

I. INTRODUCTION

Petitioner Quoc Thai Minh Thuy has lived in the United States for decades, has remained under ICE supervision since approximately 2012, and has consistently complied with ICE's supervision requirements. The OSUP was issued on December 14, 2012, and required Petitioner to report as directed, assist ICE in obtaining travel documents, provide written notice of changes in residence or employment, and comply with federal, state, and local law. ICE later imposed ISAP and GPS monitoring conditions on September 4, 2025.

On April 30, 2026, ICE detained Petitioner after he appeared for a routine ISAP check-in in Atlanta, Georgia. Counsel was informed by ICE officer Bellefontaine, spelling unconfirmed, that ICE does not currently possess a travel document for Petitioner and that Petitioner's OSUP was revoked. Petitioner alleges that ICE has not provided a Notice of Revocation of Release, a written changed-circumstances determination, a travel document, or an individualized finding that Petitioner is a danger, a flight risk, or significantly likely to be removed in the reasonably foreseeable future.

Respondents' actions violate the Fifth Amendment's Due Process Clause, exceed the narrow post-order detention authority conferred by 8 U.S.C. § 1231(a)(6), disregard the mandatory post-order custody regulations at 8 C.F.R. §§ 241.4 and 241.13, and contravene the Administrative Procedure Act and the

Accardi doctrine.

Petitioner seeks individualized habeas relief: immediate release from custody, restoration to the terms of his prior OSUP, and a limited notice requirement before transfer or removal so the Court's jurisdiction and ability to render meaningful relief under 28 U.S.C. §§ 2241 and 2243 are not nullified by unilateral agency action.

Petitioner files this motion in light of the Court's preference to resolve the matter in a single hearing rather than through separate temporary restraining order and preliminary injunction proceedings. Accordingly, Petitioner does not seek separate TRO briefing under Federal Rule of Civil Procedure 65 at this time. Instead, Petitioner requests a summary habeas procedure under 28 U.S.C. § 2243, an expedited return, targeted production of the detention and revocation record, a short traverse period, and a prompt single hearing at which the Court may decide whether Petitioner's detention is lawful and whether he should be released under his prior OSUP.

II. REQUESTED ORDER

WHEREFORE, Petitioner respectfully requests that the Court enter an emergency Order to Show Cause providing as follows:

1. Respondents shall file a return within three (3) days of service of the Court's

order, certifying the true cause of Petitioner's detention under 28 U.S.C. § 2243 and showing cause why the writ of habeas corpus should not be granted;

2. Respondents shall produce, contemporaneously with their return, the documents identified in Section III of this memorandum, in unredacted form and, where appropriate, under seal;
3. Petitioner may file a traverse within two (2) days after Respondents file their return and production;
4. The Court shall schedule one expedited hearing at the earliest practicable time to determine the legality of Petitioner's detention, whether Respondents complied with 8 U.S.C. § 1231(a)(6), 8 C.F.R. §§ 241.4 and 241.13, due process, the APA, and the *Accardi* doctrine, and whether Petitioner should be released and restored to his prior OSUP;
5. Pending that hearing, Respondents shall refrain from transferring Petitioner outside the Northern District of Georgia or effectuating his removal from the United States so that the Court's habeas jurisdiction is not frustrated before the single hearing occurs;
6. To the extent Petitioner is transferred to a detention facility, Petitioner may promptly substitute or add the facility warden or other immediate physical custodian;

7. Order Respondents to produce Petitioner in person for the expedited single habeas hearing; and
8. The Court shall grant such other and further relief as law and justice require.

Respectfully submitted,

This 30th day of April, 2026.

/s/ Karen Weinstock

Karen Weinstock

Attorney for Petitioner

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CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to Local Rules 5.1 and 7.1(D), that the filing(s) filed herewith have been prepared using Book Antiqua, 13 point font.

/s/ Karen Weinstock

Karen Weinstock

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CERTIFICATE OF SERVICE

I certify that on April 30, 2026, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to Respondents' attorney(s) of record.

/s/ Karen Weinstock

Karen Weinstock

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