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

BINH THAI NGUYEN,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Case No. CIV-26-0056-HE
PAMELA BOND, ATTORNEY GENERAL, et al.,	)	
	)	
	)	
Respondents.	)	

RESPONSE IN OPPOSITION TO PETITIONER'S VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

Respectfully Submitted,

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Respondents[1] submit this Response in Opposition to Petitioner's Petition for Writ of Habeas Corpus, brought pursuant to 28 U.S.C. § 2241 ("Pet.") (Doc. 1) and filed on January 14, 2026. For the reasons addressed below, dismissal of the Petition is appropriate.[2]

Introduction

At bottom, Plaintiff challenges his immigration detention under the Supreme Court's *Zadvydas v. Davis*, 533 U.S. 678 (2001), case—challenges that this Court has been well acquainted with for some time. But Petitioner attempts to enlarge the scope of his Petition by tacking on additional claims invoking, without any legal support, that each is a violation of due process and inviting the Court to issue remarkable relief inappropriate for determination in an already expedited proceeding under 28 U.S.C. § 2241, such as a demand for injunctive and declaratory relief, a demand for relief under the Administrative Procedure Act, and a demand (for which there appears to be no ripe controversy) that the Court enjoin action for any *future* revocations of Orders of Supervision or re-detention unless specified conditions are met. The Court should decline to accept this invitation and

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[1] Respondent Steve Kelley, Sheriff of Kay County Jail, is not a federal official and this response is therefore not filed on his behalf.

[2] Respondents construe the Court's Order to provide "documents/evidence in the possession of ICE officials" to direct the production of Petitioner's Alien File or "A-File," given the exemplar documents identified by the Court, such as Petitioner's removal order, Order of Supervision, Notices to Appear, and Decisions to continue Detention. *See* Order at 2, ¶ 3 (Doc. 10). Accordingly, Petitioner's A-File has been filed with the Court in its entirety and under seal. The Respondents do not understand the Court's order to include other systems of records that contain privileged and/or protected information and/or matters that do not pertain to the Petition. By way of example, this would include files containing the deliberative and privileged work product and attorney-client communications of ICE attorneys.

confine itself to the issue properly presented in a Section 2241 habeas petition—whether Petitioner is in custody in violation of the Constitution or laws of the United States.

To that end the relevant custody inquiry in a *Zadvydas* case such as this one is whether there is a significant likelihood that Petitioner will be removed in the reasonably foreseeable future. The answer on that narrow inquiry in this case is yes and that should be the end of the matter. His Petition should be denied.

Factual Background

Petitioner Binh Thai Nguyen is a citizen of Vietnam.[3] He seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241 directing his release from what he claims is unlawful immigration detention at the Kay County Detention Center in Newkirk, Oklahoma.[4] Petitioner entered the United States around June 8, 1990."[5]

Although Petitioner claims he "believes he is not a danger to the community,"[6] he has an extensive criminal record that spans four decades, to include violent crimes. Petitioner has been arrested over thirty-five times for crimes including burglary and theft, drugs, prostitution, domestic assault, and DWI.[7]

On July 18, 2012, Petitioner was charged as removable under INA Section 237(a)(2)(A)(iii) (aggravated felony conviction); Section 237(a)(2)(A)(ii) (conviction of

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[3] Petition ("Pet.") (Doc. 1) at 1, ¶ 1. *See also* Exhibit 1, Notice to Appear ("NTA") at 3.

[4] Pet. at 3, ¶ 6 (requesting "expedited injunctive, habeas, and declaratory relief ordering Respondents to immediately release Nguyen").

[5] *Id.* at 1, ¶ 1 and 4, ¶ 9. Ex. 2, McNary Decl. ¶ 4.

[6] Pet. at 23, ¶ 80.

[7] *See* McNary Decl. ¶¶ 5-16, 9-26, and 29-39 for details regarding each arrest and offense.

two crimes involving moral turpitude); and Section 237(a)(2)(A)(i) (conviction of a crime involving moral turpitude within five years after admission).[8] On August 9, 2012, an immigration judge ordered Petitioner removed to Vietnam.[9] On or around November 13, 2012, Nguyen was released from immigration detention under an Order of Supervision.[10]

On December 9, 2025, the Minnesota Department of Corrections released Nguyen into ICE ERO custody for removal to Vietnam.[11] Nguyen is currently detained at Kay County Detention Center in Newkirk, Oklahoma.[12] Within one day after Petitioner's detention, ICE began to assemble documents in preparation for a Travel Document Request.[13] Around December 10, 2025, Form I-217 Information for Travel Document of Passport, was completed.[14] Petitioner completed a Self-Declaration Form and was served with Form I-229(a) Warning for Failure to Depart.[15] Petitioner was also served with a Notice to Alien of File Custody Review indicating that he was scheduled for a post-order custody review (POCR) on March 9, 2026.[16]

Petitioner is likely to be removed in the reasonably foreseeable future. On January

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[8] NTA at 3.

[9] Ex. 2, Removal Order.

[10] Ex. 3, Order of Supervision.

[11] McNary Decl. ¶ 40.

[12] *Id.*

[13] *See* McNary Decl. ¶¶ 41-42.

[14] *See id.*; Exhibit 5, Travel Document Request ("TDR").

[15] McNary Decl. ¶¶ 41-42; TDR at 15.

[16] McNary Decl. ¶ 41.

6, 2026, ICE ERO submitted a Travel Document Request to the Consular Section of Vietnam in Washington, D.C.[17] The request is still pending and the State Department is actively working with the government of Vietnam to remove Petitioner.[18] Petitioner's Deportation Officer ("D.O.") believes "removal of [Petitioner] to Vietnam is significantly likely in the reasonably foreseeable future," based on "the Government of Vietnam's willingness to accept its citizens, and the number of successful removals ERO has made to Vietnam this Fiscal Year."[19] Specifically, the D.O. notes that:

> In Fiscal Year 2025, as of September 11, 2025, ERO has removed 569 Vietnam citizens to Vietnam. In Fiscal Year 2024, ERO removed only 58 Vietnam citizens to Vietnam. ICE is currently not recognizing Memorandums of Understanding, and the Government of Vietnam has issued travel documents for every travel document request ERO has submitted since February 2025. The majority of these cases were citizens of Vietnam who entered the United States prior to 1995. We are averaging at least two charter flights of removals to Vietnam per month.[20]

Legal Standards

I. Statutory framework for the detention of noncitizens.

The authority to detain noncitizens after the entry of a final order of removal is set forth in Section 241(a) of the Immigration and Nationality Act ("Act"), codified at 8 U.S.C. § 1231(a).[21] Pursuant to that provision, Immigration and Customs Enforcement ("ICE") is

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[17] *Id.* ¶ 42.

[18] *Id.* ¶ 42.

[19] *Id.* ¶¶ 43-44.

[20] *Id.* ¶ 43.

[21] Unless directly quoted, this Response uses the term "noncitizen" as equivalent to the statutory term "alien." *Nasrallah v. Barr*, 590 U.S. 573, 578 n.2 (2020) (citing 8 U.S.C. § 1101(a)(3)).

afforded a ninety-day period within which to remove the noncitizen from the United States following the entry of a final order of removal.[22] During the removal period, ICE must detain the noncitizen.[23] If the removal period expires, ICE can either release an individual pursuant to an order of supervision as directed by Section 1231(a)(3), or continue detention under Section 1231(a)(6). Section 1231(a)(6) allows continued detention for those noncitizens who are inadmissible to the United States, removable under various INA provisions, to include Section 1227(a)(2), or who are determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal.[24]

This detention prior to removal, however, is not indefinite. In *Zadvydas v. Davis*, the United States Supreme Court held that section 1231(a)(6) "read in light of the Constitution's demands, limits an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States." "It does not," the Court held, "permit indefinite detention."[25] The Court explained: "[I]nterpreting the statute [section 1231(a)(6)] to avoid a serious constitutional threat, we conclude that, once removal is no longer reasonably foreseeable, continued detention is no longer authorized by the statute."[26] The *Zadvydas* Court found that six months was a presumptively reasonable period of post-order detention.[27] As such, in order to establish a claim for habeas relief under the *Zadvydas*

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[22] 8 U.S.C. § 1231(a)(1).

[23] *Id.* § 1231(a)(2) ("shall detain").

[24] *Id.* § 1231(a)(6).

[25] *Zadvydas,* 533 U.S. at 689.

[26] *Id.* at 699.

[27] *Id.* at 701; *see also Morales-Fernandez v. INS*, 418 F.3d 1116, 1123 (10th Cir. 2005)

rationale, a noncitizen must first prove that he has been in post-order custody for more than six months at the time the habeas petition is filed.[28]

If a noncitizen can demonstrate he has been held longer than the presumptively reasonable six months, they must then provide a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. As explained by the United States Court of Appeals for the Tenth Circuit, "the onus is on the alien to 'provide[] good reason to believe that there is no [such] likelihood' before 'the Government must respond with evidence sufficient to rebut that showing.'"[29] And critically, someone detained cannot establish a claim for relief simply because he is more than six months into his post-order confinement.[30] "To the contrary," the Supreme Court stated in *Zadvydas*, noncitizens "may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future."[31]

In other words, while six months of detention is presumptively reasonable, time in detention after that may also be reasonable so long as removal of the noncitizen is in the

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("the reasonable period of post-removal detention is presumptively six months . . .").

[28] *Apau v. Ashcroft*, 2003 WL 21801154, at *2 (N.D. Tex. Jun. 17, 2003) (citing *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 and n.3 (11th Cir. 2002)); *see also Abiodun v. Mukasey*, 264 F. App'x 726, 729 (10th Cir. 2008).

[29] *Soberanes v. Comfort*, 388 F.3d 1305, 1311 (10th Cir. 2004) (citing *Zadvydas*, 533 U.S. 678, 701 (2001)); *Diop v. Gonzales*, No. CIV-07-245-T, 2007 WL 2080173, at *1 (W.D. Okla. July 18, 2007); *Khan v. Fasano*, 194 F. Supp. 2d 1134, 1136 (S.D. Cal. 2001) ("*The burden is upon the alien to show that there is no reasonable likelihood of repatriation*.") (emphasis in original).

[30] *Zadvydas,* 533 U.S. at 701.

[31] *Id.*

reasonably foreseeable future. And the noncitizen "bears the initial burden of proof in showing that no such likelihood of removal exists."[32] Where the noncitizen fails to come forward with this initial offer of proof, the petition is ripe for dismissal.[33]

II. Regulatory framework for the release and revocation of release of noncitizens.

The Code of Federal Regulations sets forth specific provisions regarding the release and revocation of release of a noncitizen with a final order of removal. Specifically, 8 C.F.R. § 241.4 is entitled "Continued detention of inadmissible, criminal, and other [noncitizens] beyond the removal period" and relates to the release (and the revocation of release) of such noncitizens. Generally, regulations grant authority to designated officials with ICE (formerly the Immigration and Naturalization Service) to grant release or parole to a noncitizen, and the agency may continue a noncitizen's custody under the provisions of the C.F.R.[34]

Revocation of release is governed by 8 C.F.R. § 241.4*(l)*. This can occur for two reasons: the noncitizen violates the conditions of release, or ICE determines in its discretion to revoke release.[35] If release is revoked due to a violation of conditions under § 241.4*(l)(*1), the noncitizen must be notified of the reasons for revocation and afforded an initial informal interview promptly after his return to custody, to afford the noncitizen an opportunity to respond to the reasons for revocation stated in the revocation of release

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[32] *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006).

[33] *Knwanga v. Maurer*, No. 06-0262-MSK/MEH, 2006 WL 2475261, at *1 (D. Colo. Aug. 24, 2006).

[34] 8 C.F.R. § 241.4(a).

[35] *Id.* § 241.4(l)(1)-(2).

notification.[36] In contrast, the regulation providing for revocation of release in the discretion of ICE, has no such language requiring notice of the reason for revocation or for an informal interview upon being taken into custody.[37] Factors allowing for the revocation of release in the discretion of ICE include: (1) the purpose of the release has been served; (2) the noncitizen violated a condition of release; (3) revocation is appropriate to enforce a removal order or to commence removal proceedings; and (4) the conduct of the noncitizen, or any other circumstance, indicates release would no longer be appropriate.[38]

DHS has also enacted regulations for noncitizens who have "provided good reason to believe there is no significant likelihood of removal to the country to which he or she was ordered removed . . . in the reasonably foreseeable future."[39] Pursuant to that regulation, codified at 8 C.F.R. § 241.13(a), DHS will release a noncitizen who has made such a showing, subject to appropriate conditions of release.[40] Similar to the regulations described above, § 241.13 provides for the revocation of release if ICE determines "that there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future."[41]

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[36] *Id.* § 241.4(l)(1).
[37] *Id.* § 241.4(l)(2).
[38] *Id.* §§ 241.4(l)(2)(i)–(iv).
[39] *Id.* § 241.13(a).
[40] *Id.* § 241.13(g)(1).
[41] *Id.* § 241.13(i)(2).

Petitioner seeks to turn this well-settled statutory and *Zadvydas* framework on its head, seemingly arguing that because he was previously detained and released by ICE, he has already made the requisite showing regarding the likelihood of removal in the reasonably foreseeable future for his *current* detention.[42] In other words, he believes that because he was previously released, he does not "bear[] the initial burden of proof in showing that no such likelihood of removal exists" *now*.[43] To support this argument, he references 8 C.F.R. §§ 241.13(i)(2)-(3), which (as articulated in the "Scope" section of that regulation) governs the review procedures during a detention once a noncitizen has provided good reason to believe there is no significant likelihood of removal to the country to which he or she was ordered.[44] The sections cited by Petitioner, Sections 241.13(i)(2) and (3), then specify the circumstances under which a release following detention can be revoked. But neither the initial scope provision nor the sections cited by Petitioner say anything that would indicate that once a noncitizen's release has been revoked, the framework for the length of detention and the burden articulated in *Zadvydas* shifts.

Petitioner appears to conflate his *Zadvydas* request for immediate release with his challenge to ICE's basis for the revocation of his release.[45] In other words, he attempts to

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[42] *See* Pet. at 26, ¶ 100 (claiming "Respondents bear the burden of rebutting the *prior showing* made by [Petitioner]" and noting that "Respondents have failed to meet this burden.").

[43] *Andrade*, 459 F.3d at 543.

[44] Pet. at 26, ¶ 100.

[45] *See* Pet. at 27, ¶ 102 (claiming "Respondents have violated [Petitioner's] due process rights by failing to comply with 8 C.F.R. §§ 241.4 and/or 241.13.").

piggyback his *Zadvydas* request on his challenge to ICE's basis for his revocation of release. ICE's determination, however, does not somehow change the analysis for a noncitizen's request for habeas relief based on *Zadvydas*. ICE's decision to revoke his release and this Court's evaluation of *Zadvydas* involve different standards and different mechanisms regarding review (if any) by federal courts.

III. Standards for habeas corpus relief.

Habeas corpus review may be sought by an immigration detainee who claims that he "is in custody in violation of the Constitution or laws or treaties of the United States."[46] The writ of habeas corpus, "while essential to our political system, is a drastic remedy."[47]

To obtain relief, a § 2241 petitioner must allege and establish that his custody violates the Constitution or laws or treaties of the United States.[48] "Habeas is an exceptional writ reserved for errors which result from fundamental defects that result in a complete miscarriage of justice or an omission inconsistent with the rudimentary demands for fair procedure."[49]

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[46] 28 U.S.C. § 2241(c)(3); *see also Zadvydas*, 533 U.S. at 687 (immigration detainees may bring § 2241(c)(3) petitions).

[47] *Basri v. Barr*, 469 F. Supp. 3d 1063, 1066 (D. Colo. 2020). *See also Shinn v. Ramirez*, 596 U.S. 366, 377 (2022) ("The writ of habeas corpus is an extraordinary remedy that guards only against extreme malfunctions in the state criminal justice systems.") (internal quotation marks and citation omitted); *Gomez-Arias v. U.S. Immigr. & Customs Enf't*, No. 20-CV-00857-MV-KK, 2020 WL 6384209, at *2 (D.N.M. Oct. 30, 2020) ("As release from custody is an extreme remedy, Congress has circumscribed its use by the courts.").

[48] *Bradin v. United States Prob. & Pretrial Servs.*, No. 22-3032-JWL, 2022 WL 1154622, at *3 (D. Kan. Apr. 19, 2022).

[49] *Nguyen v. Noem*, No. 6:25-CV-057-H, 2025 WL 2737803, at *6 (N.D. Tex. Aug. 10, 2025) (citing *Hill v. United States*, 368 U.S. 424, 428 (1962), and *United States v. Reyna*,

Argument

I. Petitioner will be removed in the reasonably foreseeable future. Accordingly, his detention is permissible under Section 1231.

Although Petitioner references the Supreme Court's *Zadvydas* case, it is not entirely clear as to whether he intends to pursue such a claim. Count Two makes a passing reference to *Zadvydas,*[50] and Count Five entangles *Zadvydas* language relating to length of detention with an APA violation.[51] Nevertheless, because the Petition arguably discusses *Zadvydas*, Respondents address the issue.

Petitioner's detention is permissible as he has a final order of removal charged as being removable for (1) conviction of an aggravated felony after admission, conviction of two crimes involving moral turpitude, and conviction of a crime involving moral turpitude within five years of admission.[52] As such, ICE has statutory authority to further detain Petitioner in order to effectuate his removal from the United States.[53] The only live issue presented by his habeas petition is thus whether Petitioner has met his burden in showing there is good reason to believe that there is "no significant likelihood of [his] removal in the reasonably foreseeable future."[54]

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358 F.3d 344, 349 (5th Cir. 2004)).

[50] Pet. at 18, ¶ 59; *Id.* at 24, ¶ 87;

[51] *Id.* at 24, ¶ 87.

[52] See NTA, Removal Order, and McNary Decl. ¶ 17.

[53] 8 U.S.C. § 1227(a)(2)(A)(iii), "Any alien who is convicted of an aggravated felony at any time after admission is deportable."

[54] *See Zadvydas*, 533 U.S. at 701 (finding that detention is lawful unless there is "no significant likelihood of removal in the reasonably foreseeable future").

Petitioner makes the following arguments in support of his claim that there is no significant likelihood of his removal in the reasonably foreseeable future. He first asserts that he "is willing to return to Vietnam and will show up for the deportation if he is released before a travel document is obtained if and when Respondents are able to secure a travel document which is unlikely as they have been trying to get a travel document for 14 years."[55] He also notes that, "After 14 years, it is not 'reasonably foreseeable future' for [Petitioner]'s removal to Vietnam. And any request for travel documents ever made by [Petitioner] or on [Petitioner]'s behalf has been denied or ignored by Vietnam.[56] In short, it is Petitioner's position that removal is not likely because he has no travel document to Vietnam. This argument ignores Respondent's ongoing communications with Vietnam and is based on factual inaccuracies.

Petitioner wrongly asserts that Respondents failed to request a travel document for Petitioner.[57] Petitioner claims "[T]he government is not following its own MOU . . . Per the MOU, the documentation package for the request for the travel document must include: a cover letter, the self-declaration form, a copy of [Petitioner]'s criminal record, etc. [Petitioner] was never provided a self-declaration form which means, ICE never submitted a package to request the travel document from Vietnam."[58] This statement is false. Less than 30 days after Petitioner's detention, DO McNary submitted a complete TDR. He states:

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[55] Pet. at 4, ¶ 9.

[56] *Id.* at 8, ¶ 22.

[57] *Id.* at 9, ¶ 25.

[58] *Id.*

> On January 6, 2026, ICE ERO submitted a Travel Document Request (TDR) to the Consular Section of Vietnam in Washington, D.C. The TDR included a cover letter detailing Petitioner's extensive criminal history, the Removal Order, Notice to Appear, Form I-217 Information for Travel Document or Passport, Petitioner's Self Declaration Form, Petitioner's Birth Certificate Extract, Petitioner's parents' marriage certificate, and biographic information.[59]

Petitioner's argument that he will not get a travel document *now* because he has not received one in the past is based on the speculative notion that ICE will not be able to obtain travel documents from Vietnam. But such "speculation and conjecture" is not enough to carry his burden of showing that his detention is indefinite.[60] As such, it is insufficient to establish "that there is no significant likelihood of removal in the reasonably foreseeable future."[61] Moreover, the fact that Petitioner does not have travel documents at this moment does not suggest that he might not in the foreseeable future. As previously explained by this Court, "a mere delay [in receiving travel documents] does not trigger the inference that an alien will not be removed in the reasonably foreseeable future because 'the reasonableness of detentions pending deportation cannot be divorced from the reality of the bureaucratic delays that almost always attend such removals.'"[62] The United States "cannot be held responsible for the inefficiencies, or worse, of the bureaucracies of"

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[59] *Id. See also* TDR which contains all of the required documentation specified in the MOU.

[60] *Al-Shewaily v. Mukasey*, No. 07-0946-HE, 2007 WL 4480773, at *5 (W.D. Okla. Dec. 18, 2007). (quoting *Idowu v. Ridge,* No. 03-1293-R, 2003 WL 21805198, at *4 (N.D. Tex. Aug. 4, 2003) (unpublished) ("To carry this burden, an alien subject to an order of removal must present something beyond speculation and conjecture.").

[61] *Id.* (citing *Khan,* 194 F. Supp. 2d at 1136-37).

[62] *Head v. Keisler*, No. 07-402-F, 2007 WL 4208709, at *4 (W.D. Okla. Nov. 26, 2007) (quoting *Fahim v. Ashcroft,* 227 F. Supp. 2d 1359, 1366 (N.D. Ga. 2002)).

Vietnam and the time it may take to verify Petitioner's citizenship.[63] As other district courts have noted, the fact that a foreign government has not issued travel documents despite efforts to secure them is insufficient to demonstrate a significant unlikelihood of removal in the reasonably foreseeable future.[64] Thus, while Petitioner has not yet been removed, "a lack of communication and visible progress in obtaining travel documents . . . does not in and of itself meet Petitioner's burden of showing that there is no significant likelihood of removal."[65] Rather, "it simply shows that the bureaucratic gears of the federal immigration agency are slowly grinding away."[66] It is only when "the delays are so extraordinarily long as to trigger an inference that travel documents will likely never issue at all"[67] that a petitioner can establish a showing that their detention is indefinite. Petitioner has not made such a showing here. In other words, "[c]ourts have uniformly held that mere delay by the foreign government in issuing travel documents, despite reasonable efforts by United States authorities to secure them, does not satisfy a detainee's burden under *Zadvydas* to provide good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future."[68]

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[63] *Fahim*, 227 F.Supp.2d at 1367.

[64] *See Salim v. Sessions*, No. H-18-2287, 2019 WL 13218806, at *6-7 (S.D. Tex. Sept. 4, 2019); *Nagib v. Gonzales*, No. 06-0294-G, 2006 WL 1499682, at *2 (N.D. Tex. May 31, 2006).

[65] *Salim*, 2019 WL 13218806, at *6.

[66] *Idowu*, 2003 WL 21805198, at *4 (quoting *Khan*, 194 F. Supp. 2d at 1137) (cleaned up).

[67] *Chen v. Banieke*, No. 15-2188-DSD/BRT, 2015 WL 4919889, at *4 (D. Minn. Aug. 11, 2015).

[68] *Manjulaben v. Ice*, No. 25-CV-02252, 2025 WL 2977713, at *2 (N.D. Ohio Oct. 22, 2025) (citation modified); *see also Atikurraheman v. Garland*, No. C24-262, 2024 WL

Indeed, removals to Vietnam are happening with greater frequency than they were as of even last fiscal year, evidencing a clear change in circumstances. DO McNary indicates that Vietnam is willing to accept its citizens, that every travel document request ERO has submitted since February 2025 has resulted in an issued travel document, and that two chartered flights are leaving to Vietnam each month.[69] In short, there is a significant likelihood that Petitioner will be removed in the reasonably foreseeable future.[70] He has no plausible claim for habeas corpus relief under *Zadvydas*.

Finally, because Petitioner has failed to state a claim pursuant to *Zadvydas*, he "cannot prevail on a substantive due process claim based upon his continued detention."[71] The Petition should be denied.

II. Petitioner's detention is within the presumptively reasonable period. His petition is premature.

ICE took Petitioner into custody on December 9, 2025.[72] In support of his claim for habeas corpus relief, he alleges that his "prior period(s) of post-order civil detention must be aggregated with this current period of post-order civil detention for purposes of giving

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2819242, at *4 (W.D. Wash. May 10, 2024) (denying habeas relief where petitioner had been held past six months but continued detention appeared to be caused by the "nationality verification in India being a slow process, which does not undermine the conclusion that removal remains foreseeable");

[69] McNary Decl. ¶ 43.

[70] *Id.*

[71] *Mafukidze v. Gonzales*, No. CIV 07-871-W, 2008 WL 395411, *4 (W.D. Okla. Feb. 11, 2008).

[72] McNary Decl. ¶ 40.

meaning to the 'reasonably foreseeable future.'"[73] Petitioner thus urges the Court to aggregate his current detention with a previous period that ended in November 2012. But most courts appear to disfavor aggregation.[74] Courts have agreed that "the removal-period clock restarts when an alien subject to a removal order is again detained by ICE."[75] A petitioner's claim is premature if he has been detained for a period significantly less than the "presumptively reasonable" 6-month period set by *Zadvydas*, and aggregating current and prior detention periods would obstruct removals, a discretionary function of the Executive Branch.[76]

Petitioner was taken into custody on December 9, 2025, and this Petition was filed within one-and-a-half months of his detention.[77] Petitioner's detention is well within the 90-day removal period authorized by statute and significantly shorter than the presumptively reasonable period of *Zadvydas*. His petition is accordingly premature and can be denied on that basis alone.

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[73] Pet. at 8, ¶ 22.

[74] *Momennia v. Bondi*, No. CIV-25-1067-J, 2025 WL 3011896, at *9, n. 9 (W.D. Okla. Oct. 15, 2025), *report and recommendation adopted*, 2025 WL 3006045 (W.D. Okla. Oct. 27, 2025).

[75] *Liu v. Carter*, No. 25-3036-JWL, 2025 WL 1207089, at *2 (D. Kan. Apr. 25, 2025) (citing cases) (holding that a claim under *Zadvydas* brought within 90 days after a revocation of release was premature).

[76] *Barrios v. Ripa*, No. 1:25-CV-22644, 2025 WL 2280485, at *8 (S.D. Fla. Aug. 8, 2025).

[77] Pet. (filed on Jan. 14, 2026).

III. The Court lacks jurisdiction to review re-detention for the purpose of executing a removal order.

8 U.S.C. § 1252(g) strips district courts of jurisdiction over "any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter." While Petitioner does not challenge "the Attorney General's *decision* to execute his removal order, it does attack the *action* taken to execute that order."[78] Therefore, this Court lacks jurisdiction over Petitioner's challenge to his re-detention to effectuate his removal.

District courts only have jurisdiction that Congress has provided.[79] Pursuant to the 1996 Illegal Immigration Reform and Immigrant Responsibility Act and the 2005 REAL ID Act, this Court is deprived of jurisdiction over this case under Section 1252(g). As the United States Court of Appeals for the Third Circuit has held, "[t]he text of § 1252(g) resolves this claim. It strips us of jurisdiction to review the Attorney General's "decision or *action* ... to ... execute [a] removal order[ ]."[80] Section 1252(g) strips district courts of jurisdiction over habeas claims arising from the execution of removal orders, including challenges by noncitizens re-detained for removal.[81]

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[78] *Tazu v. Att'y Gen. United States*, 975 F.3d 292, 298 (3d Cir. 2020) (emphasis in original).

[79] *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994); *Sheldon v. Sill*, 49 U.S. 441, 448 (1850) ("Congress, having the power to establish the courts, must define their respective jurisdictions.").

[80] *Tazu*, 975 F.3d at 298.

[81] *Id.* at 298–99.

The Court in *Tazu* noted the Petitioner's three-day re-detention and that "[i]f courts had not intervened, it would have removed him just three-and-a-half weeks after re-detaining him."[82] The Court clarified that *Tazu*'s re-detention was "simply the enforcement mechanism the Attorney General picked to execute his removal," and Section 1252(g) thus "funnel[ed] review away from the District Court."[83] Although the detention in *Tazu* was a three-day detention, the same principle applies here.[84] Petitioner has been detained in order to execute a valid removal. As such, this Court lacks jurisdiction over his claim under § 1252(g).

Another provision of Section 1252 bars this Court's review. 8 U.S.C. § 1252(b)(9) states that if a claim "aris[es] from any action taken or proceeding brought to remove an alien," then review of the claim "shall be available only in judicial review of a final order."[85] As the *Tazu* Court noted, "the legal questions he raises about the scope of the Attorney General's discretion to re-detain him are bound up with (and thus "aris[e] from") an "action taken" to remove him there.[86]

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[82] *Id.*

[83] *Id.*

[84] *See also Westley v. Harper*, No. CV 25-229, 2025 WL 592788, at *4–6 (E.D. La. Feb. 24, 2025) (finding court lacked jurisdiction to consider challenge to revocation of order of supervision, detention, and arrest); *Najera v. Sessions*, No. CV 18-1333-PHX-DLR (ESW), 2018 WL 11447065, at *3 (D. Ariz. May 15, 2018) ("The decision to revoke Petitioner's order of supervision 'arose from' the decision to 'execute [the] removal order.' 8 U.S.C. § 1252(g). Respondent's revocation decision, therefore, is outside the scope of this Court's review.") (alterations in original).

[85] *See Tazu*, 975 F.3d at 299.

[86] *Id.* The Court also noted that not *all* claims by an immigration detainee are foreclosed under Section 1252(b)(9) and recognized that a challenge to the length of confinement

Re-detaining a noncitizen for purposes of removal constitutes an enforcement mechanism of a removal order and, accordingly, a district court lacks jurisdiction to hear it.[87] Petitioner's detention is for the purpose of executing his removal order. This falls squarely within the purview of §§ 1252(g) and (b)(9), and the Court accordingly lacks jurisdiction to consider his challenge.

IV. Should the Court entertain it, Petitioner's challenge to the revocation of his release should be denied.

Even if the Court had jurisdiction to consider the basis for Petitioner's re-detention, Petitioner's claim should be denied. Petitioner challenges his re-detention and the revocation of his order of supervision ("OOS"), wrongly asserting that the government did not follow applicable regulations and protocol for a Travel Document Request.[88] Petitioner admits he was served with a Notice to Alien of File Custody Review but claims his detention is improper because he was not informed of the reason for redetention, Respondent failed to make specific findings, and failed to have a hearing before a neutral adjudicator.[89]

Respondents properly exercised their discretion under 8 C.F.R. § 241.4(*l*)(2) to revoke the Petitioner's Order of Supervision. This provision authorizes revocation of release when (1) the purpose of the release has been served; (2) the noncitizen violated a

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would not be prohibited.

[87] *Id.* (noting § 1252(b)(9) does not foreclose all claims by an immigration detainee, such as the length of his confinement).

[88] Pet. at 9, ¶ 25.

[89] Pet. at 2, ¶¶ 1-2. *See also*, Pet. at 10, ¶¶ 28-30.

condition of release; (3) revocation is appropriate to enforce a removal order or to commence removal proceedings; and (4) the conduct of the noncitizen, or any other circumstance, indicates release would no longer be appropriate.[90] Here, Petitioner violated the terms of the condition through his extensive criminal conduct which includes, *inter alia,* convictions for burglary, domestic violence, violations of protection orders, and drug possession.[91] The Order of the Supervision was revoked to enforce an existing removal order. Release is no longer appropriate based on Petitioner's criminal conduct, and the changed circumstance that Vietnam accepted several hundred detainees in FY 2024 and FY 2025 is a changed circumstance. As explained by D.O. McNary, while removal to Vietnam may not have been likely in 2012, ERO is removing far more individuals to Vietnam now. In this fiscal year alone, ERO has removed 569 Vietnam citizens to Vietnam.[92] Any previous Memorandums of Understanding between the United States and Vietnam are not being recognized, and the Government of Vietnam has issued travel documents for every travel document request ERO has submitted since February 2025.[93] This change in circumstances from Petitioner's previous attempts at removal justify his re-detention. And indeed, given the fact of Petitioner's extensive criminal history, it is reasonable to detain him as ERO gets ready to effectuate his removal.

Petitioner asserts he was entitled to certain notice and review procedures when he

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[90] *Id.* §§ 241.4(l)(2)(i)–(iv).

[91] *See* McNary Decl. at ¶¶ 5-39 detailing Petitioner's extensive criminal history.

[92] *Id.* ¶ 43.

[93] *Id.*

was redetained.[94] However, 8 C.F.R. § 241.4(*l*)(2) does not have the same notice and procedural requirements of § 241.4(*l*)(1) which require notification of the reason for revocation and an informal interview.[95] But even had Petitioner made the requisite showing that his detention did not meet with required regulation, release is not the appropriate remedy here. "Habeas is at its core a remedy for unlawful executive detention. The typical remedy for such detention is, of course, release."[96] While habeas offers relief from unlawful imprisonment or custody, it is not a mechanism for courts to order the fulfillment of administrative requirements or to direct release on that basis.[97] It is unclear that, even should the Court both determine it has jurisdiction and that Respondent failed to comply with applicable regulations, the Court could order the respondents to fulfill these administrative requirements given the purposes of habeas petitions. Even so, release in such a circumstance is certainly not a corresponding remedy.

V. Relief under *Accardi* is incompatible with modern habeas proceedings.

Release from re-detention is further inappropriate here because Petitioner brings his claim under 28 U.S.C. § 2241(c)(3), which is limited to violations of the "Constitution,

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[94] Pet. at 2, ¶¶ 1-2. *See also*, Pet. at 10, ¶¶ 28-30.

[95] 8 C.F.R. § 241.4(*l*)(1) ("Upon revocation, the alien will be notified of the reasons for revocation of his or her release or parole. The alien will be afforded 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.")

[96] *Munaf v. Geren*, 553 U.S. 674, 693 (2008); *see also Cody v. Henderson*, 936 F.2d 715, 720 (2d Cir. 1991) ("The traditional function of the writ is to secure release from illegal custody.").

[97] *Nguyen v. Noem*, No. 25-057-H, 2025 WL 2737803, at *7 (N.D. Tex. Aug. 10, 2025).

laws, or the treaties of the United States."[98] And in the immigration context, habeas is only "available as a forum for *statutory and constitutional challenges* to post-removal-period detention."[99]

Petitioner asserts a "violation of the *Accardi* doctrine" as a basis for relief.[100] But critically, the Supreme Court's decision in *United States ex rel. Accardi v. Shaughnessy,* 347 U.S. 260 (1954), relied on a *now-superseded version* of the habeas statute. The applicable regulations in that case "supplement[ed] the bare bones" of § 19(c) of the Immigration Act of 1917, so they were read to have the force and effect of law.[101] Those regulations pinpointed the decisive fact—the BIA was required "to exercise its own judgment when considering appeals"—and the habeas corpus charged "the Attorney General with precisely what the regulations forbid him to do: dictating the Board's decision."[102]

The *Accardi* doctrine is limited, however, and may require a showing of prejudice when an agency's failure to follow its regulations does not implicate "important procedural benefits" impacting individual rights and liberties.[103] In the traditional habeas corpus context centered on confinement, failure to follow procedural regulations does not establish

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[98] *Estelle v. McGuire*, 502 U.S. 62, 68 (1991) ("In conducting habeas review, a federal court is limited to deciding whether a conviction violated the Constitution, laws, or treaties of the United States.").

[99] *Zadvydas*, 533 U.S. at 688 (emphasis added).

[100] Pet. at 25-26, ¶¶ 93-97.

[101] *Acardi*, 347 U.S. at 265.

[102] *Id.* at 266-67.

[103] *Am. Farm Lines v. Black Ball Freight Serv.*, 397 U.S. 532, 538-39 (1970).

a violation of due process absent some showing of resulting prejudice.[104] That holds true for immigration procedural rules, including revocation of release on bond.[105]

Regulations are not law. Indeed, even when courts discuss generally that regulations may have the "force and effect" of law,[106] they are recognizing that regulations are *not* the laws of the United States but rather merely have the *effect* of law. And regulations certainly are not statutes.

In short, even if Petitioner establishes the regulatory violation he claims, it does not constitute a statutory or constitutional challenge. Indeed, as the Honorable District Judge Jodi W. Dishman has noted, to find that a regulatory violation results in habeas relief in this context would "create greater rights to relief than that determined by the Supreme Court in *Zadvydas*."[107] Accordingly, Judge Dishman declined to extend the writ to a Petitioner in similar circumstances.[108] Thus, "[t]o the extent that [Petitioner] is complaining that as a result of the alleged violation of the [] regulations he is in custody in violation of

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[104] *Boatswain v. Martinez*, 536 F. App'x 402 (5th Cir. 2013) (quoting *Jackson v. Cain*, 864 F.2d 1235, 1251 (5th Cir. 1989)).

[105] *Abdulahad v. Garland*, 99 F.4th 275, 295 (6th Cir. 2024) (endorsing the "limited application of the harmless-error doctrine in the immigration context"); Karki v. Noem, No. 25-cv-131862025 WL 3516782, at *7 (E.D. Mich. Dec. 8, 2025) ("Karki also had ample opportunity to challenge the Government's decision to revoke his release. He has had the chance to obtain counsel, argue before a federal court for why his detention is unlawful, and put on evidence.")

[106] *See e.g., Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 65 (2004) ("agency regulations that have the force of law").

[107] Order at 6, *Nguyen v. Bondi et al.*, No. CIV-25-01204-JD.

[108] *Id.* at 7 ("as the law currently stands, the writ does not provide the relief requested under these circumstances"); *see id.* at 9 (noting that appellate courts in other habeas contexts have "determined that regulatory violations do not allow for habeas relief").

the laws of the United States, 28 U.S.C. § 2241(c)(3), he has not established a violation cognizable under the habeas corpus statutes, even assuming that the regulations of a federal prison could be deemed federal law."[109]

VI. Petitioner's request for extraordinary remedies should be denied.

Federal district courts may grant writs of habeas corpus if the petitioner is "in custody in violation of the Constitution or laws or treaties of the United States."[110] In addition to the jurisdiction stripping provision of 8 U.S.C. §§1252(g) and 1252(b)(9), the federal courts' habeas jurisdiction in immigration cases is further limited by Section 1252(a)(2)(B), which provides that "no court shall have jurisdiction to review" "decision[s]" for which the statute grants discretion" to the Attorney General. The framework for judicial review over actions taken related to removal orders is carefully crafted and exceedingly narrow.

A. Invocation of the APA is misplaced. Counts Three, Four, and Five should be dismissed.

Petitioner's APA claim suffers several infirmities, including the lack of final agency action, alternative adequate remedies at law, and the lack of jurisdiction given the failure to serve any respondent. Petitioner claims without any support that the "revocation of an order of supervision is a final agency action subject to this Court's review."[111] The lack of citation is telling. The Court should dismiss Counts Three, Four and Five.

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[109] *Wright v. Lansing*, 75 F. App'x 710, 712 (10th Cir. 2003) (cleaned up).

[110] 28 U.S.C. § 2241(c)(3).

[111] Pet. at 15, ¶ 46.

The Court lacks jurisdiction to hear this claim. First, the APA permits judicial review for "[a] person suffering legal wrong because of agency action,"[112] that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."[113] However, the APA explicitly excludes any such review "to the extent that—(1) statutes preclude judicial review; or (2) agency action is committed to agency discretion by law."[114] Petitioner's APA challenge falls under § 701(a)(1) because the Court is deprived of subject matter jurisdiction by virtue of 8 U.S.C. § 1252(a)(2)(B)(ii).[115]

The claim also fails under § 701(a)(2) because the INA and relevant regulations make clear that revocation of supervised release is within the agency's discretion.[116] Indeed, courts that have considered habeas challenges to post-removal-order orders of supervision have afforded administrative authorities "wide latitude" to impose such orders.[117] Accordingly, to the extent that Petitioner challenges the substance of ICE's discretionary decision with regard to his order of supervision (*i.e.*, to revoke it and re-detain him), the Court should decline to consider such challenge, as it lies squarely within the discretion of the agency.

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[112] 5 U.S.C. § 702.

[113] *Id.* § 706(2)(A).

[114] *Id.* § 701(a)(1)–(2).

[115] *See, e.g.*, *Bernardo ex rel. M&K Eng'g, Inc. v. Johnson*, 814 F.3d 481, 485 (1st Cir. 2016) (holding that the judicial review bar at § 1252(a)(2)(B)(ii) applied as a result of statutory terms suggesting a grant of administrative discretion).

[116] *See* 8 U.S.C. § 1231(a)(6); 8 C.F.R. § 241.4(l)(2).

[117] *See, e.g.*, *Yusov v. Shaughnessey*, 671 F. Supp. 2d 523, 528 (S.D.N.Y. 2009) (citing cases).

Furthermore, this Court is without jurisdiction to order APA remedies because there has been no service of process. "Service of process, under longstanding tradition in our system of justice, is fundamental to any procedural imposition on a named defendant."[118] But the Petition has not been served pursuant to the Federal Rules. "In the absence of service of process (or waiver of service by the defendant), a court ordinarily may not exercise power over a party the complaint names as defendant."[119] Proper service has not occurred and, in fact, no summons have been issued.

The Respondents endeavor to comply with the Court's orders for response in habeas proceedings implicating liberty interests associated with shortened statutory response times authorized by statute and rule.[120] But Respondents have *not* waived service. That is especially true for non-habeas claims that do not enjoy statutory preference for ordering accelerated responses. Indeed, even under Rule 4 of the Rules Governing 2254 Cases, there is improper service in this case. The habeas corpus procedure employed in this case does not waive the requirements of service of Petitioner's non-habeas claims.[121]Accordingly, the Court is without jurisdiction to award APA relief.

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[118] *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999).

[119] *Id.*; *see also Omni Capital Int'l, Ltd. v. Rudolf Wolff & Co.*, 484 U.S. 97, 104 (1987) ("Before a ... court may exercise personal jurisdiction over a defendant, the procedural requirement of service of summons must be satisfied.").

[120] *See, e.g.*, 28 U.S.C. § 2243; Rules Governing 2254 Cases.

[121] *See, e.g.*, *Qazza v. Att'y Gen. of United States*, No. 8:25CV116, 2025 WL 2731380 (D. Neb. Sept. 25, 2025) (requiring service of process for immigrant's APA claims to proceed); *Duwe v. Montgomery*, No. 3:25-CV-099, 2025 WL 2531358, at *1 (S.D. Ohio Sept. 3, 2025) ("[T]he Court could not consider declaratory relief without proper service or process."); *Xi-Amaru v. Xi-Amaru*, No. 1:22-CV-02089-LMM, 2022 WL 2389254, at *1 (N.D. Ga. June 17, 2022) (finding no jurisdiction on a motion for permanent injunction

Finally, by the APA's terms, it is available only for "final agency action for which there is no other adequate remedy in a court."[122] "As a general matter, two conditions must be satisfied for agency action to be 'final': First, the action must mark the consummation of the agency's decision making process—it must not be of a merely tentative or interlocutory nature. And second, the action must be one by which rights or obligations have been determined, or from which legal consequences will flow.[123] But Petitioner does not identify a final agency action, and his deportation proceedings are ongoing. Therefore, APA relief is unavailable.

Additionally, in *Trump v. J.G.G.*, the Supreme Court held that where immigration detainees' claims "necessarily imply the invalidity of [] confinement," those claims "must be brought in habeas."[124] As noted by Justice Kavanaugh in a concurrence, "given 5 U.S.C. § 704, which states that claims under the APA are not available when there is another 'adequate remedy in a court,' I agree with the Court that habeas corpus, not the APA, is the

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where the plaintiff had not filed proof of effective service on the defendant).

[122] 5 U.S.C. § 704; *see also Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871, 882 (1990) (explaining that an action under 5 U.S.C. § 702 must also satisfy the requirements of § 704).

[123] *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997) (cleaned up).

[124] 604 U.S. 670, 672 (2025) (internal quotation marks and citation omitted). *See also Fuentes v. Choate*, No. 24-CV-01377-NYW, 2024 WL 2978285, at *11 (D. Colo. June 13, 2024) ("In the Tenth Circuit, a detainee "who challenges the fact or duration of h[er] confinement and seeks immediate release or a shortened period of confinement, must do so through an application for habeas corpus." (quoting *Palma-Salazar v. Davis*, 677 F.3d 1031, 1035 (10th Cir. 2012)).

proper vehicle here."[125] The same holds true for the current Petition.[126]

In summary, this is a habeas-only case. No other authority is conferred or available for Petitioner to seek relief.

B. Petitioner's request for an injunction of *future* actions by Respondents is not ripe for adjudication.

Petitioner makes extraordinary requests for relief in this habeas case. One such request is for Court action on future potential re-detentions. Specifically, he requests that the Court "Permanently enjoin Respondents from redetaining Nguyen under 8 C.F.R. § 241.13(i)(2)-(3) unless and until Respondents have obtained a travel document allowing for Respondent's removal from the United States," and "Permanently enjoin Respondents from redetaining Nguyen under 8 C.F.R. § 241.13(i)(2)-(3) for more than three days after receiving a travel document."[127]

As explained by the United States Supreme Court, "Ripeness is a justiciability doctrine designed to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies, and also to protect the agencies from judicial interference until an administrative decision has been

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[125] *Id.* at 674 (Kavanaugh, J. concurring).

[126] *See Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973) ("Upon that question, we hold today that when a state prisoner is challenging the very fact or duration of his physical imprisonment, and the relief he seeks is a determination that he is entitled to immediate release or a speedier release from that imprisonment, his sole federal remedy is a writ of habeas corpus.").

[127] Pet. at 29, ¶¶ 8-9.

formalized and its effects felt in a concrete way by the challenging parties."[128] Petitioner's request to have the Court enjoin any future detentions subject to certain conditions invites this Court to so "entangle" itself in an abstract issue. It should decline to do so.

C. If Petitioner continues to seek an injunction for removal to a third country, his claim is not justiciable by this Court.

Petitioner requests both preliminary and permanent orders requiring Respondents "[to] give[] Nguyen due process in the form of a full merits hearing for asylum, withholding of removal, and DCAT before an immigration judge relating to the proposed country of removal with a right to an administrative appeal to the Board of Immigration Appeals."[129] Given that no third country removal has been contemplated in Petitioner's removal proceedings, inclusion of this remedy evidences Petitioner's use of a formulaic submission and an approach to request any and all relief, even if inapplicable to him. This underscores the conclusory and premature nature of his Petition.

First, this "relief exceeds the scope of relief available in a habeas proceeding because it challenges his removal rather than the legality of his detention."[130] As such, it is inappropriate in this habeas case. But even so, such arguments would make him a member of the non-opt-out class certified in *D.V.D. v. U.S. Dep't of Homeland Sec.*, 778 F. Supp. 3d 355, 378 (D. Mass. Apr. 18, 2025), where the Supreme Court has stayed injunctive

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[128] *Nat'l Park Hosp. Ass'n v. Dep't of Interior*, 538 U.S. 803, 807–08 (2003).

[129] Pet. at 29, ¶ 10 (requesting a permanent injunction).

[130] *Cedeno-Gonzalez v. Noem*, et al., No. 2:25-CV-00473-JPH-MJD, 2025 WL 2999583, at *9 (S.D. Ind. Oct. 27, 2025) (citing *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 117-18 (2020)).

relief.[131] "Individual class members may not bring separate lawsuits seeking injunctions similar to the relief sought by the class."[132] He is therefore precluded from claiming such relief here.

Conclusion

The Petition should be denied.

Dated: January 30, 2026

Respectfully Submitted,

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[131] *DHS v. D.V.D.*, 145 S. Ct. 2153 (Jun. 23, 2025).

[132] *Spencer v. Gasper*, 2021 WL 5346665, at *2 (6th Cir. June 16, 2021); *see also Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th Cir. 1988) ("To allow individual suits would interfere with the orderly administration of the class action and risk inconsistent adjudications."); *Rivarde by Rivarde v. Missouri*, 930 F.2d 641, 643 (8th Cir. 1991) ("[A] class member should not be able to prosecute a separate equitable action once his or her class has been certified."). That is because the relief afforded to a Rule 23(b)(2) class "benefits class representatives and class members alike," *CASA, Inc. v. Trump*, 2025 WL 2263001, at *12 (D. Md. Aug. 7, 2025); *Thorn v. Jefferson-Pilot Life Ins. Co.*, 445 F.3d 311, 330 (4th Cir. 2006) ("[T]he underlying premise of the [Rule 23(b)(2)] class [is] that its members suffer from a common injury properly addressed by class-wide relief . . . ."), and allowing individual class members to bring separate lawsuits seeking similar injunctive relief would risk "prejudic[ing] other class members or caus[ing] inconsistencies and compromises in future litigation," *Borcherding-Dittloff v. Transworld Sys., Inc.*, 185 F.R.D. 558, 562 (W.D. Wis. 1999).