

DETAINED

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THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON

DUY TRUNG TRUONG,

Petitioner,

v.

PAMELA BONDI, United States Attorney
General;
KRISTI NOEM, Secretary of U.S.
Department of Homeland Security;
TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
JULIO HERNANDEZ, Acting Field Office
Director, ICE Seattle Field Office;
BRUCE SCOTT, Warden, Northwest ICE
Processing Center;

Respondents.

Case No.: 2:26-cv-950

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

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, DUY TRUNG TRUONG, is a 33-year-old native and citizen of Vietnam who is currently being held in detention at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE).

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2. On July 25, 2025—almost 8 months ago—an immigration judge denied Petitioner’s application for asylum but granted him Withholding of Removal under 8 U.S.C. § 1231(b)(3), barring the government from removing him to Vietnam.

3. Petitioner's continued detention is presumptively unreasonable because he has already been detained over six months and there is no substantial likelihood of removal to any country in the reasonably foreseeable future. *Zadvydas v. Davis*, 553 U.S. 678, 701 (2001).

4. Petitioner seeks immediate release from custody pursuant to 28 U.S.C. § 2241 to prevent further deprivation of his liberty in violation of Due Process.

PARTIES

5. Petitioner Duy Trung Truong is native and citizen of Vietnam who is currently detained at the Northwest ICE Processing Center in Tacoma, Washington.

6. Respondent Pamela Bondi is the Attorney General of the United States. She is sued in her official capacity.

7. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). She is the cabinet-level secretary responsible for all immigration enforcement in the United States. She is sued in her official capacity.

8. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States. He is sued in his official capacity.

9. Respondent Julio Hernandez is the Acting Field Office Director of the ICE Seattle Field Office and is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, including detentions, enforcement, and removal operations. He is the

1 immediate legal custodian of the petitioner for purposes of a federal habeas petition. He is sued in
2 his official capacity.

3 10. Respondent Bruce Scott is the warden of the Northwest ICE Processing Center, the
4 privately-operated immigration detention center where the petitioner is being detained. He is the
5 immediate physical custodian of the petitioner, and he is sued in his official capacity.

6
7 **JURISDICTION AND VENUE**

8 11. This case arises under the Constitution of the United States and the Immigration
9 and Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.*

10 12. This Court has jurisdiction over this matter under 18 U.S.C. § 1331 (federal
11 question jurisdiction); 28 U.S.C. § 2241 (habeas corpus); and 28 U.S.C. § 1651 (All Writs Act).

12 13. Further, this Court has jurisdiction under the Suspension Clause of Article I, § 9,
13 cl. 2, of the U.S. Constitution. *See INS v. St. Cyr*, 533 U.S. 289 (2001).

14 14. No other petitions, appeals, or motions regarding habeas corpus have been filed
15 with any other court.

16 15. Venue in the Western District of Washington is appropriate under 28 U.S.C.
17 § 1391(e)(1) because the petitioner is detained in this judicial district.

18 16. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because the respondents
19 live, work, and/or operate within this judicial district and because the actions which gave rise to
20 this petition took place in Tacoma, Washington, which falls within this judicial district.

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FACTUAL BACKGROUND

17. Petitioner, Duy Trung Truong, a 33-year-old native and citizen of Vietnam, entered the United States on January 18, 2025.

18. On April 29, 2025, Petitioner filed an Application for Asylum and for Withholding of Removal with the Tacoma Immigration Court.

19. On July 25, 2025, an immigration judge denied Petitioner's application for asylum and ordered him removed to Vietnam but granted him Withholding of Removal under 8 U.S.C. § 1231(b)(3).

20. Petitioner has remained in detention for almost eight months since the final order of removal was issued on July 25, 2025.

21. The government has not identified any viable, alternative third countries for removal, and there is no significant likelihood of removal in the reasonably foreseeable future. The government has told Petitioner he could be sent to Cambodia or Thailand, but no travel document has been or was issued to either country. The government also informed Petitioner they would attempt to remove him to Uganda, but again, no travel document has been issued and there is no proof that Uganda would accept Petitioner, especially considering he is not African.

MEMORANDUM OF LAW

22. Because he has been detained for more than six months after the issuance of a final order of removal, and there is no likelihood of removal in the reasonably foreseeable future, Petitioner seeks immediate release from detention through grant of habeas corpus relief.

23. After a final order of removal has been issued, the government must remove the noncitizen within 90 days from the date that the order becomes final ("removal period"). 8 U.S.C.

1 § 1231(a)(1)(A). The government can detain the person longer under limited circumstances or
2 release them under supervision. 8 U.S.C. § 1231(a)(6).

3 24. Even when a non-citizen is subject to a final order of removal, the government
4 cannot detain the person indefinitely while attempting to conduct removal. *Zadvydas*, 533 U.S. at
5 689. “Freedom from imprisonment—from government custody, detention, or other forms of
6 physical restraint—lies at the heart of the liberty protected by the Due Process Clause.” *Id.* at 690.
7 Because indefinite detention poses a “serious constitutional problem” under the Fifth
8 Amendment’s Due Process clause, the Court read the statute to limit a noncitizen’s detention to “a
9 period reasonably necessary to bring about that alien’s removal from the United States.” *Id.* at
10 689–90.

11 25. *Zadvydas* recognized a total of six months, including the initial removal period, as
12 a “presumptively reasonable period” of detention after a removal order. *Id.* at 701. After six
13 months, if the noncitizen provides “good reason to believe that there is no significant likelihood
14 of removal in the reasonably foreseeable future,” the burden shifts to the government to rebut that
15 showing. *Id.* Moreover, “as the period of prior post-removal confinement grows, what counts as
16 the ‘reasonably foreseeable future’ conversely would have to shrink.” *Id.*

17 26. Government detention violates the Suspension Clause, U.S. Const., art. I, § 9, cl. 2,
18 unless it is ordered in a criminal proceeding with adequate procedural safeguards or a special
19 justification outweighs the individual’s liberty interest. The government may continue to detain
20 the person only if it can show that the person poses a risk to the community or is unlikely to comply
21 with the order of removal. *Zadvydas*, 533 U.S. at 688–89. Even then, continued detention is not a
22 grant of unlimited discretion. *Id.*

1 27. Here, an immigration judge issued a final order of removal on July 25, 2025,
2 denying Petitioner's application for asylum but granting Withholding of Removal under 8 U.S.C.
3 § 1231(b)(3). Petitioner has remained in custody for nearly eight months after the final order was
4 issued. The government has informed Petitioner that he could allegedly be removed to Cambodia,
5 Thailand, or Uganda, but it has not shown a significant likelihood of removal in the reasonably
6 foreseeable future. Petitioner is simply in limbo, neither released nor removed.

7 28. This limbo violates not only U.S.C. § 1231(a)(1)(A) and 8 U.S.C. § 1231(a)(6), but
8 also Petitioner's constitutional rights under the Fourth Amendment, because it is an unreasonable
9 seizure; the Fifth Amendment, because it is a deprivation of his liberty in violation of Due Process;
10 and the Eighth Amendment, because it is cruel and unusual punishment. Petitioner seeks habeas
11 corpus relief to challenge the procedures that have led his prolonged detention, and denial of that
12 relief would violate the Suspension Clause, U.S. Const., art. I, § 9, cl. 2.

13 29. Respondents are currently holding Petitioner in actual detention and custody at the
14 NWIPC. Petitioner is not facing imminent removal or deportation from the United States.
15 Respondents have no reason that justifies their continued detention of Petitioner.

16 30. The decisions and actions of Respondents are without foundation in law, ignored
17 applicable statutory provisions and regulations, and have caused Petitioner to suffer undue
18 hardship and constraint of liberty.

19 31. Petitioner seeks to be immediately released.

20
21 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

22 32. No administrative remedies can provide the relief Petitioner seeks, which pertains
23 only to his prolonged custody status.

IRREPARABLE INJURY

33. Petitioner has suffered irreparable injury because of his detention. His physical liberty continues to be restrained, in penal-like conditions, and no just cause for doing so can be specified. *See, e.g., Maliwat v. Scott*, No. 2:25-cv-00788-TMC, 2025 U.S. Dist. LEXIS 152663, at *15 (W.D. Wash. August 7, 2025). Such deprivation of constitutional rights “unquestionably constitutes irreparable injury.” *de Jesus Ortega Melendres v. Arpaio*, 695 F.3d 990, 1002 (2012). In total, Petitioner has been detained for over 14 months.

CLAIMS FOR RELIEF

**FIRST CLAIM FOR RELIEF
Violation of Fifth Amendment Due Process**

34. Petitioner re-alleges and incorporates by reference all allegations set forth in each of the preceding paragraphs of this Petition.

35. Petitioner’s continued detention for more than six months beyond issuance of a final order granting of withholding of removal violates Due Process because it is not reasonably related to a legitimate government purpose. *Zadvydas*, 533 U.S. at 690. This detention has no purpose at all.

**SECOND CLAIM FOR RELIEF
Violation of 8 U.S.C. § 1231(a)**

36. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

1 37. Petitioner's removal order became administratively final on July 25, 2025. The
2 removal period began on that day and elapsed on or around January 25, 2026.

3 38. The Immigration and Nationality Act at 8 U.S.C. § 1231(a) authorizes detention
4 "beyond the removal period" only for the purpose of effectuating removal. 8 U.S.C. § 1231(a)(6);
5 *see also Zadvydas*, 533 U.S. at 699 ("[O]nce removal is no longer reasonably foreseeable,
6 continued detention is no longer authorized by statute"). Detention becomes presumptively
7 unreasonable six months after the removal period starts. *Zadvydas*, 533 U.S. at 701.

8 39. Petitioner has now been detained for more than six months after the removal period
9 started.

10 40. The government can continue to detain someone after the 6-month period only if
11 there is a significant likelihood of removal in the reasonably foreseeable future. *Id.* at 701.

12 41. For Petitioner, there is no substantial likelihood of removal in the reasonably
13 foreseeable future. His removal to Vietnam has been withheld. The government has attempted to
14 identify potential countries of removal, but have not obtained travel documents or shown that is
15 reasonably foreseeable that any of those countries would accept Petitioner.

16 42. Because the length of detention has become presumptively unreasonable under
17 *Zadvydas* and because there is no substantial likelihood of removal in the reasonably foreseeable
18 future, Petitioner's continued detention violates 8 U.S.C. § 1231(a).

19
20 **PRAYER FOR RELIEF**

21 WHEREFORE, Petitioner prays that this Court grant the following relief:

22 a. Assume jurisdiction over this matter;
23

- b. Declare that the petitioner's detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1231(a);
- c. Issue a writ of habeas corpus ordering the respondents to immediately release Petitioner from their custody;
- d. Issue an order preventing Respondents from once again taking Petitioner into custody unless they provide meaningful notice before removal to any third country and provide Petitioner a meaningful opportunity to raise a country-specific claim against removal to a third country;
- e. Award attorney's fees and costs to the petitioner under the Equal Access to Justice Act, and on any other basis justified under law; and
- f. Grant any other relief this Court deems just and proper.

Dated: March 20, 2026.

/s/ Hilary Smith

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