

FILED

DEC 29 2025

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION**
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

PHUC VAN DANG)
Petitioner (Pro Se),)
)
v.)
Bobby Thompson,)
Warden at South Texas Detention Facility;)
)
Field Office Director,)
ICE San Antonio Field Office;)
)
Kristi Noem,)
Secretary of Homeland Security,)
)
And)
)
Pam Bondi,)
Attorney General of the United States)

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

SA25CA1935 JKP

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

I. INTRODUCTION

1. Petitioner, Phuc Van Dang, is a native of Vietnam currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the South Texas Detention Complex.
2. Petitioner is a "pre-1995" arrival, having originally entered the United States in 1984.
3. As of December 17, 2025, Petitioner has been detained for more than six months.
4. His removal is not just unlikely; it is impossible. The Consulate General of Vietnam has explicitly informed Petitioner's counsel that it will not issue a travel document because of Petitioner's 1984 arrival date.

5. Accordingly, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act ("INA"), as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001) and *Clark v. Martinez*, 543 U.S. 371 (2005).

II. JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and the U.S. Constitution.
7. Venue is proper in the Western District of Texas because Petitioner is currently detained at the South Texas Detention Complex in Pearsall, Texas, which is within this Court's territorial jurisdiction.

III. PARTIES

8. Petitioner is a national of Vietnam currently detained by ICE.
9. Respondent Warden is the immediate custodian of the Petitioner.
10. Respondent Field Office Director is the local ICE official with legal authority to order Petitioner's release.

IV. STATEMENT OF FACTS

11. 1984 Arrival & Status: Petitioner is a native of Vietnam who entered the United States as a refugee in 1984. He was subsequently admitted as a Lawful Permanent Resident and has resided in this country for over 40 years.

12. **1997 Removal Order:** An immigration judge issued a final order of removal against Petitioner in 1997. However, he was not removed at that time because Vietnam did not accept the repatriation of citizens who arrived in the U.S. prior to 1995.
13. **Prior Custody & Release (2003):** Petitioner was previously taken into ICE custody in 2003. After detaining him for approximately three months, ICE released him because they could not effectuate his removal.
14. **Record of Compliance (2003–2025):** For over two decades following his 2003 release, Petitioner lived in the United States under an Order of Supervision.
 - o He reported to ICE consistently for over 20 years without missing a single appointment.
 - o He maintained steady employment and has a confirmed job offer available immediately upon his release.
 - o He has demonstrated he is neither a flight risk nor a danger to the community.
15. **Current Detention (June 17, 2025):** Petitioner traveled briefly to Vietnam. Upon his return to the United States on June 17, 2025, he was detained by ICE at the port of entry. He has remained in ICE custody at the South Texas Detention Complex ever since.
16. **Six-Month Period:** The presumptively reasonable six-month detention period, defined by the Supreme Court in *Zadvydas v. Davis*, expired on December 17, 2025.
17. **No Third-Country Acceptance:** Respondents have not indicated that any third country is willing to accept Petitioner. Petitioner possesses no citizenship, residency, or valid immigration status in any country other than Vietnam (which has already refused him)

and the United States. Under *Zadvydas*, the government cannot detain an alien indefinitely based on the mere theoretical possibility that a third country might accept him; they must demonstrate that such removal is "significantly likely" in the reasonably foreseeable future.

18. **Impossibility of Removal:** Removal is objectively impossible, rendering his continued detention unconstitutional.

- o **MOU Protection:** Petitioner is protected by the United States-Vietnam Memorandum of Understanding (MOU), which generally precludes the forced return of Vietnamese citizens who arrived in the U.S. prior to July 12, 1995.
- o **Consulate Refusal:** The Vietnam Consulate has explicitly confirmed to counsel that they will not issue a travel document.
- o **Petitioner's Statement:** Petitioner affirms he has no Vietnamese passport, cannot be removed, and is being held unlawfully despite his history of compliance.

19. **Continued Detention:** Despite the specific refusal from Vietnam and the lack of any third-country option, ICE continues to detain Petitioner in violation of his due process rights.

V. LEGAL ARGUMENT

A. Under *Clark v. Martinez*, the 6-Month Limitation Applies to Petitioner.

20. Although the government may classify Petitioner as an "arriving alien" or "inadmissible" due to his recent return, he is entitled to the same due process protections regarding detention as any other alien.

21. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that the six-month presumptively reasonable detention limit established in *Zadvydas v. Davis* applies to inadmissible aliens. The statute (8 U.S.C. § 1231(a)(6)) does not permit indefinite detention for one class of aliens while prohibiting it for another.

B. There is No Significant Likelihood of Removal.

22. Under *Zadvydas*, once the six-month period has passed, if the alien provides good reason to believe that there is "no significant likelihood of removal in the reasonably foreseeable future," the government must rebut that showing.

23. Here, the government cannot rebut this showing because the receiving country (Vietnam) has affirmatively refused to accept the Petitioner.

24. Without a travel document, ICE cannot execute the removal order. Continued detention effectively becomes indefinite punishment, which is unconstitutional.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a Writ of Habeas Corpus directing Respondents to **RELEASE** Petitioner from custody immediately, under reasonable conditions of supervision;
3. Declare that Petitioner's continued detention is unlawful; and
4. Grant such other relief as the Court deems just.

Respectfully Submitted,



Date: 12/27/25

Phuc Van Dang (*Pro Se*)
South Texas Detention Facility
566 Veterans Drive
Pearsall, TX 78061

Petitioner's Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

JUNE 18, 2025

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12/28/25


Signature of Petitioner (*Pro Se*)

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION**

PHUC VAN DANG)
Petitioner (Pro Se),)
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 v.)
Bobby Thompson,)
Warden at South Texas Detention Facility;)
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Field Office Director,)
ICE San Antonio Field Office;)
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Kristi Noem,)
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Attorney General of the United States)

Case No. _____

**PETITION FOR WRIT OF
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**DECLARATION IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS**

I, Thomas Nguyen, hereby declare and state as follows:

1. I am an attorney licensed to practice law in the State of Texas and admitted to practice before the United States District Court for the Southern District of Texas. Mr. Dang does not have local counsel to represent him in the Western District of Texas.
2. I submit this declaration in support of Mr. Dang's Petition for Writ of Habeas Corpus to attest to facts within my personal knowledge regarding the impossibility of his removal to Vietnam.
3. I personally contacted the Consulate General of the Socialist Republic of Vietnam, located at 5251 Westheimer Rd, Suite 1100, Houston, Texas 77056.
4. I spoke with a consular official regarding the status of Mr. Dang, specifically inquiring whether the Consulate would issue a travel document or passport to facilitate his repatriation to Vietnam.
5. Mr. Dang cannot be deported to Vietnam without a Vietnamese passport. The Vietnamese government will not issue a passport to an individual who is being forced to sign against

his will, according to the Consulate General of Vietnam located at 5251 Westheimer Rd #300, Houston, TX 77056.

- 6. On December 11th, 2025, I contacted the Vietnamese Embassy located at 1233 20th Street, NW Suite 400, Washington, DC 20036 regarding Mr. Dang's passport. The DC embassy has failed to respond. (Ex. A, Email).
- 7. Based on this direct communication with the Consulate, it is my professional understanding that there is no possibility that a travel document will be issued for Mr. Dang, rendering his removal legally and factually impossible.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully Submitted




 Thomas H. Nguyen
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 EOIR No. SS721491
 10700 Richmond Ave., Suite 219
 Houston, Texas 77042
 Tel. (713) 780-9191
 Cel. (713) 819-1414
 Email: attorney@thomasnguyenlaw.com

THE STATE OF TEXAS

COUNTY OF HARRIS

SUBSCRIBED and SWORN TO before me on this 11th day of December, 2025.



 Notary Public

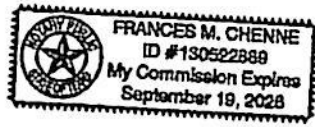


EXHIBIT A



Thomas Nguyen <attorneythomasnguyen@gmail.com>

Dang, Van Phuc A#



1 message

Thomas Nguyen <attorneythomasnguyen@gmail.com>
To: info@vietnamembassy.us, vanphong@vietnamembassy.us

Thu, Dec 11, 2025 at 3:27 PM

To Whom it May Concern,

We are contacting you on behalf of our client, Phuc Van Dang. He is currently being detained at the South Texas ICE Processing Center located in Pearsall, Texas. He has a Green Card and a Texas Driver's License but the United States is trying to deport him because of a felony conviction for aggravated assault. The ICE officers who have custody of him have taken his personal information and filled out the passport application to expedite his deportation. Mr. Dang is refusing to sign the passport application and does not want to return to Vietnam, but now the ICE officers are also threatening to put him in jail or deport him to a third country if he does not comply. If someone does not want to sign a passport application, but the US government is forcing them against their will, will you still issue the passport or respect the will of the individual? We were told by the Vietnamese Consulate Houston Office that you would respect the wishes of the individual "applying" who does not want to be issued a passport. Thank you for your attention to this matter.

Regards,
Thomas Nguyen

The Law Office of Thomas Nguyen

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LAW OFFICE OF THOMAS NGUYEN
PLLC

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Phuc Van Dang Identification.PDF
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