

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Giau Van DANG,) Civil Case No.

Petitioner,)

v.)

Bruce SCOTT, Warden, Northwest ICE) **EX PARTE MOTION FOR THIS**
Processing Center; Laura HERMOSILLO,) **COURT TO ORDER PETITIONER'S**
Enforcement and Removal Operations, Seattle) **RELEASE "FORTHWITH" WHILE HIS**
Field Office Director, U.S. Immigration and) **HABEAS PETITION IS PENDING OR**
Customs Enforcement; Kristi NOEM,) **TO ISSUE AN ORDER TO SHOW**
Secretary, U.S. Department of Homeland) **CAUSE IN THREE DAYS UNDER 28**
Security; U.S. DEPARTMENT OF) **U.S.C. § 2243**
HOMELAND SECURITY; Todd LYONS,)
Acting Director and Senior Official)
Performing Duties of Director of ICE;) **NOTE ON MOTION CALENDAR:**
U.S. IMMIGRATION AND CUSTOMS) **February 2, 2026**
ENFORCEMENT,)

Respondents.

Petitioner Dang respectfully moves the Court to order his release "forthwith," consistent with 28 U.S.C. § 2243, while his habeas petition is pending. Petitioner Dang's habeas petition raises the very same issues that have already been litigated numerous times in this district court. He is a pre-1995 Vietnamese refugee detained by ICE at his scheduled check-in, despite compliance with his Order of Supervision; ICE has procured no travel document from Vietnam, and Petitioner has previously spent three and a half years in immigration custody in unsuccessful attempts to remove

1 him to Vietnam. Petitioner should not remain detained while issues already litigated in this Court
2 are briefed by the parties on the schedule established by the General Order 10-25 re: Immigration
3 Habeas Petitioners Under 28 U.S.C. § 2241. *In re Immigration Habeas Petitions Under 28 U.S.C.*
4 *§ 2241*, Gen. Order No. 10-25 (W.D. Wash. Dec. 18, 2025).

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6 The federal government has demonstrated its unwillingness to adhere to the law. As a result,
7 it continues to arrest and detain individuals like Petitioner Dang, despite the chorus of district court
8 decisions proclaiming this conduct is unlawful. The habeas writ was designed to address such
9 excessive abuses of power by permitting a court to grant the writ “forthwith.” This Court can grant
10 Petitioner’s release under supervision to preserve the status quo but nonetheless order briefing from
11 the parties consistent with the briefing schedule established in its General Order. The government
12 therefore would have the opportunity to demonstrate whether it has the legal authority to detain,
13 while Petitioner Dang does not remain detained any longer while this case is litigated. Under the
14 Court’s current General Order, Petitioner would remain detained for at least a month longer while
15 the parties brief the issues—and the government presents arguments that this district has repeatedly
16 addressed. Continued detention during that period risks imposing an unnecessary deprivation of
17 liberty. Granting interim release under supervision, while proceeding under the General Order’s
18 briefing schedule, balances the required measured adjudication of Petitioner’s case with the serious
19 liberty interests at stake.
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22 Alternatively, this Court should “issue an order directing the respondent to show cause why
23 the writ should not be granted” within three days, as also contemplated by 28 U.S.C. § 2243. The
24 statute mandates a Return within three days “unless for good cause additional time, not exceeding
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1 twenty days, is allowed.” 28 U.S.C. § 2243. The government does not have “good cause”
 2 warranting additional time.¹

3 “Unless a petition for habeas corpus reveals on its face that as a matter of law the petitioner
 4 is not entitled to the writ, the writ or an order to show cause must issue. The usual practice is for
 5 the petitioned court to issue an order to show cause.” *Wright v. Dickson*, 336 F.2d 878, 881 (9th
 6 Cir. 1964) (citation omitted). “The very nature of the writ demands that it be administered with the
 7 initiative and flexibility essential to insure that miscarriages of justice within its reach are surfaced
 8 and corrected.” *Harris v. Nelson*, 394 U.S. 286, 291 (1969); *see also Garcia v. Wamsley*, No. 2:25-
 9 CV-02092-TMC, 2025 WL 3022252, at *1 (W.D. Wash. Oct. 29, 2025) (“In the exercise of its
 10 discretion to fix the response deadline, the Court is mindful that Congress has clearly indicated that
 11 habeas petitioners are entitled to a prompt ruling.”). If the government cannot show that it has a
 12 travel document for Vietnam or provided notice and a hearing before re-detaining Petitioner, the
 13 Court should order Petitioner’s immediate release.
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 16 The issues presented in this case—the re-detention of a pre-1995 Vietnamese national—
 17 have been litigated numerous times in this district. *Nguyen v. Scott*, 796 F. Supp. 3d 703, 739 (W.D.
 18 Wash. 2025); *Tran v. Bondi*, 2025 WL 3140462, at *3 (W.D. Wash. Nov. 10, 2025); *Abubaka v.*
 19 *Bondi*, 2025 WL 3204369 (W.D. Wash. Nov. 17, 2025); *Do v. Scott*, 2025 WL 3496909, at *4
 20 (W.D. Wash. Dec. 5, 2025); *Huynh v. Bondi*, 2025 WL 3718991 (W.D. Wash. Dec. 23, 2025);
 21 *Duong v. Bondi*, 2025 WL 3628631 (W.D. Wash. Dec. 15, 2025); *Van Huynh v. Bondi*, 2025 WL
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23
 24 ¹ The government will likely contend that three days is not enough time for the U.S. Attorney’s Office to pull
 25 Petitioner’s immigration “A-File” and that its workload does not permit it to respond so quickly. These are problems
 26 of the government’s own making. In other parts of the country, Assistant U.S. Attorneys have stopped objecting to
 27 habeas petitions, presumably because they do not have the time or capacity to respond, or because they acknowledge
 there is no defense. *See, e.g., Savoeun v. Noem et al.*, No. 5:26-cv-00230-AH-E, *Resp’ts Resp. to Pet’r’s Ex Parte*
Appl. for TRO, Dkt. No. 12 (C.D. Cal. Jan. 22, 2026); *Rodriguez Castellanos v. Noem et al.*, No. 3:26-cv-00232-
 RBM-MSB, *Resp. to Pet.*, Dkt. No. 4 (S.D. Cal. Jan. 23, 2026); *Soultanian v. Noem et al.*, No. 5:26-cv-00211-JWH-
 MAR, *Fed. Resp’ts Resp. to Pet’r’s Ex Parte Appl. for TRO*, Dkt. No. 8 (C.D. Cal. Jan. 23, 2026).

1 3534210 (W.D. Wash. Dec. 10, 2025); *Kuot v. Bondi*, 2025 WL 3763930 (W.D. Wash. Dec. 30,
2 2025); *Tang v. Bondi*, 2025 WL 2637750 (W.D. Wash. Sept. 11, 2025); *Wana v. Bondi*, 2025 WL
3 3628634 (W.D. Wash. Dec. 15, 2025); *Tran v. Scott*, 2025 WL 2898638 (W.D. Wash. Oct. 12,
4 2025); *Bui v. Scott*, 2025 WL 3250962 (W.D. Wash. Nov. 21, 2025).

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6 Indeed, district courts in California—when confronted with the same legal issues in multiple
7 petitions—have expedited proceedings by ordering the government to show cause as to whether
8 any factual or legal issues distinguish the case from the court’s prior orders. *See* 28 U.S.C. § 2243.
9 When respondents fail to identify any such issues, these courts have granted the writ and ordered
10 the petitioner’s release. *See, e.g., Rakshit K. v. Albarran et al.*, No. 1:26-cv-00212-KES-EPG,
11 *Order Granting Pet. for Writ of Habeas Corpus*, Dkt. No. 10 (E.D. Cal. Jan. 16, 2026); *P.S.D. v.*
12 *Noem et al.*, No. 1:26-cv-00085-KES-SAB, *Order Granting Pet. for Writ of Habeas Corpus*, Dkt.
13 No. 10 (E.D. Cal. Jan. 9, 2026); *Robin S. v. Albarran et al.*, No. 1:26-cv-00249-KES-HBK, *Order*
14 *Granting Pet. for Writ of Habeas Corpus*, Dkt. No. 12 (E.D. Cal. Jan. 16, 2026).

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16 The government does not have a travel document for Petitioner Dang, and Petitioner does
17 not possess one. As discussed in Petitioner’s Complaint and Writ for Habeas Corpus, the facts of
18 his case suggest the government has not even begun the process of obtaining one: Petitioner Dang
19 has not been asked to complete the required Vietnam self-declaration form, nor has he spoken with
20 any ICE officials about his ties to Vietnam or whether he possesses a travel document. His removal
21 is not significantly likely to occur in the reasonably foreseeable future.

22
23 Since Petitioner Dang’s December 23, 1995, exclusion order, ICE has already cumulatively
24 detained Petitioner Dang for more than three and a half years in unsuccessful efforts to remove him
25 to Vietnam, far beyond the presumptively reasonable amount of six months. *Zadvydas v. Davis*,
26 533 U.S. 678, 701 (2001).

1 Petitioner Dang has complied with all ICE check-ins and is a valued and active member of
2 his church and community; he is neither a flight risk nor a danger to society. He should not have to
3 remain detained any longer to litigate his habeas case, especially considering that he is the primary
4 financial provider for his wife, Ngoc, and minor stepson, Daniel.
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6 "In our society liberty is the norm, and detention prior to trial or without trial is the carefully
7 limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987). The government is
8 rewarded—and our liberties eroded—when it is permitted to continue unlawfully detaining
9 community members, holding them for prolonged periods in violation of the law while issues
10 already litigated numerous times are briefed and presented.
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12 Consequently, the Court should grant the writ forthwith and order Petitioner's immediate
13 release, or alternatively, the Court should order the government to show cause within three days.
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15 /s/ Theiline Cramer

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