

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

Ounheuan HONG,

Petitioner

v.

Warden of ERO El Paso Camp East Montana in El Paso, Texas, in his official capacity; Todd M. LYONS, in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as the Secretary of the U.S. Department of Homeland Security; Pamela BONDI, in her official capacity as the Attorney General of the United States; and the U.S. DEPARTMENT OF HOMELAND SECURITY

Respondents

Case No. 3:26-cv-00302

**PETITION FOR WRIT OF
HABEAS CORPUS**

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241
(Expedited Consideration Requested)**

This case concerns a detention so lawless and extreme that it defies both constitutional limits and the most basic standards of human decency. On January 18, 2026, approximately fifteen masked federal agents, armed and clad in military-style tactical gear, forcibly broke down the front door of Petitioner Ounheuan Hong's ("Mr. Hong" or "Petitioner") Minnesota home, guns drawn, and seized him without a warrant, explanation, or notice. Mr. Hong's U.S. citizen partner and teenage son were terrorized in their own home, and his nine-year-old daughter, though not present during the intrusion, has since suffered profound emotional distress from her father's sudden and violent removal.

Mr. Hong, who has fully complied with ICE supervision for over fifteen years and lived openly as a law-abiding member of his community, was not fleeing, hiding, or violating any condition of release. Nonetheless, he was ripped from his home and forcibly transported hundreds of miles to El Paso, Texas, where he remains confined in degrading and inhumane conditions, denied access to basic hygiene and clean clothing, and subjected to ongoing uncertainty and fear.

Mr. Hong's detention serves no lawful purpose and violates the Fourth Amendment, the Fifth Amendment's Due Process Clause, the Immigration and Nationality Act and its implementing regulations, the Administrative Procedure Act, and the *Accardi* doctrine, which requires agencies to follow their own rules and procedures. He brings this action to obtain a judicial order directing his immediate release.

Given the egregious and unlawful nature of Respondents' actions, Mr. Hong respectfully requests expedited consideration of this habeas petition. His continued detention flagrantly violates his constitutional and statutory rights and inflicts profound, ongoing harm on his family. His partner, May, and their young daughter, , continue to live in fear and uncertainty, struggling to maintain their daily lives in his absence. The inhumane conditions of his confinement—denial of basic hygiene, clean clothing, and access to showers—compound this suffering. Each day that he remains confined magnifies these harms, depriving his family of the stability, care, and support only he can provide. Prompt judicial review is essential to remedy these violations and secure Mr. Hong's release without further delay.

PARTIES

1. Petitioner Ounheuan Hong is a fifty-seven-year-old Minnesota resident who has lived in the United States since he was fourteen years old. Prior to his unexpected detention on January 18, 2026, he resided with his U.S. citizen partner and U.S. citizen children in Andover,

Minnesota. He is currently detained at the Camp East Montana immigration detention facility at Fort Bliss in El Paso, Texas.

2. Respondent Warden of ERO El Paso Camp East Montana (hereinafter "Camp East Montana"), an immigration detention facility at Fort Bliss in El Paso, Texas, has immediate physical custody of Mr. Hong and is a legal custodian of Mr. Hong.

3. Respondent Todd M. Lyons is the Acting Director of ICE. ICE is responsible for the detention of Mr. Hong. Respondent Lyons is a legal custodian of Mr. Hong.

4. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security. Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees ICE, the component agency responsible for Mr. Hong's detention. Respondent Noem is also a legal custodian of Mr. Hong.

5. Respondent Pamela Bondi is the Attorney General of the United States and the senior official of the U.S. Department of Justice ("DOJ"). She has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the BIA. Respondent Bondi is responsible for the fair administration of the laws of the United States. She is a legal custodian of Mr. Hong.

6. Respondent U.S. Department of Homeland Security ("DHS") is the federal agency responsible for enforcing Mr. Hong's continued detention.

7. All respondents are named in their official capacities. One or more of the respondents is Mr. Hong's immediate custodian.

JURISDICTION AND VENUE

8. This Court has jurisdiction under the U.S. Constitution. U.S. Const. art. I § 9, cl. 2 (“The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require.”).
9. The Court also has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (the All Writs Act), and 5 U.S.C. § 701 (the Administrative Procedure Act).
10. The Court has additional remedial authority under 28 U.S.C. §§ 2201-02 (the Declaratory Judgment Act), to grant injunctive and declaratory relief.
11. Venue is proper in this Court under 28 U.S.C. §§ 2241(a), 1391(b)(2), and 1391(e)(1) because a substantial part of the events giving rise to Mr. Hong’s claims occurred in this district; Mr. Hong is currently confined in this District; Respondents are officers of United States agencies; and Respondent Warden of Camp East Montana is Mr. Hong’s immediate custodian,

STATEMENT OF FACTS

12. In the early afternoon of January 18, 2026, approximately five masked federal agents arrived at Mr. Hong’s home in Andover, Minnesota, a quiet residential community near Minneapolis. Ex. 4 (Photographs captured from Ring Doorbell Camera video of January 18, 2026).¹ The agents pounded on the door, shouting, “POLICE, OPEN UP.” Inside were Mr. Hong, his partner May, and their eighteen-year-old son, Brandon. Their nine-year-old daughter, , was not home at the time, having gone to swim practice with her grandfather. Through the Ring doorbell camera, the family saw that the individuals outside were masked ICE agents wearing tactical vests emblazoned with “ERO.”

¹ Petitioner possesses video recordings from his Ring Doorbell Camera documenting the events of January 18, 2026, and is prepared to submit those recordings to the Court as evidence.

13. Although Mr. Hong has been subject to a final order of removal since April 13, 2010, ICE released him from custody on January 19, 2011, after failing to secure travel documents for his deportation to Laos and placed him under an order of supervision. Ex. 1 (2011 Release Notification and Order of Supervision). For more than fifteen years, Mr. Hong has lived openly, lawfully, and in full compliance with every reporting and supervision requirement imposed by ICE. Ex. 2 (ICE check-in reporting sheet).
14. He had, in fact, checked in with ICE just weeks earlier, on December 12, 2025, and was scheduled to report again on March 12, 2026. Ex. 2 (ICE check-in reporting sheet). At no point during his December check-in did ICE notify him of any violation, revocation, or impending re-detention. Nothing in Mr. Hong's conduct, compliance history, or reporting status suggested that ICE would appear at his home that morning, much less carry out a warrantless, armed raid.
15. After remaining outside the residence for approximately thirty minutes, the agents retreated to their vehicles, which remained parked in the immediate vicinity of Mr. Hong's home. They did not leave. Instead, two hours later, two large black trucks arrived carrying approximately ten additional agents. Ex. 4 (Photographs captured from Ring Doorbell Camera video of January 18, 2026). The agents again pounded on the front door and shouted commands to open it, leaving the family in mounting fear and confusion.
16. Inside, Mr. Hong and his family watched in horror through the Ring doorbell camera. Terrified, May and her son went upstairs while Mr. Hong remained downstairs, unsure how to protect his family or himself. Moments later, the agents disabled the Ring camera and, without warning, justification, or explanation, violently broke down the front door and stormed into

the home with their guns drawn. In an instant, the family's home was transformed from a place of safety into a scene of chaos and terror.

17. From upstairs, May hesitantly called out "Hello?" An agent shouted back, ordering her to come downstairs with her hands raised and demanded to know who else was inside the house. May responded that her son was with her. She then overheard one agent warn the others that there was a young woman upstairs and instructed them not to shoot. The agents ordered May and her son to come downstairs with their hands up. At no point did any agent ask for a specific individual by name, identify themselves, or explain the purpose of the raid, leaving the family bewildered and terrified.

18. When May and her son came downstairs, they were confronted by approximately fifteen masked federal agents occupying the home, clad in military-style tactical gear, with firearms trained on them. Several agents moved through the residence as if conducting a battlefield operation, while others remained stationed with weapons drawn. No agent identified himself, displayed a badge, or produced a warrant.

19. As the agents proceeded to search through the house, May asked twice whether they had a warrant. The agents responded that they did, but never produced or showed it. Surrounded by armed, masked agents inside her own home, May was terrified to press further, fearing for her life and the lives of her son and partner.

20. Moments later, the agents seized Mr. Hong at gunpoint. He was neither resisting, fleeing, nor hiding. Calmly, he asked to retrieve his wallet containing his identification, knowing he had done nothing wrong and hoping to show the agents that they were targeting the wrong person. Only after he insisted was he permitted to take it, yet the agents neither examined his identification card nor explained why he was being detained.

21. As the agents escorted Mr. Hong from the home, one told May that he was being taken to the Whipple Federal Building. They then departed, leaving a shattered front door and a family reeling in disbelief and fear.
22. In total shock, May immediately called Mr. Hong's family to report what had just occurred. They had urgent questions, but there were no answers—the events were sudden, violent, and inexplicable. The agents had departed without a warrant, paperwork, or any documentation. They did not provide their names, badge numbers, or agency identification, and concealed their faces behind masks.
23. A few hours later, Mr. Hong attempted to call May, but she missed the call. He then reached his grandfather and reported that the agents had told him he would soon be transported to Texas and deported to Laos.
24. Mr. Hong was next able to communicate with his family on Wednesday, January 21, 2026. He told May that he was being detained in El Paso, Texas, and that he urgently needed clothes because he had not been permitted to shower or change for three days since his unlawful arrest and detention on January 18th. Only very recently was Mr. Hong allowed to shower, yet he remains confined in the same clothes and underwear he was wearing at the time of his arrest. He continues to be held in degrading and inhumane conditions, without access to clean clothing or the basic necessities of hygiene.
25. Mr. Hong's family has observed that he is trying to remain optimistic for their sake, downplaying the full severity of the conditions he is forced to endure in detention at Camp East Montana.
26. Since his detention, Mr. Hong has not been informed of why his Order of Supervision was revoked. Despite fully complying with every condition of his supervision for the past fifteen

years, he was denied any advance notice or pre-deprivation hearing before his seizure on January 18. Upon information and belief, he also has not been afforded any informal interview or opportunity to respond since returning to ICE custody.

27. Mr. Hong's abrupt, unjust, and unlawful seizure and detention has left his family in shock.

Since January 18th, their daily lives have been severely disrupted. May has described living in what feels like a waking nightmare.

28. Beyond her fear and anxiety over Mr. Hong's well-being and the possibility that he could be

deported without a chance to say goodbye, May's daily life has been shattered by his detention.

Prior to his detention, Mr. Hong worked as a chef at May's restaurant and handled essential tasks, including purchasing ingredients and managing daily operations. He also took responsibility for home cooking and childcare. Without him, May faces uncertainty about whether she can keep the restaurant open, which relies on his skills, and she worries she lacks the ability to find alternative employment. Alone, she must now run the restaurant, care for the children, manage both household and business finances, maintain their home, cook, and provide emotional support to her family, while coping with the trauma of Mr. Hong's abrupt removal. The demands placed on her are overwhelming and unsustainable.

29. The front door ICE destroyed to enter Mr. Hong's home remains broken to this day, a constant reminder of the unlawful and terrifying intrusion.

Mr. Hong's Life Prior To Detention

30. Mr. Hong, now fifty-seven years old, entered the United States as a refugee on November 21,

1983, at the age of fourteen. He and his family fled Laos during the Laotian Civil War, also known as the "Secret War," at a time when thousands of families like his were being persecuted due to their cooperation with the United States. Mr. Hong adjusted his status to lawful

permanent resident on January 23, 1985, which was made retroactive to his arrival date in November 1983.

31. Growing up as a refugee in poverty, Mr. Hong faced overwhelming challenges adjusting to life in a new country as a teenager. He arrived in the United States with his family carrying nothing but survival instincts—no money, no English, and no support system—and was resettled in Minneapolis, Minnesota. From the outset, daily life was consumed by survival: securing food, helping with rent, and supporting his parents, who were unable to work. At school, he was expected to perform and assimilate, yet there were no resources, no cultural understanding, and no support for a child carrying the deep trauma of war, displacement, and loss. Forced to grow up too quickly, Mr. Hong's energy was devoted to keeping his family afloat rather than academics, and he ultimately dropped out of Roosevelt High School before graduating.

32. These early hardships, marked by trauma, poverty, and the burden of responsibility beyond his years, shaped Mr. Hong's path in profound ways and ultimately contributed to the choices that led to his arrest in 2007. On January 25, 2007, Mr. Hong was convicted of a narcotics and firearms offense, for which he was sentenced to 30 months in prison.

33. As he neared the end of his sentence, ICE initiated removal proceedings in March 2010, and he was transferred directly from criminal custody to immigration custody. On April 13, 2010, an Immigration Judge issued a removal order against him. Mr. Hong did not appeal, making the order final that same day. Ex. 3 (EOIR printout reflecting the date of the final order of removal).

34. ICE continued to detain Mr. Hong until January 24, 2011, when it released him because ICE had been unable to obtain a travel document for his removal to Laos. Ex. 1 (2011 Release Notification and Order of Supervision). By that time, Mr. Hong had spent 284 days in

detention following the issuance of his removal order. Mr. Hong was released under an order of supervision. The Release Notification explicitly stated: "Once a travel document is obtained, you will be required to surrender to the ICE for removal. You will, at that time, be given an opportunity to prepare for an orderly departure." *Id.*

35. Since his release, Mr. Hong has fully complied with every condition of his Order of Supervision for more than fifteen years, including regular reporting to ICE. Ex. 2 (ICE check-in reporting sheet). He has not been arrested or convicted of any offense since 2007, demonstrating a consistent commitment to lawful conduct.

36. Months after his release, Mr. Hong met his girlfriend, May, in 2011 and began working at her restaurant that same year. Since then, he has served as the restaurant's main chef, a role he has performed with dedication and skill for approximately fourteen years, contributing not only to its success but also to the livelihood of their family.

37. In 2016, Mr. Hong and May, welcomed their daughter, [REDACTED], into the world. Since Mr. Hong's detention, [REDACTED] has been deeply distressed by his absence. She repeatedly asks when her father will return and keenly feels the loss of his daily presence, whether taking her to and from school, helping with homework, or preparing meals for her. May fears that prolonged separation will take a serious toll on [REDACTED]'s mental health.

38. Mr. Hong's life prior to his detention reflects a trajectory of resilience, responsibility, and deep ties to his family and community. Though he received a single criminal conviction over nineteen years ago, Mr. Hong has since fully turned his life around, faithfully adhering to ICE supervision for over a decade and a half, building a stable family life, and giving back through his work and daily actions. The sudden and violent disruption of this life on January 18, 2026,

was not only unexpected but devastating, both to Mr. Hong and to the family who depends on him every day.

Warrantless Arrest Memo

39. The raid on Mr. Hong's home occurred against the backdrop of a recently disclosed internal ICE memorandum authorizing warrantless home arrests based solely on administrative immigration warrants, rather than judicial warrants issued by a neutral magistrate.² The memo asserts that ICE officers may enter private residences to effectuate arrests when an individual has a final order of removal, even absent consent or exigent circumstances—a position that departs sharply from longstanding constitutional norms and prior DHS practice.³ Ex. 5 (Memorandum from Acting ICE Director Todd Lyons on Utilizing Form I-205, Warrant of Removal, dated May 12, 2025). This guidance has drawn widespread criticism for conflicting with core Fourth Amendment protections. Notably, in January 2026, a federal judge in Minnesota ruled that a warrantless ICE entry into a private home violated the Fourth Amendment and ordered the individual's release, reaffirming that administrative immigration warrants do not authorize forced entry into a residence. *See Garrison G. v. ICE*, No. 26-CV-172, 2026 WL 157677 (D. Minn. Jan. 17, 2026).

LEGAL FRAMEWORK

The Fourth Amendment Prohibits Warrantless Arrests Inside the Home

40. The Fourth Amendment of the U.S. Constitution requires that law enforcement agents have probable cause before arresting an individual. *Gerstein v. Pugh*, 420 U.S. 103, 111 (1975); *Johnson v. United States*, 333 U.S. 10, 13-14 (1948); *Deville v. Marcantel*, 567 F.3d 156, 164

² Hamed Aleaziz, *ICE Said Agents Can Enter Homes Without Judicial Warrant, Group Claims*, N.Y. Times (Jan. 21, 2026), <https://www.nytimes.com/2026/01/21/us/politics/ice-warrant-whistleblower.html>

³ Memorandum from Acting ICE Director Todd Lyons on Utilizing Form I-205, Warrant of Removal (May 12, 2025).

(5th Cir. 2009); *Resendiz v. Miller*, 203 F.3d 902, 903 (5th Cir. 2000)). This requirement applies with equal force to immigration enforcement: immigration officers must have probable cause to believe that a person has committed an immigration violation before effecting an arrest. *United States v. Brignoni-Ponce*, 422 U.S. 873, 881–82 (1975).

41. Courts, including the Court of Appeals for the Fifth Circuit, have universally construed the “reason to believe” language as equivalent to probable cause. *See, e.g., United States v. Varkonyi*, 645 F.2d 453, 458 (5th Cir. Unit A May 1981) (“the phrase ‘reason to believe’ [in 8 U.S.C. § 1357(a)(2)] has been equated with the constitutional requirement of probable cause”); *Morales v. Chadbourne*, 793 F.3d 208, 216 (1st Cir. 2015); *United States v. Quintana*, 623 F.3d 1237, 1239 (8th Cir. 2010); *Babula v. INS*, 665 F.2d 293, 298 (3d Cir. 1981); *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th Cir. 1980); *Ojeda-Vinal es v. Immigration & Naturalization Serv.*, 523 F.2d 286, 288 (2d Cir. 1975); *United States v. Cantu*, 519 F.2d 494, 496 (7th Cir. 1975); *Au Yi Lau v. INS*, 445 F.2d 217, 222 (D.C. Cir. 1971); *United States v. Quintanilla-Chavez*, No. SA-25-CR-388-XR, 2025 WL 2982191, at *16 (W.D. Tex. Oct. 20, 2025).

42. The Supreme Court has further emphasized that “[t]he simple language of the [Fourth] Amendment applies equally to seizures of persons and to seizures of property” and contains “two separate clauses, the first protecting the basic right to be free from unreasonable searches and seizures and the second requiring that warrants be particular and supported by probable cause.” *Payton v. New York*, 445 U.S. 573, 584, 586 (1980). Absent consent or exigent circumstances, “[i]t is a ‘basic principle of Fourth Amendment law’ that searches and seizures inside a home without a warrant are presumptively unreasonable.” *Id.* (quoting *Coolidge v. New Hampshire*, 403 U.S. 443, 477 (1971)); *see also Silverman v. United States*, 365 U.S.

505, 511 (1961) (“At the very core [of the Fourth Amendment] stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion.”); *Sauceda v. City of San Benito, Texas*, 78 F.4th 174, 183 (5th Cir. 2023); *Hogan v. Cunningham*, 722 F.3d 725, 732-33 (5th Cir. 2013); *Ordonez v. Gonzalez*, No. EP-23-CV-99-KC, 2024 WL 1250181 (W.D. Tex. Mar. 25, 2024).

Due Process Governs Decisions to Revoke an Order of Supervision

43. “The Due Process Clause applies to all persons within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Id.* at 690.
44. Revoking a noncitizen’s order of supervision imposes a severe restriction on liberty and therefore triggers both substantive and procedural due process protections.
45. Substantive due process permits detention only if it serves a “legitimate nonpunitive objective.” *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. *See Zadvydas*, 533 U.S. at 690-92.
46. Procedural due process requires that any government action depriving an individual of liberty—including revoking an order of supervision—be carried out fairly, providing notice and an opportunity to respond. At a minimum, the individual must be afforded “the opportunity to be heard at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). These procedural protections ensure that decisions affecting fundamental liberty are not arbitrary and allow individuals to meaningfully contest government action.

Statutory Framework Governing Post-Order Detention

47. After a final order of removal, ICE is statutorily required to detain a noncitizen for a 90-day “removal period” to effectuate removal. 8 U.S.C. § 1231(a)(2). This period generally begins once the removal order becomes administratively final. *Id.* § 1231(a)(1)(B)(i).
48. If ICE fails to remove an individual during the 90-day removal period, the statute mandates that the agency release the individual under conditions of supervision. *Id.* § 1231(a)(3). ICE may detain someone beyond the 90 days only in limited circumstances—if the person is subject to removal for certain criminal grounds or is a danger to the community or a flight risk. *Id.* § 1231(a)(6).
49. Even under § 1231(a)(6), detention is not unlimited. The Constitution requires that detention “bear a reasonable relationship to the purpose for which the individual [was] committed.” *Zadvydas*, 533 U.S. at 690 (citation omitted). Detention must serve a legitimate purpose—preventing flight or protecting the community. *Id.* at 699–701; *see also id.* at 690–91. Detention beyond these bounds is both statutorily and constitutionally impermissible. Because post-order detention exists solely to effectuate removal, “once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699.
50. Accordingly, the Supreme Court has construed § 1231(a)(6) to permit detention only for a period “reasonably necessary to secure removal,” which the Court has determined to be presumptively six months. *Id.* at 699–701. After six months, if the noncitizen provides “good reason” to believe that there is no significant likelihood of removal in the reasonably foreseeable future, “the Government must respond with evidence sufficient to rebut that showing.” *Id.* at 701. Otherwise, release is mandatory.

Release Under Conditions of Supervision

51. When ICE fails to remove a noncitizen within the removal period, the statute requires release under conditions of supervision, except in narrow defined circumstances. *See* 8 U.S.C. § 1231(a)(3). Once released, ICE may revoke supervision only for valid cause and in strict compliance with DHS regulations.
52. Two DHS regulations—8 C.F.R. §§ 241.4 and 241.13—establish the framework for post-final-order custody, including release, revocation of supervision, and re-detention.
53. 8 C.F.R. § 241.13 establishes “special review procedures” for individuals who demonstrate “good reason to believe” that removal is not significantly likely in the reasonably foreseeable future. For individuals released under § 241.13, revocation is limited to two circumstances: (1) violation of the conditions of release, or (2) a “changed circumstance” establishing a new significant likelihood of removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(1)–(2). Any revocation must follow the procedural safeguards specified in the regulations, including notice and an opportunity to respond. *Id.* § 241.13(i)(3).
54. 8 C.F.R. § 241.4 establishes a mandatory post-order custody review process for noncitizens detained beyond the 90-day removal period. Before releasing someone under this process, ICE must conclude that the individual is not a danger to the community and does not pose a significant flight risk. *See* 8 C.F.R. § 241.4(e)(4), (6). For individuals released under § 241.4, DHS regulations specify four grounds for revocation: (1) completion of the purposes of release, (2) violation of release conditions, (3) enforcement of a removal order, or (4) other conduct or circumstances indicating that continued release would be inappropriate. 8 C.F.R. § 241.4(i)(2).

55. Only specified ICE officials may revoke an order of supervision: the ICE Executive Associate Director, a field office director, or an official “delegated the function or authority . . . for a particular geographic district, region, or area.” *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the Homeland Security Act of 2002 renamed the position titles listed in § 241.4). If a field office director or delegated official revokes supervision, they must first determine that revocation is in the public interest and that referral to the Executive Associate Director is not reasonably feasible. *See* 8 C.F.R. § 241.4(l)(2); *see also Rombot v. Souza*, 296 F. Supp. 3d 383, 387 (D. Mass. 2017). Delegated officials may not revoke supervision unless their delegation order explicitly grants that authority. *Ceesay*, 781 F. Supp. 3d at 161.

56. Finally, when ICE revokes an order of supervision, it must notify the individual of the reasons for revocation and promptly provide an opportunity to respond. 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(3). These procedural safeguards are essential to ensure that revocation is not arbitrary, that liberty interests are respected, and that ICE’s actions comply with both statute and regulation.

The APA Sets Minimum Standards for Final Agency Action

57. The Administrative Procedure Act authorizes judicial review of final agency action. 5 U.S.C. § 704.

58. An action is final if it marks the consummation of the agency’s decision-making process and determines rights or obligations or produces legal consequences. *Bennett v. Spear*, 520 U.S. 154, 178 (1997).

59. ICE’s revocation of Mr. Hong’s Order of Supervision constitutes a final agency action. It conclusively determined his custody status and imposed immediate, significant legal

consequences by returning him to detention in violation of constitutional protections, statutory requirements, and DHS regulations. As such, it is subject to judicial review under the APA.

The *Accardi* Doctrine Requires Agencies to Follow Their Own Rules

60. The *Accardi* doctrine mandates that agencies strictly comply with their own rules, procedures, and instructions. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow its procedures governing deportation proceedings); see also *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (holding that agencies must adhere to their own procedures when individual rights are affected, even if those procedures are more demanding than constitutionally required).

61. *Accardi* applies with equal force to unpublished internal rules and instructions; it is not limited to formally promulgated regulations. *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Where an agency disregards binding internal guidance, courts must invalidate the resulting action. See *Morton*, 415 U.S. at 235; *U.S. v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969).

62. In the context of ICE supervision, release notifications accompanying an order of supervision—promising a noncitizen an opportunity to prepare for an “orderly departure”—are binding. ICE’s failure to honor such promises violates the *Accardi* doctrine and renders any subsequent re-detention unlawful. See *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 169; *Ragbir v. Sessions*, 2018 WL 623557 (S.D.N.Y. Jan. 29, 2018), *vacated and remanded on other grounds sub nom.*, *Ragbir v. Barr*, 2019 WL 6826008 (2d Cir. July 30, 2019); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017) (ordering release to provide an opportunity to prepare for orderly departure).

Repatriation of Laotian Nationals

63. The Lao People’s Democratic Republic (hereinafter “Laos”) is one of thirteen countries the

United States designates as “recalcitrant” because it systemically refuses or delays the repatriation of its citizens.⁴

64.Laos does not have a formal repatriation agreement with the United States and historically, Laos has rarely issued travel documents for deportation. According to ICE’s most recent Enforcement and Removal Operations Annual Report, issued in 2024, ICE removed only twenty-two people to Laos from the United States between fiscal years 2019 and 2024 —a miniscule fraction of those with final orders of removal to Laos.⁵

65.Repatriation requires Laos to issue a passport or other travel document upon ICE’s request, a process that involves submitting a travel document packet to the Laotian Embassy in Washington, D.C. This process is often slow, bureaucratically complex, and frequently results in outright denial.

66.Human rights and advocacy organizations have documented that deportees to Laos are detained immediately upon arrival and, absent a local sponsor, are transferred into the Lao prison system, where they are confined indefinitely alongside the criminal population and subjected to abusive and inhumane conditions.

67.ICE is unable to effectuate the vast majority of removal orders to Laos because Laos consistently refuses to cooperate. For years, ICE has routinely released Lao nationals either upon—or even before—the end of the 90-day removal period. Many have returned to their families, jobs, and communities, living productive and peaceful lives following release from ICE custody.

⁴ See Congressional Rsch. Serv., Immigration: “Recalcitrant” Countries and the Use of Visa Sanctions to Encourage Cooperation with Alien Removals (2020), *available at* <https://www.congress.gov/crs-product/IF11025>.

⁵ See U.S. Immigr. & Customs Enf’t, Fiscal Year 2024 Annual Report 100 (2024), *available at* <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf>.

68. Because Laos has historically refused to issue travel documents to Mr. Hong, his removal is not reasonably foreseeable. Continued detention under these circumstances serves no legitimate purpose and is arbitrary, capricious, and contrary to law and DHS regulations.

CLAIMS FOR RELIEF

Count One

Violation of the Fourth Amendment and 8 U.S.C. § 1357(a)(2) Warrantless Home Arrest Without Probable Cause or Individualized Flight-Risk Finding

69. Petitioner realleges and incorporates by reference all preceding paragraphs.

70. Respondents violated the Fourth Amendment by arresting Mr. Hong inside his home without a judicial warrant, without consent, and in the absence of exigent circumstances. Their entry into Mr. Hong's residence without consent or a valid judicial warrant rendered the arrest presumptively unreasonable under the Fourth Amendment.

71. Respondents also violated 8 U.S.C. § 1357(a)(2), which authorizes warrantless arrests only where an officer has reason to believe that the individual is likely to escape before a warrant can be obtained. Prior to arresting Mr. Hong, Respondents failed to make any individualized determination that he posed a flight risk or was likely to flee. To the contrary, Mr. Hong had remained under ICE supervision for more than fifteen years, complied with all reporting requirements, and was not attempting to flee or evade authorities at the time of the arrest.

72. By entering Mr. Hong's home without a judicial warrant or consent and arresting him without probable cause or any individualized finding that he was likely to escape, Respondents acted outside the bounds of both statutory authority and the Constitution, rendering his detention unlawful under 8 U.S.C. § 1357(a)(2) and the Fourth Amendment.

Count Two

Violation of the Fourth Amendment and 8 C.F.R. § 287.8(c)(2) Unlawful Warrantless Arrest in Violation of ICE Regulations

73. Petitioner realleges and incorporates by reference all preceding paragraphs.

74. Respondents violated ICE's binding regulations by arresting Mr. Hong without a warrant and without a lawful basis to dispense with one. Under 8 C.F.R. § 287.8(c)(2), a warrantless arrest inside a residence is permitted only when an officer has reason to believe the individual is likely to escape before a warrant can be obtained. No such circumstances existed here.

75. At the time of his arrest on January 18, 2026, Mr. Hong was residing in the United States pursuant to an order of order of supervision, with ICE's ongoing consent. Ex. 1 (2011 Release Notification and Order of Supervision). He had complied fully with all reporting requirements for more than fifteen years, including a check-in on December 12, 2025, and had committed no violation or offense that could justify re-detention. Ex. 2 (ICE check-in reporting sheet). ICE agents had been monitoring Mr. Hong and his residence and observed no attempt to flee or evade authorities.

76. Because Respondents lacked any reason to believe that Mr. Hong was likely to escape before a warrant could be obtained, they had no authority to dispense with the warrant requirement. Their warrantless entry into his home and arrest violated 8 C.F.R. § 287.8(c)(2) and the Fourth Amendment.

Count Three
Violation of the Fifth Amendment of the U.S. Constitution
Substantive Due Process

77. Petitioner realleges and incorporates by reference all preceding paragraphs.

78. ICE's continued detention of Mr. Hong violates substantive due process because it bears no reasonable relationship to any legitimate, nonpunitive governmental purpose. Post-final-order detention is constitutionally permissible only to prevent flight or protect the community. Neither justification applies here.

79. The Due Process Clause of the Fifth Amendment requires that civil detention “bear a reasonable relationship” to the purpose for which an individual is detained. *Zadvydas*, 533 U.S. at 690. When removal is not significantly likely in the reasonably foreseeable future, continued post-order detention becomes unlawful. *Id.* at 697.
80. When ICE issued Mr. Hong an order of supervision on January 24, 2011, it necessarily determined that he posed neither a danger to the community nor a flight risk. Mr. Hong then fully complied with all conditions of his release for over fifteen years and has not committed any offense since 2007. Ex. 2 (ICE check-in reporting sheet).
81. When ICE re-detained Mr. Hong on January 18, 2026, it identified no material change in circumstances to justify that reversal. ICE had not obtained travel documents for Mr. Hong and offered no individualized evidence suggesting that removal had become likely. Under these circumstances, Respondents bear the burden of demonstrating that Mr. Hong’s removal is significantly likely in the reasonably foreseeable future. *See Garcia-Aleman v. Thompson*, No. SA-25-CV-886-OLF (HJB), 2025 WL 3534806, at *4 (W.D. Tex. Nov. 24, 2025); *see also Escalante v. Noem*, No. 9:25-CV-00182-MJT, 2025 WL 2206113 at *3 (E.D. Tex. Aug. 2, 2025) (finding that under 8 C.F.R. §§ 241.4 and 241.13, the government bears the burden upon revocation to show that removal is reasonably foreseeable).
82. To establish reasonable foreseeability of removal, Respondents cannot rely on generalized statistics or vague assertions about the possibility of repatriation to Laos. Courts nationwide have consistently rejected continued detention based on speculation, generalized assertion, or even general countrywide removal statistics rather than particularized evidence that an individual’s removal is reasonably foreseeable. *See, e.g., Souvannaseng v. Noem*, No. 3:25-CV-3473-CAB-DEB, 2025 WL 3641180, at *2 (S.D. Cal. Dec. 16, 2025) (rejecting ICE’s

reliance on vague assertions of diligence and generalized removal statistics—such as the claim that ICE removed 177 Laotian nationals in 2025, compared to zero in 2024—as insufficient to establish that removal was reasonably foreseeable); *Nguyen v. Bondi*, No. EP-25-CV-323-KC, 2025 WL 3120516, at *7 (W.D. Tex. Nov. 7, 2025); *Phouvieng K., v. Andrews*, No. 1:25-cv-01512-KES-SAB (HC), 2025 WL 3265504, at *6 (E.D. Cal. Nov. 24, 2025); *Kipoung v. Bondi*, No. C26-48-MLP, 2026 WL 221139, at *3 (W.D. Wash. Jan. 28, 2026); *Saelee v. Bondi*, No. 2:25-CV-02677-TLF, 2026 WL 221513 (W.D. Wash. Jan. 28, 2026); *Dipraseuth v. Noem*, No. 25-CV-3471 JLS (BJW), 2025 WL 3677674, at *3 (S.D. Cal. Dec. 18, 2025); *Khammanivong v. Edlow*, No. 2:25-CV-01069-SPC-DNF, 2025 WL 3534102 (M.D. Fla. Dec. 10, 2025); *Nguyen v. Hyde*, 788 F. Supp. 3d 144, 152 (D. Mass. 2025); *Ye v. Bondi*, No. CIV-25-1230-D, 2025 WL 3485420, at *2 (W.D. Okla. Dec. 4, 2025).

83. Because Mr. Hong’s detention does not serve either of the only legitimate purposes recognized by the Supreme Court —preventing flight or danger to the community—and instead functions as punishment, it lacks any lawful justification. His continued detention therefore violates substantive due process under the Fifth Amendment.

Count Four
Violation of the Fifth Amendment of the U.S. Constitution
Procedural Due Process

84. Petitioner realleges and incorporates by reference all preceding paragraphs.

85. ICE violated Mr. Hong’s procedural due process rights by revoking his Order of Supervision and re-detaining him without notice, without a meaningful opportunity to be heard, and without complying with mandatory statutory and regulatory safeguards governing the deprivation of liberty.

86. The Fifth Amendment to the U.S. Constitution provides that “[n]o person . . . shall be . . . deprived of life, liberty, or property, without due process of law.” U.S. Const., amend. V. At a minimum, procedural due process requires notice and the opportunity to be heard “at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). These protections apply with full force to the revocation of an order of supervision, which constitutes a severe deprivation of liberty.
87. ICE’s own regulations reflect these constitutional requirements. Under 8 C.F.R. §§ 241.4 and 241.13, re-detention is permitted only upon a violation of release conditions or changed circumstances establishing that removal is reasonably foreseeable. *Ceesay*, 781 F. Supp. 3d at 161. Individuals released under an order of supervision therefore possess a substantial liberty interest and are entitled to heightened procedural protections. *See Trejo v. Warden of ERO El Paso East Montana*, No. EP-25-cv-401-KC, 2025 WL 2992187, at *6 (W.D. Tex. Oct. 24, 2025); *Nguyen*, 2025 WL 3120516, at *5 (W.D. Tex. Nov. 7, 2025).
88. Whether due process was satisfied is governed by the three-factor balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976): (1) the private interest at stake; (2) the risk of erroneous deprivation and the value of additional procedural protections; and (3) the government’s interest. Each factor weighs decisively in Mr. Hong’s favor.
89. First, Mr. Hong’s liberty interest is profound. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690. Having lived in his community freely for over fifteen years pursuant to an order of supervision, Mr. Hong possesses a strong liberty interest in remaining free from detention. *Trejo*, 2025 WL 2992187 at *8; *see also Gurung v. Warden, South Texas ICE Processing Center*, No. SA-25-CA-01614-XR, 2026 WL

93145, at *8 (W.D. Tex. Jan. 6, 2026). His liberty enables him to work, support his family's small business, care for his children, and provide daily financial and emotional support to his family.

90. Second, the risk of erroneous deprivation was extreme and has already materialized here. ICE provided Mr. Hong with no advance notice, no explanation for revocation, and no opportunity—before or after re-detention—to contest its decision. ICE re-detained Mr. Hong without a warrant and without any process, despite having met with him at a routine check-in one month earlier. He remains detained with no mechanism to challenge the revocation. The absence of even minimal procedural protections created precisely the risk of error due process is meant to prevent.

91. Third, the government's interest does not justify dispensing with basic process. Providing notice and an opportunity to respond imposes minimal administrative burden and, in fact, serves the government's interests by avoiding unnecessary detention, conserving resources, and preventing unlawful confinement. Detention without compliance with governing procedures serves no legitimate governmental interest.

92. Balancing these factors, Mr. Hong's profound liberty interest, the grave risk of error created by ICE's failure to provide any process, and the absence of any countervailing governmental interest, compel the conclusion that his re-detention violates procedural due process.

Count Five
Violation of the Fifth Amendment of the U.S. Constitution
Indefinite Post-Order Detention

93. Petitioner realleges and incorporates by reference all preceding paragraphs.

94. Mr. Hong's prolonged post-final-order detention—aggregating well beyond the six-month presumptive constitutional limit recognized in *Zadvydas*—violates due process because

Respondents cannot demonstrate a significant likelihood of his removal in the reasonably foreseeable future.

95. This is Mr. Hong's second period of post-order detention under the same final order of removal.

Ex. 1 (2011 Release Notification and Order of Supervision). His removal order became final on April 13, 2010, triggering the statutory removal period. Ex. 3 (EOIR printout reflecting the date of the final order of removal). ICE detained Mr. Hong for 286 days following that order before releasing him on January 24, 2011, after removal proved impossible. Ex. 1 (2011 Release Notification and Order of Supervision). As this Court has recognized, the six-month *Zadvydas* period includes the 90-day removal period. *See Marquez-Amaya v. Thompson*, No. 5:25-CV-1501-JKP, 2025 WL 3654327, at *3 (W.D. Tex. Dec. 15, 2025).

96. ICE re-detained Mr. Hong on January 18, 2026—more than fifteen years after his release—under the same final order of removal. As of the filing of this petition, Mr. Hong has been detained for a total of 302 days post-order, well beyond the six-month presumptive limit established in *Zadvydas*. *See* 533 U.S. at 701. As detention grows longer, due process demands an increasingly strong justification. *Id.* at 690–91.

97. ICE may not evade constitutional limits by cycling an individual in and out of custody under a single removal order while disregarding the cumulative duration of detention. Courts have rejected the notion that § 1231(a)(6) confers a free-floating authority to re-arrest and detain individuals years later without regard to the cumulative duration of post-order detention. *See Abuelhawa v. Noem*, No. 4:25-CV-04128, 2025 WL 2937692, at *4 (S.D. Tex. Oct. 16, 2025) (collecting cases).

98. Because Respondents cannot meet their burden of showing that Mr. Hong's removal is significantly likely in the reasonably foreseeable future, his continued detention is presumptively unconstitutional.

Count Six
Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B)
Contrary to Governing Regulations and the Constitution

99. Petitioner realleges and incorporates by reference all preceding paragraphs. ICE's revocation of Mr. Hong's Order of Supervision constitutes final agency action that is contrary to the Constitution, the Immigration and Nationality Act, and DHS's own binding regulations, and must therefore be set aside under the Administrative Procedure Act.

100. The APA requires courts to "hold unlawful and set aside agency action" that is "not in accordance with law" or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B). ICE's revocation of Mr. Hong's Order of Supervision was unconstitutional, contrary to the INA and implementing regulations, and unlawful under 5 U.S.C. § 706(2)(A)–(B).

101. First, ICE failed to provide required notice and process. ICE did not provide Mr. Hong with written notice of the reasons for revocation "upon revocation," nor did it afford him an initial informal interview or any meaningful opportunity to be heard, as required by the Fifth Amendment's Due Process Clause and 8 C.F.R. §§ 241.4(l)(1) and 241.13(i)(3). Courts nationwide have repeatedly held that revoking supervision without these procedural protections violates both DHS regulations and constitutional due process. *See, e.g., Gurung*, 2026 WL 93145, at *5; *Funes Gamez v. Francis*, No. 1:25-cv-07429-PAE, 2025 WL 3263896, at *23 (S.D.N.Y. Nov. 24, 2025); *Liu v. Carter*, No. 25-3036-JWL, 2025 WL 1696526, at *2

(D. Kan. June 17, 2025); *Yang v. Kaiser*, No. 2:25-CV-02205-DAD-AC (HC), 2025 WL 2791778, at *2 (E.D. Cal. Aug. 20, 2025).

102. Second, ICE failed to make the findings required under 8 C.F.R. § 241.4 to revoke Mr. Hong's Order of Supervision. Under § 241.4, revocation is permitted only if ICE determines that the purposes of release have been served, the noncitizen has violated release conditions, enforcement of a removal order or initiation of removal proceedings is appropriate, or the noncitizen's conduct or other circumstances render continued release improper. Here, there were no violations of Mr. Hong's supervision, no determination that the purposes of his release had been fulfilled, and no finding that enforcement of his removal order or other factors justified revocation. By disregarding these mandatory criteria, ICE exceeded its regulatory authority under § 241.4.

103. Similarly, ICE violated 8 C.F.R. § 241.13(i)(2) by re-detaining Mr. Hong without first making an individualized determination, based on changed circumstances, that removal had become significantly likely in the reasonably foreseeable future. *Kong v. United States*, 62 F.4th 608, 619-20 (1st Cir. 2023). Judicial review must consider the facts and record at the time of arrest, not post hoc rationalizations. *Id.* at 620. Here, ICE had not sought or obtained travel documents to Laos before re-detaining Mr. Hong on January 18, 2026. Courts nationwide have rejected ICE's reliance on generalized assertions that removals are occurring—or that ICE intends to seek travel documents—as sufficient to establish an individual noncitizen's likely removal. *See, e.g., Souvannaseng*, 2025 WL 3641180, at *2; *Phouvieng K.*, 2025 WL 3265504, at *6 ; *Kipoung*, 2026 WL 221139, at *3; *Saelee*, 2026 WL 221513; *Dipraseuth*, 2025 WL 3677674, at *3; *Khammanivong*, 2025 WL 3534102; *Sun v. Noem*, Case No. 3:25-cv-02433, 2025 WL 2800037, at *2 (S.D. Cal. Sept. 30, 2025); *Balouch v. Bondi*, No. 9:25-CV-216-MJT, 2025

WL 2871914, at *3 (E.D. Tex. Oct. 9, 2025); *Aguilar v. Noem*, No. 25-CV-03463-NYW, 2025 WL 3514282, at *6 (D. Colo. Dec. 8, 2025); *Pena -Gil v. Lyons*, No. 25-CV-03268-PAB-NRN, 2025 WL 3268333, at *4 (D. Colo. Nov. 24, 2025) (collecting cases).

104. Because ICE revoked Mr. Hong's Order of Supervision without required findings and without mandatory procedural safeguards, the decision is contrary to law and must be set aside under the APA.

Count Seven
Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A)
Arbitrary and Capricious

105. Petitioner realleges and incorporates by reference all preceding paragraphs.

106. ICE's decision to revoke Mr. Hong's Order of Supervision and detain him was arbitrary and capricious because it ignored undisputed evidence that removal is not foreseeable, disregarded reasonable alternatives to detention, failed to account for Mr. Hong's settled reliance interests, and offered no rational explanation for reversing fifteen years of compliance.

107. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A). Agency action is arbitrary and capricious when it violates statute, regulation, or constitutional requirements, contradicts evidence before the agency, or fails to consider relevant factors. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983); *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1910 (2020).

108. ICE's revocation of Mr. Hong's Order of Supervision was arbitrary and capricious for multiple independent reasons:

A) Contrary to the evidence: Mr. Hong complied fully with all conditions of supervision for more than fifteen years. Ex. 2 (ICE check-in reporting sheet). ICE

identified no violations, no new adverse facts, and no changed circumstances suggesting risk of flight, danger, or noncompliance with removal requirements.

- B) Failure to consider constitutional concerns: ICE ignored the severe due process implications of revoking supervision and re-detaining Mr. Hong without notice, explanation, or any opportunity to respond.
- C) Failure to consider administrative and financial burdens: Detaining a law-abiding individual for whom removal is not imminent wastes limited government resources and imposes unnecessary costs.
- D) Failure to consider reasonable alternatives: ICE could have continued Mr. Hong's supervised release while pursuing removal efforts or providing notice of any future reporting or departure requirements, achieving its objectives without unnecessary incarceration.
- E) Ignoring reliance interests: For over fifteen years, Mr. Hong structured his life around ICE's decision to release him and its assurances of notice and an opportunity to prepare for an orderly departure. Ex. 2 (ICE check-in reporting sheet). *See Ragbir*, 2018 WL 623557, at *1 ("There is, and ought to be in this great country, the freedom to say goodbye. That is, the freedom to hug one's spouse and children, the freedom to organize the myriad of human affairs that collect over time. It ought not to be—and it has never before been—that those who have lived without incident in this country for years are subject to treatment we associate with regimes we revile as unjust, regimes where those who have long lived in a country may be taken without notice from streets, home, and work. And sent away. We are not that country.").

109. ICE offered no reasoned explanation for abandoning its prior determination that Mr. Hong could safely remain at liberty, nor for reversing course after fifteen years of compliance. This abrupt and unexplained decision to revoke Mr. Hong's Order of Supervision—through means so violent they shock the conscience—renders the revocation arbitrary and capricious and must be held unlawful under 5 U.S.C. § 706(2)(A).

Count Eight
Violation of the *Accardi* Doctrine

Petitioner realleges and incorporates by reference all preceding paragraphs as if fully set forth here.

110. ICE's revocation of Mr. Hong's Order of Supervision violates the *Accardi* doctrine because the agency failed to follow its own binding regulations, delegation requirements, and release instructions that expressly govern when and how supervision may be revoked.

111. Under the *Accardi* doctrine, agency actions must comply with the agency's own rules, procedures, and instructions. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954). Agency actions that disregard mandatory procedures must be set aside.

112. ICE violated *Accardi* by disregarding mandatory regulations governing the findings required to revoke an order of supervision and the procedural protections owed to Mr. Hong. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 162 (W.D.N.Y. 2025); *Rombot v. Moniz*, 296 F. Supp. 3d 386, 386–89; *Zhu v. Genalo*, 2025 WL 2452352 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, 2025 WL 2430267 (D. Or. Aug. 21, 2025).

113. ICE also failed to honor the express assurances in Mr. Hong's release notification guaranteeing him an opportunity to prepare for an orderly departure. Ex. 1 (2011 Release Notification and Order of Supervision).

114. As this Court has stated, “the government’s failure to follow its own immigration regulations may warrant the release of a detained noncitizen.” *See Gurung*, 2026 WL 93145 at *5. Because ICE failed to follow its own binding rules, the revocation of Mr. Hong’s Order of Supervision is unlawful and must be set aside. Mr. Hong is entitled to immediate release on that basis alone.

PRAYER FOR RELIEF

Wherefore, Mr. Hong respectfully requests the Court to grant the following:

- A. Assume jurisdiction over this matter;
- B. Immediately enjoin Respondents from removing Mr. Hong from the United States pending resolution of this case;
- C. Issue an Order to Show Cause requiring Respondents to show, within three days, why this Petition should not be granted and, if briefing is necessary, set an expedited briefing schedule given the egregious and unlawful nature of Respondents’ conduct and the ongoing deprivation of Mr. Hong’s liberty;
- D. Order Respondents to immediately release Mr. Hong from custody under the terms of his prior Order of Supervision, without electronic monitoring;
- E. Order that Respondents may not re-detain Mr. Hong unless and until they have obtained valid travel documents for his removal to Laos and have fully complied with all applicable statutory, regulatory, and constitutional requirements, including but not limited to 8 C.F.R. §§ 241.4(l) and 241.13(i); and
- F. Grant any further relief the Court deems just and proper.

Dated: February 2, 2026

Respectfully submitted,

Ounheuan Hong
By and through his Counsel,

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner Ounheuan Hong and submit this verification on his behalf. On information and belief, I hereby verify that the factual statements made in the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 are true and correct to the best of my knowledge.

Dated: February 2, 2026

/s/ Razeen Zaman

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