

1 *Duong v. Charles*, No. 1:25-cv-01375-JLT-SKO, Order Granting Petition for Writ of
2 Habeas Corpus (E.D. Cal. Nov. 14, 2025) (Ex. E).

3 This Court also has authority to issue temporary and preliminary injunctive relief, including
4 relief in aid of its jurisdiction under the All Writs Act, 28 U.S.C. § 1651, and Federal Rule
5 of Civil Procedure 65, to preserve the Court's ability to render effective relief.
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7 Venue is proper in the District of Alaska because Mr. Vu is confined in this District
8 at the Anchorage Correctional Complex, and the immediate custodian responsible for his
9 physical custody is located in this District.
10

11 **PARTIES**

12 1. Petitioner Son Hoang Vu is a native and citizen of Vietnam who has resided in the United
13 States since 1992 and has lived in Alaska for decades. He is currently detained in ICE
14 custody at the Anchorage Correctional Complex.
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16 2. Respondent Warden (or Facility Administrator), Anchorage Correctional Complex, is the
17 immediate custodian of Mr. Vu for purposes of 28 U.S.C. § 2241 and is sued in an official
18 capacity.
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20 3. Respondent Director, U.S. Immigration and Customs Enforcement (ICE), is sued in an
21 official capacity because ICE controls Mr. Vu's detention, transfer, and removal logistics,
22 and because the injunctive relief requested is directed to ICE and its agents.
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1 **FACTUAL BACKGROUND**

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3 **A. Mr. Vu's Longtime Residence in Alaska and Historical Obstacles to Removal to**
4 **Vietnam**

5 4. Mr. Vu entered the United States in 1992 and has lived here continuously since. His
6 immediate family and support network are in Alaska. Mr. Vu has deep community ties in
7 Alaska and has longstanding family responsibilities here.

8 5. DHS records reflect that Mr. Vu is subject to a final order of removal to Vietnam. For
9 example, an ICE Order of Supervision dated June 3, 2013 lists an order of removal dated
10 April 28, 1999. The A-file materials also include administrative-removal paperwork (Notice
11 of Intent and a Final Administrative Removal Order), reflecting that DHS (not an
12 Immigration Judge) issued removal documents in this case. In prior post-order custody
13 review, ICE documented that issuance of a Vietnamese travel document was 'very unlikely'
14 and 'not imminent' due to the lack of a repatriation agreement at that time.

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17 6. Because removal was not imminent historically, Mr. Vu lived for years in the community
18 under supervision and complied with immigration check-ins and requirements.


19 **B. ICE Detention Beginning January 12, 2026 and Imminent Transfer Threat**

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21 7. On January 12, 2026, Mr. Vu appeared as instructed for a check-in/update with
22 immigration authorities in Anchorage, Alaska and was taken into ICE custody without
23 advance warning. He has remained detained at the Anchorage Correctional Complex (1400
24 E. 4th Ave, Anchorage, Alaska 99501; visitor information (907) 269-7397) since that date.

25
26 7.1 ICE's Anchorage-area ERO docket control office is identified as the Anchorage, AK
27 Docket Control Office (telephone (907) 271-3106).

1 8. ICE has orally informed Mr. Vu that it intends to transfer him to the Northwest ICE
2 Processing Center in Tacoma, Washington on or before January 16, 2026. At the time of this
3 oral notice, Mr. Vu was not represented by counsel. He has not received meaningful written
4 notice, an explanation for the transfer, or an opportunity to be heard before being moved out
5 of Alaska. The Anchorage ERO Docket Control Office is listed at (907) 271-3106.
6

7 9. All of Mr. Vu's close family and community support are in Alaska. Transfer to Tacoma
8 would make in-person visitation effectively impossible for family members and would
9 significantly impede regular communication due to distance, costs, work and childcare
10 obligations, and detention-facility limitations. These barriers are especially acute for an
11 Alaska-based family, and they would impair Mr. Vu's ability to obtain support, gather
12 documents, and communicate with counsel and family during time-sensitive litigation.
13

14 10. Mr. Vu is pursuing immigration relief through USCIS and has a pending adjustment
15 application history. USCIS issued a Request for Evidence dated July 18, 2025 in his Form I-
16 485 matter (Receipt No. ) , and a response was submitted on October 9,
17 2025. Transfer would disrupt reliable communication, mail, and coordination needed to
18 protect his rights, comply with time-sensitive requests, and litigate this habeas action.
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21 **CLAIMS FOR RELIEF**

22 23 **Ground One: Immigration Detention Not Reasonably Related to Removal and** 24 **Deprivation of Liberty Without Adequate Process (28 U.S.C. § 2241; Fifth** 25 **Amendment)**

26 11. Mr. Vu challenges immigration custody that is not reasonably related to effectuating
27 removal and that is imposed without adequate procedural protections. While ICE has
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1 statutory authority to detain during the removal period and beyond in certain circumstances,
2 the Constitution does not permit detention to become arbitrary or indefinite.

3 12. ICE's own historical records in Mr. Vu's case acknowledged that travel documents were
4 unlikely and not imminent. Given that history, the Government should be required to
5 provide meaningful, prompt custody review and to demonstrate that detention remains
6 reasonably related to a realistic prospect of removal.
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8 13. Accordingly, Mr. Vu requests habeas relief in the form of: (a) release on appropriate
9 conditions of supervision; or, at minimum, (b) an order requiring prompt, individualized
10 custody process sufficient to satisfy due process and to ensure detention does not become
11 arbitrary. If detention extends beyond the presumptively reasonable period under *Zadvydas*
12 *v. Davis*, 533 U.S. 678 (2001), Mr. Vu further requests an order requiring a bond hearing
13 consistent with Ninth Circuit precedent.
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16 **Ground Two: Re-detention following release under Orders of Supervision violates 8**
17 **C.F.R. § 241.13(i) and due process**

18 14. Mr. Vu was previously released under Orders of Supervision after the Government
19 concluded it could not promptly effect his removal. On January 12, 2026, ICE returned Mr.
20 Vu to custody and initiated an imminent transfer without providing meaningful written
21 notice of revocation, without identifying any "changed circumstances," and without
22 conducting the prompt informal interview required after return to custody. (Ex. F.)
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24 15. Under 8 C.F.R. § 241.13(i)(2)–(3), the Government may revoke release and return an
25 individual to custody only upon changed circumstances and only with mandatory
26 procedures: notice of the reasons for revocation and a prompt initial informal interview after
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1 return to custody to afford an opportunity to respond, submit evidence, and contest facts
2 relevant to whether revocation and continued detention are warranted.

3 16. Mr. Vu has not been provided the notice and informal interview required by § 241.13(i),
4 nor a written custody-review determination evaluating contested facts and explaining why
5 revocation and continued detention are warranted. This failure to follow mandatory
6 regulations violates due process and renders custody unlawful. Courts have found similar
7 failures unlawful. See *Duong v. Charles*, No. 1:25-cv-01375-JLT-SKO (E.D. Cal. Nov. 14,
8 2025) (Ex. E).
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11 17. Mr. Vu therefore requests an order compelling immediate compliance with § 241.13(i)
12 (including production of the revocation record and any evidence of alleged changed
13 circumstances), and ordering release/reinstatement to supervision unless and until
14 Respondents demonstrate, through the required procedures, that removal is significantly
15 likely in the reasonably foreseeable future.
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18 **Ground Three: Custody must remain reasonably related to removal and supported by
19 meaningful, prompt process**

20 18. Mr. Vu further challenges custody that risks becoming arbitrary and not reasonably
21 related to effectuating removal. While the Government has statutory authority to detain in
22 connection with removal, due process requires that detention remain tied to a realistic
23 prospect of removal and not devolve into indefinite or arbitrary confinement.
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25 19. Mr. Vu does not contend that his current detention has already reached a prolonged
26 stage. Rather, given the Government's historical records in his case reflecting that travel
27 documents were 'very unlikely' and 'not imminent' at the time, Mr. Vu requests prompt
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1 judicial oversight to ensure that custody remains lawful and that the Government can
2 articulate, with evidence, whether removal is significantly likely in the reasonably
3 foreseeable future.

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5 20. Mr. Vu requests an order requiring Respondents to file a prompt return setting forth the
6 legal and factual basis for continued custody and addressing: (a) the current status of travel-
7 document requests and communications with Vietnam; (b) the steps taken to obtain travel
8 documents; and (c) whether removal is significantly likely in the reasonably foreseeable
9 future. If Respondents cannot make the required showing, Mr. Vu requests release under
10 appropriate conditions of supervision.
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12 **PRAYER FOR RELIEF**

13 WHEREFORE, Petitioner respectfully requests that this Court:

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15 A. Issue a temporary restraining order and preliminary injunction restraining and enjoining
16 Respondents, their agents, and anyone acting in active concert with them from transferring
17 Petitioner out of Alaska (and/or out of the District of Alaska) while this action is pending,
18 and/or require advance written notice to counsel and the Court before any transfer;

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20 B. Order Respondents to comply immediately with 8 C.F.R. § 241.13(i) by providing
21 written notice of the reasons for revocation and any alleged “changed circumstances,”
22 conducting a prompt initial informal interview after return to custody, and producing the
23 revocation custody-review record and supporting evidence;

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25 C. Issue an order to show cause (or other appropriate writ/return order) requiring
26 Respondents to file a prompt return and produce the legal and factual basis for Petitioner’s
27 continued custody, including the current status of travel-document requests and whether
28 removal is significantly likely in the reasonably foreseeable future;

1 D. Order Petitioner's release under appropriate conditions of supervision if Respondents
2 cannot demonstrate a lawful basis for continued custody, cannot establish a significant
3 likelihood of removal in the reasonably foreseeable future, and/or fail to comply with
4 mandatory revocation procedures;
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6 E. Grant such other and further relief as the Court deems just and proper.
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8 Dated: January 15, 2026.

Respectfully submitted,

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10 */s/Daniel M Huynh*

11 Daniel M Huynh, Esq
12 Pro Bono Counsel for Petitioner
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18 **CERTIFICATE OF SERVICE**

19 I certify that on 01/15/2026, 2026, I served the foregoing Habeas Petition and supporting
20 papers on Respondents by providing notice to the United States Attorney's Office for the
21 District of Alaska via Fax at 907-271-2344 and email at Noah.Roetman@usdoj.gov;
22 christine.dollerhide@usdoj.gov, usaak.cef@usdoj.gov and ICE Office of the Principal
23 Legal Advisor by email at seattle.outreach@ice.dhs.gov.
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25

26 */s/ Daniel M. Huynh*
27 Daniel M. Huynh, Esq.
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