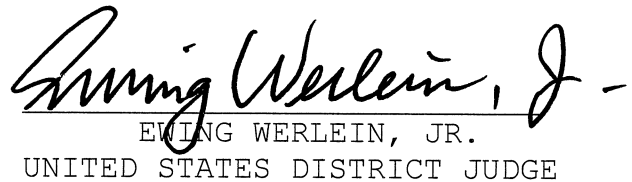
Based on the foregoing, it is hereby

ORDERED that Petitioner's petition is **DISMISSED** without prejudice as premature; and it is

ORDERED that all other pending motions, if any, are **DENIED as MOOT.**

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED at Houston, Texas, on this 15TH day of Jan., 2026.



EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE