

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

2026 JAN 29 A 11:30

CLERK KOM
SO. DIST. OF GA.

(Supplied by Clerk of Court)

Case No.

5:26 CV 123

Tam Chau
Petitioner

v.

Tony Normand,
Kristen Sullivan
Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Tam Hoang Chau
(b) Other names you have used: _____

2. Place of confinement:
(a) Name of institution: Folkston ICE Processing Center
(b) Address: P.O. Box 248
Folkston, GA 31537

(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain: _____

4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____

Being held on an immigration charge
 Other (explain): Unlawful re-detention. On November 20, 2025, under order of supervision, Petitioner reported to ICE for a routine check-in, but was promptly taken into custody.

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain):

Petitioner's current detention is unlawful and indefinite. Petitioner should not have been taken into custody, and remain detained, due to no significant likelihood of removal in the reasonably foreseeable future.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: *USDOJ Executive Office For Immigration Review, Immigration Court - Folkston, GA.*

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Detention under these circumstances exceeds ICE's statutory authority and violates due process as detention is permitted only to effectuate removal. Zadvydas v. Davis 533 U.S. 678 (2001).

(d) Date of the decision or action: *11/20/2025*

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: *Not applicable to Petitioner's current situation*

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: *Not applicable to Petitioner's current situation.*

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: *Not applicable to Petitioner's current situation.*

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 11/20/2025
- (b) Date of the removal or reinstatement order: 05/08/2014
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: *Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution, the Immigration and Nationality Act, 8 U.S.C. § 1231(a) and its implementing regulations, 8 C.F.R. § 241.13.*

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner's Final Order of Removal was on May 8, 2014. Based on the eleven-plus-year in which Petitioner has been in custody, whether physical or under ICE's Order of Supervision, it is reasonable to conclude that there is no significant likelihood of removal in the reasonably foreseeable future.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: *ICE has no legal basis to re-detain Petitioner and that he has been subject to unreasonable detention in violation of 8 U.S.C. § 1231(a)(6).*

(a) Supporting facts (Be brief. Do not cite cases or law.):

The removal period begins on the date the order of removal becomes administratively final. The 180-day presumptive period of reasonable detention has expired. ICE had over 11 years to make arraignment for removal, but failed to do so. Therefore, the re-detention is unlawful.

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: *Violation of Administrative Procedure Act, 5 U.S.C. § 706 (2)(A) Arbitrary and Capricious.*

(a) Supporting facts (Be brief. Do not cite cases or law.):

ICE's decision to revoke Petitioner's Order of Supervision ran counter to the evidence before the Agency that Petitioner would comply with a demand to appear for removal without detention. Petitioner has never violated a condition of his order of supervision and no new facts or changed circumstances suggest he would.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: *Not applicable to Petitioner's current situation.*

Request for Relief

15. State exactly what you want the court to do: *Petitioner, respectfully, ask the court to immediately release him from detention to preserve the status quo before the November 20, 2025 unlawful re-detention and any other reliefs deemed necessary. Furthermore, an injunction preventing Respondent from transferring him to another detention facility until the Writ of Habeas Corpus process has been finalized.*

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

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

1/23/26

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: 1/16/26



Signature of Petitioner

Signature of Attorney or other authorized person, if any