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Atlanta

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

FEB 06 2026

KEVIN P. BEMER, Clerk
By: [Signature] Deputy Clerk

NGUYEN, VAN CUONG)
Pro Se Petitioner,)
)
v.)
)
Warden,)
Stewart Detention Center;)
)
Field Office Director,)
ICE Atlanta Field Office;)
)
Krist Noem,)
Secretary of Homeland Security,)
)
And)
)
Pam Bondi,)
Attorney General of the United States)
)

Case No. **1:26-CV-0734**

PETITION FOR WRIT OF
HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

I. INTRODUCTION

This petition challenges whether the government may indefinitely detain a noncitizen, without bond, without charge, under statutes that do not authorize it. On November 25, 2025, the United States District Court for the Central District of California issued a final declaratory judgment in *Maldonado Bautista v. Santacruz*, holding that noncitizens who entered without inspection, were not apprehended upon arrival, and are not subject to detention under 8 U.S.C. sections 1226(c), 1225(b)(1), or 1231 are detained under section 1226(a) and entitled to bond hearings. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). The court confirmed that this relief applies nationwide and carries the same legal effect as an injunction. Van Cuong Nguyen is a member of the certified class. He entered without inspection; was not apprehended near the time or place of entry; and

has no conviction that would trigger mandatory detention. Additionally, in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), the Supreme Court held that courts must interpret statutes independently rather than defer to agency interpretations. The Eleventh Circuit has already applied this rule, rejecting agency positions that do not reflect the best reading of the law. Applying that standard here, section 1226(a) governs, and Mr. Nguyen is entitled to a bond hearing. This Court should enforce the final judgment and order the Immigration Court to conduct a prompt bond redetermination hearing. If no lawful basis for detention exists, it should order Respondent's immediate release.

II JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and the U.S. Constitution.

2. Venue is proper in the Northern District of Georgia because Mr. Nguyen is currently detained at the Stewart Detention Center in Lumpkin, Georgia, which is within this Court's territorial jurisdiction.

III. PARTIES

3. Mr. Nguyen is a national of Vietnam currently detained by ICE.

4. Respondent Warden is the immediate custodian of the Petitioner.

5. Respondent Field Office Director is the local ICE official with legal authority to order Petitioner's release.

IV. STATEMENT OF FACTS

6. Mr. Nguyen is a native of Vietnam currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Stewart Detention Center.

7. Mr. Nguyen entered the United States on or about October 17, 2024, without inspection.
9. Mr. Nguyen has been detained in ICE custody since December 5, 2025.
10. Mr. Nguyen requested a custody redetermination hearing, but the Court denied jurisdiction based on DHS's assertion of § 1226(c) mandatory detention.
11. After that ruling, the Fifth Circuit issued *Maldonado-Bautista v. Santaacruz* (Nov. 25, 2025), holding that DHS's classification does not control and that pending charges do not place an individual in § 1226(c) custody.
12. Mr. Nguyen has a stable United States sponsor willing to house and supervise him.
13. Mr. Nguyen has a verified residence with his United States sponsor.
14. Mr. Nguyen has complied with all court obligations.
15. Mr. Nguyen has strong community ties.
16. Mr. Nguyen has demonstrated a clear intention to attend all future immigration proceedings.

V. LEGAL ARGUMENT

A. MR. NGUYEN IS A MEMBER OF A CERTIFIED CLASS ENTITLED TO DECLARATORY RELIEF

17. Noncitizens without lawful status who entered the United States without inspection, were not apprehended upon arrival, and are not subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time of DHS's initial custody determination are detained

under § 1226(a) and are entitled to bond hearings. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3288403, at 9 (C.D. Cal. Nov. 25, 2025).

18. Mr. Nguyen is a noncitizen without lawful status detained at the Stewart Detention Center. He entered the United States without inspection on or about October 17, 2024, satisfying the first element of the Bond Eligible Class. He was not apprehended upon arrival, satisfying the second element. He is not subject to detention under 8 U.S.C. section 1226(c), section 1225(b)(1), or section 1231, as he has not been convicted of any offense.

B. THIS COURT IS BOUND TO APPLY THE MALDONADO BAUTISTA DECLARATORY JUDGMENT

19. The district court in *Maldonado Bautista v. Santacruz* expressly extended declaratory relief to the Bond Eligible Class as a whole, stating: “When considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.” *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025).

20. This declaratory judgment is binding and carries the full force and effect of a final judgment under 28 U.S.C. section 2201(a).

21. The Executive Office for Immigration Review, a named Defendant in *Maldonado Bautista*, is bound by the court’s judgment.

22. It is a fundamental legal principle that all court orders must be obeyed.

23. The Supreme Court has affirmed: “It is a basic proposition that all orders and judgments of courts must be complied with promptly.” *Maness v. Meyers*, 419 U.S. 449, 458 (1975).

24. Courts presume that federal officers and agencies will comply with declaratory judgments, as the Ninth Circuit has confirmed: “[i]n suits against government officials and departments, [courts] assume that they will comply with declaratory judgments.” *United Aeronautical Corp. v. United States Air Force*, 80 F.4th 1017, 1031 (9th Cir. 2023).

25. Declaratory judgments have the same effect as injunctive relief in establishing the legal rights of the parties, as one court explained: declaratory relief has “the same effect as an injunction in fixing the parties’ legal entitlements.” *Florida ex rel. Bondi v. U.S. Dep’t of Health & Human Servs.*, 780 F. Supp. 2d 1307, 1316 (N.D. Fla. 2011).

26. Federal courts across jurisdictions have recognized that declaratory judgments against federal officers function as mandatory compliance relief, including *Sanchez-Espinoza v. Reagan*, 770 F.2d 202, 208 n.8 (D.C. Cir. 1985) (Scalia, J.); *Smith v. Reagan*, 844 F.2d 195, 200 (4th Cir. 1988); and *Public Citizen v. Carlin*, 2 F. Supp. 2d 18, 20 (D.D.C. 1998).

C. *LOPER BRIGHT* REQUIRES DE NOVO JUDICIAL INTERPRETATION AND REJECTS AGENCY DEFERENCE

27. In *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 144 S. Ct. 2244 (2024), the Supreme Court overruled *Chevron U.S.A., Inc. v. NRDC*, 467 U.S. 837 (1984), and held that courts must independently interpret statutes without deferring to agency views.

28. Courts must now apply traditional tools of statutory construction to determine the best reading of the law, reaffirming judicial authority and the statutory limits imposed by Congress and the Administrative Procedure Act. See 5 U.S.C. § 706(2)(A); *Mayfield v. U.S. DOI*, 117 F.4th 611, 618 (5th Cir. 2024).

29. The Eleventh Circuit has adopted this framework and rejects agency interpretations that fail to reflect the best reading of the statutory text. See *Bastias v. United States Attorney Gen.*, 158 F.4th 1188, 1203 (11th Cir. 2025); *Turner v. United States AG*, 130 F.4th 1254, 1265 (11th Cir. 2025).

30. While agency views may still be considered under *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944), they are entitled only to persuasive weight and not deference.

31. Accordingly, this Court must interpret the statute de novo, as the agency's construction carries no binding force and cannot override the statute's best reading under *Loper Bright* and its application in this Circuit.

D. MR. NGUYEN'S CONTINUED DETENTION VIOLATES BINDING DECLARATORY LAW

32. Because Mr. Nguyen is a member of the Bond Eligible Class, continued detention without application of the *Maldonado Bautista* declaratory judgment is unlawful. Habeas relief is necessary to enforce compliance with that judgment and to remedy ongoing unlawful custody.

33. Absent habeas intervention, Mr. Nguyen remains detained in direct contravention of a binding federal court judgment defining DHS's detention authority.


VI. PRAYER FOR RELIEF

WHEREFORE, Mr. Nguyen respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Grant the Petition for Writ of Habeas Corpus;
3. Declare Petitioner's continued detention unlawful;

4. Order Respondents to apply the *Maldonado Bautista* declaratory judgment to Petitioner;
5. Order Petitioner's immediate release or, in the alternative, a prompt bond hearing consistent with *Maldonado Bautista*; and
6. Grant such other and further relief as justice requires.

Respectfully Submitted,

 Dated 1/30/2026
Van Cuong Nguyen *Pro Se*
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815
United States


Petitioner's Declaration Under Penalty Of Perjury

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

01/30/2026

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: 01/30/2026


Signature of Petitioner (*Pro Se*)

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

~~FEB 06 2026~~

By:  KEVIN P. WEIMER, Clerk
Deputy Clerk

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

UNITED STATES DISTRICT COURT
for the
Northern District of Georgia

NGUYEN, VAN CUONG

Petitioner

v.

Warden,
Stewart Detention Center; enter;


Respondent

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

Case No. _____
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: VAN CUONG NGUYEN
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Stewart Detention Center
(b) Address: 146 CCA Road
Lumpkin, GA 31815
(c) Your identification number: 
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): _____

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)

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- 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):

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

(a) Name and location of the agency or court: U.S. Department of Homeland Security / ICE / EOIR

(b) Docket number, case number, or opinion number: [REDACTED]

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

Denial of bond hearing under INA § 1226(a), erroneous mandatory detention classification

(d) Date of the decision or action:

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: UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW STEWART IMMIGRATION COURT

(2) Date of filing: 01/21/2026

(3) Docket number, case number, or opinion number: [REDACTED]

(4) Result: Denied

(5) Date of result: 12/11/2025

(6) Issues raised: Mr. Nguyen was denied a bond hearing, and no administrative appellate remedy was pursued because the denial was based on a misclassification under § 1226(c), and the declaratory judgment in Maldonado Bautista v. Santacruz now governs.

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

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

Yes No

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(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: _____

The IJ claimed no jurisdiction over the matter.

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: _____

The IJ claimed no jurisdiction over the matter.

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

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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:

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 12/05/2025
- (b) Date of the removal or reinstatement order: 12/05/2025
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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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: Continued detention violates the binding final declaratory judgment in Maldonado Bautista v. Santacruz, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025), which applies to all members of the certified Bond Eligible Class, including ~~Me~~ vs. Mr. NGYUEN (see attached petition)

(a) Supporting facts (Be brief. Do not cite cases or law.):
See attached petition, incorporated by reference, which sets forth the factual and legal basis for this claim.

(b) Did you present Ground One in all appeals that were available to you?
 Yes No

GROUND TWO: Mr Ngyuen has no conviction triggering detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. He is entitled to a bond hearing under § 1226(a). (see attached petition)

(a) Supporting facts (Be brief. Do not cite cases or law.):
See attached petition, incorporated by reference, which sets forth the factual and legal basis for this claim.

(b) Did you present Ground Two in all appeals that were available to you?
 Yes No

GROUND THREE: Under Loper Bright Enters. v. Raimondo, 603 U.S. 369 (2024), this Court must independently interpret § 1226 and reject DHS's contrary classification because it is not the best reading of the statute. (see attached petition)

(a) Supporting facts (Be brief. Do not cite cases or law.):
See attached petition, incorporated by reference, which sets forth the factual and legal basis for this claim.

(b) Did you present Ground Three in all appeals that were available to you?
 Yes No

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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:

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that this Court:

Assume jurisdiction; Grant the petition; Declare his continued detention unlawful;

Order Respondents to apply the Maldonado Bautista declaratory judgment;

Order immediate release or, alternatively, a prompt bond hearing under § 1226(a).

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:

01/30/2026

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:

01/30/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any