

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

---

Binh Thai Nguyen,

Case No.: 5:26-cv-56-HE

Petitioner,

v.

Pamela Bondi, Attorney General; Kristi Noem, Secretary of Homeland Security; Todd M. Lyons, Acting Director of U.S. Immigration & Customs Enforcement; Marcos Charles, Acting Executive Associate Director for Enforcement and Removal Operations; Mark Siegel, Field Office Director for Enforcement and Removal Operations; U.S. Immigration & Customs Enforcement; U.S. Department of Homeland Security; Steve Kelley, Sheriff of Kay County Jail.

Respondents.

---

***AMENDED***  
**PETITIONER'S EMERGENCY  
MOTION OR REQUEST FOR  
EXPEDITED HANDLING UNDER 28  
U.S.C. § 1657 WITH REFERENCE TO  
28 U.S.C. CH. 153**

On January 14, 2026, Mr. Binh Thai Nguyen (“Nguyen”) filed a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Although Nguyen asked for expedited handling on the Habeas petition itself, he is now formally requesting expedited handling under 28 U.S.C. § 1657 for good cause.

Expedited consideration of this action is pursuant to 28 U.S.C. Ch. 153 Part VI (specifically, 28 U.S.C. § 2241) and includes (1) issue an Order to Show Cause (“OSC”) giving the Respondents the shortest possible response time, and in no event longer than 7 days; and (2) issue an Order shortening the timeline for objecting to the magistrates Report

and Recommendation from 14 days to 5 days.

The referenced statute provides:

Notwithstanding any other provision of law, each court of the United States shall determine the order in which civil actions are heard and determined, except that **the court shall expedite the consideration of any action brought under chapter 153 or section 1826 of this title, any action for temporary or preliminary injunctive relief, or any other action if good cause therefor is shown.** For purposes of this subsection, “good cause” is shown if a right under the Constitution of the United States or a Federal Statute (including rights under section 552 of title 5) would be maintained in a factual context that indicates that a request for expedited consideration has merit.

28 U.S.C. § 1657 (*emphasis added*).

Federal Rule of Civil Procedure 6(b) allows for extensions of time to respond “for good cause” but the Petitioner must demonstrate more than mere convenience. “Good cause” within the meaning of 28 U.S.C. § 1657 exists in this case, as Nguyen’s detention is unlawful as he was never served with the Notice to Revoke his order for supervision and taken into custody in violation of his constitutional right to due process under the Fifth Amendment to the United States Constitution; Violation of Administrative Procedure Act and Violation of the *Accardi* Doctrine. *See Momennia v. Bondi*, No. 5:25-CV-1067-J, ECF No. 12 at 1 n.1 (W.D. Okla. Oct. 3, 2025) (“This Order is in furtherance of the need recognized by the Magistrate Judge to proceed in this case in an expedited manner.”); *Bahadorani v. Bondi*, No. 5:25-CV-01091-PRW (W.D. Okla. Sept. 30, 2025) (granting motion to expedite giving the government just 14 days to respond to OSC); *Momennia v. Bondi*, No. 5:25-CV-1067-J (W.D. Okla. Sept. 17, 2025) (granting government just 14 days to respond to OSC); *Bahadorani v. Bondi*, No. 5:25-CV-01091-PRW (issued order

overriding General Order 25-8 and ordering Respondents to file their answer on or before October 14, 2025); *Nguyen v. Bondi*, No. 5:25-CV-01204-JD (W.D. Okla. Oct. 17, 2025) (giving the government 14 days to respond); *Roble v. Bondi*, No. 25-CV-03196-LMP-LIB, (D. Minn. Aug. 25, 2025); *Constantinovici v. Bondi*, No. 3:25-CV-02405-RBM-AHG (S.D. Cal. Sept. 17, 2025), (Order to Show Cause giving government just 48 hours to respond and granting habeas petition in 24 days.); *Mehran S. v. Bondi*, No. 25-CV-3724, ECF (D. Minn. Sept. 29, 2025) (ordering release 8 days after the habeas petition was filed); *Omar J. v. Bondi*, No. 25-CV-3719 (D. Minn. Sept. 29, 2025) (ordering release 8 days after the habeas petition was filed); *Mehran S. v. Bondi*, No. 25-CV-3724 (D. Minn. Sept. 29, 2025) (7 days for government to respond to OSC).

The Courts have denied the government's request for extensions when delay would prejudice a habeas petitioner by prolonging his unlawful detention. *Lonchar v. Thomas*, 517 U.S. 314, 324–25 (1996); *see also Boumediene v. Bush*, 553 U.S. 723, 742 (2008) (habeas is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action). Delay here means another day of unconstitutional imprisonment without notice or an opportunity to be heard. *Id.* Every day that Petitioner remains detained without legal justification constitutes irreparable harm. *See Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018) (loss of liberty is the paradigmatic irreparable harm).

Therefore, Nguyen, requests this Court to expedite his Habeas Petition.

DATED: January 15, 2026

/s/ Alyssa Nguyen-Schmitz  
Alyssa Nguyen-Schmitz, Lic. #0334947

Attorney-at-Law  
332 County Road D  
St. Paul, MN 55117  
Phone: (651) 786-6666  
Fax: (855) 855-5025

Attorney for Petitioner