

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TUAN MINH VO,

Petitioner,

vs.

PAMELA BONDI, Attorney General of
the United States; MARKWAYNE
MULLIN, Secretary, United States
Department of Homeland Security;
JULIO HERNANDEZ, Acting Seattle
Field Office Director, United States
Citizenship and Immigration Services;
BRUCE SCOTT, Warden of Immigration
Detention Facility; and the United States
Immigration and Customs Enforcement,

Respondents.

) No.

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241
AND REQUEST FOR INJUNCTIVE
RELIEF**

PRELIMINARY MATTERS

“Congress has clearly indicated that habeas petitioners are entitled to a prompt ruling” on their petition. *Mejia v. Hermosillo*, No. CV25-02196-TMC, 2025 WL 3173842, at *1 (W.D. Wash. Nov. 13, 2025).

Petitioner Tuan Minh Vo asks this Court to order Respondents not to remove him from this district while this case is pending, both “[b]ecause transfer of Petitioner to another district could interfere with his access to counsel and ability to participate in the proceedings,” *Tran v. Bondi, et al.*, No. CV25-1897-JLR-BAT, Dkt. 6 at 3 (W.D. Wash. Oct. 7, 2025) (*sua sponte* issuing such an order in a § 2241 case involving an ICE detainee), and “under the Court’s inherent power to preserve its ability to hear the case.” *Alves v. U.S. Dep’t of Just.*, No. EP-25-CV-306-KC, 2025 WL 2629763, at *5

(W.D. Tex. Sept. 12, 2025) (same). *See also M.M. v. Wamsley*, No. CV25-2074-TMC, 2025 WL 3053023, at *1 (W.D. Wash. Oct. 31, 2025) (same).¹

RECITATIONS TO SUBSTANTIALLY CONFORM TO AO 242

Personal Information

1. (a) Full name: Tuan Minh Vo
- (b) Other names used: N/A
2. Place of confinement:
 - (a) Northwest Immigration Processing Center (NWIPC)
 - (b) 1623 East J Street, Tacoma, Washington 98241-1615, pursuant to a contractual arrangement with my custodian, the Immigration and Customs Enforcement Field Office Director at Seattle, Washington.
 - (c) Case number or numbers [ICE file number, if known]: Petitioner's A# has been provided to the government along with the filing of this petition.
3. Petitioner is currently being held on orders by federal authorities: United States Immigration and Customs Enforcement.
4. Petitioner is currently being held on an immigration charge.

Decision or Action You Are Challenging

5. What are you challenging in this petition: immigration detention.
6. Provide more information about the decision or action you are challenging:

¹ For just a few examples of other courts issuing such an order in § 2241 cases involving ICE detainees within the past few months (or reflecting the court had previously issued such an order), *see, e.g., Bustos v. Raycraft*, No. 25-13202, 2025 WL 3022294, at *2 (E.D. Mich. Oct. 29, 2025); *Ferro v. Hyde*, No. CV25-513-SDN, 2025 WL 3003708, at *1 (D. Me. Oct. 27, 2025) (order issued same day petition was filed); *Lopez Pop v. Noem*, No. CV25-2589-SSS-SSC, 2025 WL 3050095, at *7 (C.D. Cal. Oct. 3, 2025); *Singh v. Delaney Hall*, No. CV25-16018-GC, 2025 WL 2772644, at *1 (D.N.J. Sept. 29, 2025); *Hom v. Ceja*, No. CV25-2221-WJM-TPO, 2025 WL 2801449, at *2 (D. Colo. Sept. 17, 2025).

1 (a) Name and location of the agency or court: United States Immigration and
2 Customs Enforcement

3 (b) Docket number, case number, or opinion number: Mr. Vo's A# has been
4 provided to the government along with the filing of this petition.

5 (c) Decision or action you are challenging: Petitioner was initially ordered
6 removed on November 4, 2014. On information and belief, Mr. Vo was detained for
7 approximately six months and thereafter released after efforts to remove him to
8 Vietnam were unsuccessful. He was re-detained on November 12, 2025 after serving
9 his criminal sentence and has been at the NWIPC since.

10 **Your Earlier Challenges of the Decision or Action**

11 7-9. First, second, and third appeals: None

12 10. Motion under 28 U.S.C. § 2255: N/A

13 11. Appeals of immigration proceedings:

14 Does this case concern immigration proceedings? Yes

15 (a) Date you were taken into immigration custody: Unknown

16 (b) Date of the removal or reinstatement order: November 4, 2014.

17 (c) Did you file an appeal with the Board of Immigration Appeals? No.

18 (d) Did you appeal the decision to the United States Court of Appeals? No.

19 12. Other than the appeals listed above, have you filed any other petition,
20 application, or motion about the issues raised in this petition? No.

21 **Grounds for Your Challenge in This Petition**

22 **I. Introduction**

23 Mr. Vo has been re-detained at the NWIPC since November 12, 2025. On
24 information and belief, he was re-detained without a determination that he is a flight
25 risk or a danger to the community. The immigration court issued a final removal order
26 on November 4, 2014, and on information and belief, he was held in immigration

1 custody for about six months before he was released because ICE was unable to remove
2 him. Removal to Vietnam, his former country of residence, is not reasonably
3 foreseeable. On information and belief, Mr. Vo has no original birth certificate from
4 Vietnam or a Vietnamese passport. His continued detention is therefore in violation of
5 *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). Mr. Vo seeks (a) release; (b) an order
6 preventing re-detention unless the government establishes by clear and convincing
7 evidence at a hearing before a neutral decisionmaker that he is a flight risk or a danger
8 to the community, based on changed circumstances after his most recent release by
9 ICE; (c) an order preventing removal to a third country without notice and meaningful
10 opportunity to respond in compliance with the statute and due process in reopened
11 removal proceedings; and (d) an order barring removal to any third country pursuant to
12 Respondents' punitive removal policy.

13 **II. Jurisdiction and Venue**

14 This case arises under the Constitution of the United States, the Immigration and
15 Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.*, and the Administrative Procedures
16 Act ("APA"), 5 U.S.C. §§ 500–596, 701–706.

17 This Court has subject matter jurisdiction under 28 U.S.C. § 2241, *et seq.*
18 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States
19 as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived
20 sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

21 The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et*
22 *seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act,
23 28 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment; and the Court's
24 inherent equitable powers.

25 Venue is proper in this district under 28 U.S.C. § 1391(e)(1) because
26 Respondents are agencies or officers of agencies of the United States; Respondents

1 Hernandez and Scott reside in this district; and Petitioner is detained in this district.
2 Venue is further proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the
3 events or omissions giving rise to Petitioner's claims occurred in this district.

4 Because Mr. Vo is seeking relief related only to his custody status, which is not
5 inconsistent with an order of removal, exhaustion of administrative remedies, if any, is
6 not required.

7 **III. Requirements of 28 U.S.C. §§ 2241, 2243**

8 Mr. Vo is "in custody" for the purpose of § 2241 because he has been re-
9 detained by Respondent ICE in Tacoma, Washington, since November 12, 2025.

10 **IV. Parties**

11 Mr. Vo is a citizen of Vietnam. He has a final order of removal, with Vietnam as
12 the country designated for removal. He is detained in the control and custody of
13 Respondents at NWIPC. As such, Petitioner is a resident of Tacoma, Washington.

14 Respondent Pamela Bondi is the Attorney General of the United States. In this
15 capacity, Respondent Bondi is the legal custodian of Petitioner. Respondent Bondi is
16 sued in her official capacity.

17 Respondent Markwayne Mullin is the Secretary of the Department of Homeland
18 Security ("DHS"). In this capacity, Respondent Mullin is the legal custodian of
19 Petitioner. Respondent Mullin is sued in her official capacity.

20 Respondent Julio Hernandez is the Acting Field Office Director for ICE
21 Enforcement and Removal Operations ("ERO") in Seattle, Washington. As the ERO
22 Seattle Field Office Director, he is Petitioner's immediate custodian, is responsible for
23 his detention at NWIPC, and is the person with the authority to authorize detention or
24 release. Respondent Hernandez is sued in his official capacity.

25 Respondent Bruce Scott is the Warden of the NWIPC, oversees the day-to-day
26 functioning of the NWIPC, and has immediate physical custody of Petitioner pursuant

1 to a contract with ICE to detain noncitizens. Respondent Scott is sued in his official
2 capacity as the Warden of a federal detention facility. *See Juarez v. Asher*, No. CV20-
3 700, 2021 WL 1946222, at *3–5 (W.D. Wash. May 14, 2021).

4 Respondent United States Immigration and Customs Enforcement (hereinafter
5 ICE) is the federal executive agency responsible for the enforcement of immigration
6 laws, including the arrest, detention, and removal of noncitizens. Respondent ICE is a
7 legal custodian of Petitioner.

8 **V. Background**

9 Mr. Vo was born in Thuan Hoa, Vietnam in 1974. He fled Vietnam in April
10 1992 with his family. He, his parents, and his siblings entered the United States as
11 refugees. They settled in Portland, Oregon. Mr. Vo's father has died but his mother and
12 siblings are all naturalized citizens. An immigration judge issued a final order of
13 removal on November 4, 2014.

14 **VI. Particularized Facts Pertaining to Petitioner's Continued Detention**

15 Mr. Vo cannot presently be returned to Vietnam. Vietnam has historically
16 refused to accept pre-1995 arrivals for repatriation. *See Trinh v. Homan*, 466 F. Supp.
17 3d 1077, 1083 (C.D. Cal. 2020) (summarizing history). Although the United States has
18 had a repatriation agreement to remove post-1995 Vietnamese refugees since 2008, 14
19 years have elapsed since Mr. Vo was ordered removed in 2014, and ICE has had no
20 success in removing him to Vietnam.

21 **VII. The Legal Framework Regarding Indefinite Detention Pending Removal**

22 **A. Detention is unconstitutional when there is not a significant likelihood** 23 **of removal in the reasonably foreseeable future.**

24 Under 8 U.S.C. § 1231, detention of noncitizens who have been ordered
25 removed is mandatory during the so-called 90-day "removal period." 8 U.S.C.
26 § 1231(a)(1)(A). This period begins on the "date the order of removal becomes

1 administratively final.” 8 U.S.C. § 1231(a)(1)(B)(i). But the *Zadvydas* Court believed
2 that a “serious constitutional threat” under the Fifth Amendment’s Due Process Clause
3 was posed by the indefinite detention of noncitizens. 533 U.S. at 699. The Court
4 therefore interpreted 8 U.S.C. 1231(a)(6) to permit only detention related to the
5 statute’s “basic purpose [of] effectuating [a noncitizen]’s removal[.]” *Id.* at 696–99.

6 The Court further held that the presumptive period during which the detention is
7 reasonably necessary to effectuate a noncitizen’s removal is six months. After that, the
8 noncitizen is eligible for conditional release if there is “no significant likelihood of
9 removal in the reasonably foreseeable future[.]” *Id.* at 701. After the “presumptively
10 reasonable” period of six months, when the noncitizen can “provide[] good reason to
11 believe that there is no significant likelihood of removal in the reasonably foreseeable
12 future,” then “the Government must respond with evidence sufficient to rebut that
13 showing.” *Id.*

14 The issue is not whether Respondents have been able to remove some
15 individuals to a given country. Rather, the court must make an individualized analysis
16 as to a particular detainee. *See Nguyen v. Scott*, 796 F.Supp.3d 703, 726 (W.D. Wash.
17 Aug. 21, 2025) (stating increase in total number of removals to Vietnam, including
18 those who entered pre-1995, fails to rebut the evidence presented by Petitioner that “his
19 individual circumstances make removal unlikely.”). Facts that are part of the analysis
20 include whether Respondent provides evidence that a travel document request was
21 submitted to Vietnam, whether Vietnam has acknowledged receipt of the request or
22 otherwise responded to Petitioner’s request, and the anticipated wait time for a response
23 from Vietnam.

24 When a petitioner has been detained for a total of six months after a final order
25 of removal, the *Zadvydas* presumptively reasonable period has expired, even if the
26 petitioner’s current period of detention is less than six months. “A petitioner’s total

length of confinement need not be consecutive to reach the six-month presumptively reasonable limit established in *Zadvydas*.” *Tang v. Bondi*, No. CV25-1473-RAJ-TLF, 2025 WL 2637750, at *4 (W.D. Wash. Sept. 11, 2025). “Particularly when the Government has had difficulty removing a petitioner in the past, ‘courts in this [Circuit] appear to uniformly aggregate detention periods, even over the span of decades[.]’” *Pham v. Scott*, No. 2:26-cv-00027-LK, 2026 WL 238994, at *3 (W.D. Wash. Jan. 29, 2026) (citing cases).

B. The six-month presumptively reasonable period runs from the final removal order, regardless of whether Petitioner was detained during that period.

The six-month presumptively reasonable period runs unabated once Petitioner’s removal order was final and does not run solely during any period when Petitioner was detained. In *Tran v. Bondi*, No. C25-01897-JLR, 2025 WL 3140462 (W.D. Wash. Nov. 10, 2025), the Hon. James L. Robart held that petitioner’s “*Zadvydas* grace period ended six months following the entry of the order of his removal[.]” *Id.* at *3. The court reached that conclusion even though the petitioner was not detained until two years later, and Respondents argued that only five months of the *Zadvydas* six-month period had expired, based on the times when petitioner was detained. *See Tran*, No. C25-01897-JLR, dkt. 13, Resp’t Return Mem. and Mot. to Dismiss at 1, 7 (Oct. 27, 2025). *See also, e.g., Tadros v. Noem*, No. 25-4108-EP, 2025 WL 1678501, at *3 (D.N.J. June 13, 2025) (finding that “six-month detention period under *Zadvydas*” period began upon affirmance of removal order, rejecting argument that petitioner could not obtain habeas relief because he had not yet been in detention for six months); *Farez-Espinoza v. Chertoff*, 600 F. Supp. 2d 488, 500 (S.D.N.Y. 2009) (concluding that, where government was aware of noncitizen’s address but failed to pursue her removal until more than 15 months after removal order was entered, “the removal period, as well as any presumptively reasonable six-month period of removal to which the Government

may have been entitled” had expired six months after the entry of the removal order); *Bailey v. Lynch*, No. CV16-2600 (JLL), 2016 WL 5791407, at *2 (D.N.J. Oct. 3, 2016) (where order of removal became effective upon petitioner’s release from underlying conviction to ICE authorities, after which he was held only “briefly” before being released on an order of supervision, the *Zadvydas* presumptively reasonable period ended “long before he was taken back into custody[.]”).

A contrary view would run afoul of *Zadvydas*’s reasoning. *Zadvydas* established the six-month grace period to give ICE a fair chance to effectuate the removal before a court gets involved. 533 U.S. at 700–01. That was why the Court chose to expand the grace period beyond the 90-day statutory removal period: because Congress likely did not “believe[] that all reasonably foreseeable removals could be accomplished in that time.” *Id.* at 701. Giving the government time to remove a noncitizen does not require that the individual be detained for all of that period. ICE can just as effectively take steps to arrange an individual’s removal whether he is in a cell or on the street.

VIII. The Law Pertaining to a Noncitizen’s Procedural Due Process Right Not to Be Re-detained Absent a Hearing Establishing that the Individual Is Either a Flight Risk or a Danger to the Community

Procedural due process requires notice and an opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 333–34 (1976). To state a claim for a violation of procedural due process rights, a petitioner must establish (1) a protected property or liberty interest, and (2) a denial of adequate procedural protections. *ASSE Int’l, Inc. v. Kerry*, 803 F.3d 1059, 1073 (9th Cir. 2015). The Court must also consider “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1207 (9th Cir. 2022) (quoting *Mathews*, 424 U.S. at 335).

Petitioner’s interest in not being detained is “the most elemental of liberty interests[.]” *Acosta-Ginori v. Bondi*, No. 2:25-CV-02649-RAJ, 2026 WL 221509, at *4

(W.D. Wash. Jan. 28, 2026) (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)) (granting petition and, 2026 WL 221509, at *7, ordering immediate release with no re-detention “unless and until providing at least 10 days’ notice and an opportunity to be heard before an immigration judge to determine whether re-detention is appropriate”).

Where there is a liberty interest, determining what procedures are due generally requires examining the factors set forth in *Mathews*:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Id. (quoting *Mathews*, 424 U.S. at 335).

Given that the liberty interest here is “the most elemental,” this first factor should weigh heavily in a petitioner’s favor. Petitioner’s status as a noncitizen does not negate that interest. “While the temporary detention of non-citizens may sometimes be justified by concerns about public safety or flight risk, the Government’s discretion to incarcerate non-citizens is always constrained by the requirements of due process[.]” *Tzafir v. Bondi*, No. 25-CV-02126-JHC, 2026 WL 81759, at *4 (W.D. Wash. Jan. 12, 2026) (quoting *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017)).

In fact, as an individual who was previously released by ICE, a petitioner has a higher liberty interest than that of the normal ICE detainee. *See Lecky v. Bondi*, No. 2:25-cv-02637-TLF, 2026 WL 266066, at *7 (W.D. Wash. Feb. 2, 2026) (“A released individual had an opportunity to form the enduring attachments of normal life and thus has a heightened liberty interest”) (cleaned up).

The second factor, risk of an erroneous deprivation of liberty, also weighs in Petitioner’s favor. A detainee’s prior release to the community on an OREC “reflected ICE’s determination that [he] was neither a flight risk nor a danger to the community.”

1 *Francisco Lorenzo v. Bondi*, No. 2:25-CV-02660-LK, 2026 WL 237501, at *5 (W.D.
2 Wash. Jan. 29, 2026). “Petitioner’s re-detention without any change in circumstances or
3 procedure establishes a high risk of erroneous deprivation of his protected liberty
4 interest.” *Todd v. Bondi*, No. 25-CV-02519-JHC, 2026 WL 145725, at *4 (W.D. Wash.
5 Jan. 20, 2026).

6 The final factor, the government’s interest in detaining a petitioner without
7 providing a pre-deprivation hearing, also weighs in the petitioner’s favor. “[T]he
8 Government’s interest in re-detaining non-citizens previously released without a
9 hearing is low[.]” *Lecky*, 2026 WL 266066, at *8 (citation omitted). “While a pre-
10 detention process would impose some administrative burden, that burden is minimal
11 when weighed against the fundamental liberty interest at stake and the high risk of
12 erroneous deprivation. Providing effectively no pre-deprivation process, as ICE did
13 here, is constitutionally insufficient.” *Id.*

14 In this district, *see also, e.g., Huy Van Tran v. Bondi*, No. 2:25-CV-02335-DGE-
15 TLF, 2025 WL 3725677, at *5 (W.D. Wash. Dec. 24, 2025) (finding that detainee with
16 final order of removal has liberty interest and fact that detainee was allowed to remain
17 in community under order of supervision “only strengthens this interest”); *Khim v.*
18 *Bondi*, No. 2:25-CV-02383-RSL, 2025 WL 3653724, at *4 (W.D. Wash. Dec. 17,
19 2025) (applying the *Mathews* analysis from *E.A. T.-B. v. Wamsley*, 795 F. Supp. 3d
20 1316 (W.D. Wash. 2025), to detainee with final order of removal); *Jimenez v. Bondi*,
21 No. C25-2167RSM, 2025 WL 3466925, at *2 (W.D. Wash. Dec. 3, 2025) (finding that
22 petitioner with final order of removal “has a protected liberty interest in his continuing
23 release from custody, and that due process requires that Petitioner receive proper notice
24 and an opportunity to respond before he can be re-detained”; barring re-detention
25 “without providing adequate notice of the reasons for his re-detention and a meaningful
26 opportunity to respond.” *Id.* at *3). *Cf. Lopez Dejesus v. Bostock*, No. 25-CV-01427-

JHC-TLF, 2025 WL 3268002 (W.D. Wash. Nov. 24, 2025) (applying *Mathews* factors to conclude that petitioner was entitled to pre-re-detention due process, even though his detention was pursuant to the mandatory detention provisions of 8 U.S.C. § 1226(c)).²

In any hearing held by the government to justify re-detention, the government bears the burden of establishing flight risk or danger by clear and convincing evidence. *See, e.g., Ahmed v. Bondi*, No. C25-2718JLR, 2026 WL 252078, at *5 (W.D. Wash. Jan. 30, 2026) (imposing that standard for any re-detention, citing *Sanchez v. Bondi*, No. C25-2573KKE, 2026 WL 160882, *6 (W.D. Wash. Jan. 21, 2026); *Toktosunov v. Wamsley*, C25-1724TL, 2025 WL 3492858, at *6 (W.D. Wash. Dec. 5, 2025)).

In addition, the government should be required to meet its burden based on changed circumstances subsequent to the petitioner's previous release by ICE. *See, e.g., Hamedani v. Bondi*, No. 2:25-CV-02509-JNW, 2026 WL 452424, at *5 (W.D. Wash. Feb. 18, 2026) ("To the extent the Government seeks to revoke Hamedani's release and re-detain him, any such decision must be supported by changed circumstances demonstrating a significant likelihood that he may be removed in the reasonably foreseeable future."); *Kara v. Bondi*, No. 2:26-CV-00105-JHC, 2026 WL 322772, at *4 (W.D. Wash. Feb. 6, 2026) (requiring "that the government not re-detain Petitioner without notice and a hearing and absent changed circumstances").

IX. The Law Pertaining to a Noncitizen's Regulatory Right Not to Be Re-detained Absent Notice, an Opportunity to Be Heard, and Findings that the Regulatory Standards for Re-detention Have Been Met

The revocation of a noncitizen's release is governed by 8 C.F.R. § 241.13(i), which authorizes ICE to revoke a noncitizen's release under § 1231 for purposes of removal or for violation of conditions of release. The government may revoke a

² The *Lopez Dejesus* opinion does not mention that detention was pursuant to § 1226(c); that fact is shown in Respondents' Return Memorandum, No. 25-CV-01427-JHC-TLF, Dkt. 16 at 1 (W.D. Wash. Oct. 6, 2025).

1 noncitizen's release and return them to ICE custody due to failure to comply with any
2 of the conditions of release, 8 C.F.R. § 241.13(i)(1), or if, "on account of changed
3 circumstances, the [Immigration] Service determines that there is a significant
4 likelihood that the [noncitizen] may be removed in the reasonably foreseeable future,"
5 *id.* § 241.13(i)(2).

6 Such revocation of release, even if justified by one of the reasons recognized by
7 regulation, requires notice and an opportunity for the noncitizen to be heard. Upon a
8 determination by the government (namely ICE) to re-detain a person previously
9 released following a removal order:

10 the [noncitizen] will be notified of the reasons for revocation of his or her
11 release. [ICE] will conduct an initial informal interview promptly after his
12 or her return to [ICE] custody to afford the [noncitizen] an opportunity to
13 respond to the reasons for revocation stated in the notification. The
14 [noncitizen] may submit any evidence or information that he or she
15 believes shows there is no significant likelihood he or she be removed in
16 the reasonably foreseeable future, or that he or she has not violated the
17 order of supervision. The revocation custody review will include an
18 evaluation of any contested facts relevant to the revocation and a
19 determination whether the facts as determined warrant revocation and
20 further denial of release.

21 *Id.* § 241.13(i)(3).

22 ICE's decision to re-detain also cannot be arbitrary, but instead is governed by
23 the factors laid out in 8 C.F.R. § 241.13(f), including:

24 the history of the [noncitizen's] efforts to comply with the order of
25 removal, the history of [ICE's] efforts to remove [noncitizens] to the
26 country in question or to third countries, including the ongoing nature of
[ICE's] efforts to remove [the noncitizen] and the [noncitizen's]
assistance with those efforts, the reasonably foreseeable results of those
efforts, and the views of the Department of State regarding the prospects
for removal of [noncitizens] to the country or countries in question.

Id. While courts do not make these determinations in the first instance, they may review
them for compliance with the regulation. *See Tran v. Bondi*, No. C25-01897-JLR, 2025

WL 3140462 (W.D. Wash. Nov. 10, 2025); *Nguyen v. Hyde*, 788 F. Supp. 3d 144, 150 (D. Mass. June 20, 2025) (citing *Kong v. United States*, 62 F.4th 608, 620 (1st Cir. 2023)).

X. The Legal Framework for Third-Country Removals

The immigration laws delineate the proper procedures by which a country may be designated for removal. *See* 8 U.S.C. § 1231(b). These procedures move in incremental steps.

First, an individual with a removal order may designate the country to which they want to be removed, and the government *shall* remove the individual to that country. 8 U.S.C. § 1231(b)(2)(A). The government may disregard that designation if (1) the individual fails to designate a country promptly; (2) the government of that country does not inform the U.S. government finally, within 30 days after the date the U.S. government first inquires, whether the government will accept the individual into that country; (3) the government of the country is not willing to accept the individual into the country; or (4) the government decides that removing the individual to that country is prejudicial to the United States. 8 U.S.C. § 1231(b)(2)(C).

Second, if the individual is not removed to the country they designated under § 1231(b)(2)(A), the government shall remove the individual to the country of which the individual is a “subject, national, or citizen” unless the government of that country does not inform the U.S. government or the individual within 30 days after first inquiry or within another reasonable period of time whether the government will accept the individual into the country or the country is not willing to accept the individual into the country. 8 U.S.C. § 1231(b)(2)(D).

Third, if the individual is not removed to either the country of their designation or the country of which they are a subject, national, or citizen, then the government shall remove them to any of the following options: (1) the country from which the

1 individual was admitted to the United States; (2) the country in which is located the
2 foreign port from which the individual left for the United States or for a foreign
3 territory contiguous to the United States; (3) the country in which the individual resided
4 before the individual entered the United States and from which the individual entered
5 the United States; (4) the country in which the individual was born; or (5) the country in
6 which the individual's birthplace is located when the individual was ordered removed.

7 8 U.S.C. § 1231(b)(2)(E). *Only* "[i]f impracticable, inadvisable, or impossible" to
8 remove the individual to any of these countries may the government remove the
9 individual to "another country whose government will accept [them] into that country."

10 8 U.S.C. § 1231(b)(2)(E)(vii).

11 Notwithstanding any of these procedures, the statute prohibits removal to a third
12 country where a person may be persecuted or tortured, a form of protection known as
13 withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A). The government "may not
14 remove [a noncitizen] to a country if the Attorney General decides that the
15 [noncitizen's] life or freedom would be threatened in that country because of the
16 [noncitizen's] race, religion, nationality, membership in a particular social group, or
17 political opinion." *Id.*; *see also* 8 C.F.R. §§ 208.16, 1208.16. Withholding of removal is
18 a mandatory protection.

19 Similarly, Congress codified protections enshrined in the Convention Against
20 Torture (CAT) prohibiting the government from removing a person to a country where
21 they would be tortured. *See* Foreign Affairs Reform and Restructuring Act of 1998
22 ("FARRA"), Public Law 105-277, div. G, sec. 2242, 112 Stat. 2681, 2631-822
23 (8 U.S.C. § 1231 note) ("It shall be the policy of the United States not to expel,
24 extradite, or otherwise effect the involuntary return of any person to a country in which
25 there are substantial grounds for believing the person would be in danger of being
26 subjected to torture, regardless of whether the person is physically present in the United

1 States.”); 28 C.F.R. §§ 200.1, 208.16–208.18, 1208.16–1208.18. CAT protection is also
2 mandatory.

3 To comport with the requirements of due process, the government must provide
4 notice of the third-country removal and an opportunity to respond. Due process requires
5 “written notice of the country being designated” and “the statutory basis for the
6 designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v. Nielsen*, 409
7 F. Supp. 3d 998, 1019 (W.D. Wash. 2019); *see also D.V.D. v. U.S. Dep’t of Homeland*
8 *Sec.*, No. CV25-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025) (“All
9 removals to third countries, *i.e.*, removal to a country other than the country or
10 countries designated during immigration proceedings as the country of removal on the
11 non-citizen’s order of removal, must be preceded by written notice to both the non-
12 citizen and the non-citizen’s counsel in a language the non-citizen can understand.”
13 (citation omitted)); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (due process
14 requires notice to the noncitizen of the right to apply for asylum and withholding to the
15 country where they will be removed). The government must be able to show evidence
16 that the third country will accept the individual into that country. *See Himri v. Ashcroft*,
17 378 F.3d 932, 939 (9th Cir. 2004), *amended sub nom. El Himri v. Ashcroft*, No. 03-
18 71152, 2004 WL 1879255 (9th Cir. Aug. 24, 2004) (“at the time the government
19 proposes a country of removal pursuant to § 1231(b)(2)(E)(vii), the government must
20 be able to show that the proposed country *will* accept the [individual]”).

21 Due process also demands that the government “ask the noncitizen whether he or
22 she fears persecution or harm upon removal to the designated country and memorialize
23 in writing the noncitizen’s response. This requirement ensures DHS will obtain the
24 necessary information from the noncitizen to comply with § (b)(3) and avoids [a dispute
25 about what the officer and noncitizen said].” *Aden*, 409 F. Supp. 3d at 1019; *cf. D.V.D.*,
26 2025 WL 1453640, at *1 (“Following notice, the individual must be given a meaningful

1 opportunity, and a minimum of ten days, to raise a fear-based claim for CAT protection
2 prior to removal.”) (emphasis omitted).

3 If the noncitizen claims fear, measures must be taken to ensure that the
4 noncitizen can seek asylum, withholding, and relief under CAT before an immigration
5 judge in reopened removal proceedings. *Cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring
6 the government to move to reopen the noncitizen’s immigration proceedings if the
7 individual demonstrates “reasonable fear” and to provide “a meaningful opportunity,
8 and a minimum of fifteen days, for the non-citizen to seek reopening of their
9 immigration proceedings” if the noncitizen is found to not have demonstrated
10 “reasonable fear”); *Aden*, 409 F. Supp. 3d at 1019 (requiring notice and time for a
11 respondent to file a motion to reopen and seek relief).

12 Finally, notice of the country to which the noncitizen will be removed must not
13 be “last minute” because that would deprive an individual of a meaningful opportunity
14 to apply for fear-based protection from removal. *Andriasian*, 180 F.3d at 1041. They
15 must have time to prepare and present relevant arguments and evidence and to seek
16 reopening of their removal case.

17 **XI. Facts Pertaining to Punitive Banishment to Third Countries**

18 Since January 2025, Respondents have developed and implemented a policy and
19 practice of removing individuals to third countries, without first following the
20 procedures in the INA for designation and removal to a third country and without
21 providing fair notice and an opportunity to contest the removal in immigration court.

22 Respondents reportedly have negotiated with at least 58 countries to accept
23 deportees from other nations. On June 25, 2025, the *New York Times* reported that
24 seven countries—Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and
25
26

1 Rwanda—had agreed to accept deportees who are not their own citizens.³ Since then,
2 ICE has carried out highly publicized third-country deportations to South Sudan and
3 Eswatini. It also attempted—and completed—an “end-run” around the protections of
4 the Convention Against Torture by deporting a group of migrants to Ghana, which sent
5 them on to their countries of citizenship despite fears of persecution.

6 Punishment and deterrence appear to be the point of the Administration’s third-
7 country removal scheme. The Administration has reportedly negotiated with countries
8 to have deportees imprisoned in prisons, camps, or other facilities. The government
9 paid El Salvador about \$5 million to arbitrarily and indefinitely imprison more than 200
10 deported Venezuelans in a maximum-security prison notorious for gross human rights
11 abuses, known as CECOT. In February 2025, Panama and Costa Rica took in hundreds
12 of deportees from countries in Africa and Central Asia and imprisoned them in hotels, a
13 jungle camp, and a detention center. On July 4, 2025, ICE deported eight men,
14 including one pre-1995 Vietnamese refugee, to South Sudan. The men have been
15 detained incommunicado ever since. On July 15, 2025, ICE deported five men to the
16 tiny African nation of Eswatini, including one man from Vietnam, where they are
17 reportedly being held in solitary confinement.

18 The Administration has hand-selected countries known for human rights abuses
19 and instability for these third-country deportation agreements to frighten people in the
20 United States into self-deporting or to accept removal to their home countries. Indeed,
21 conditions in South Sudan are so extreme that the U.S. State Department website warns
22 Americans not to travel there, and, if they do, to prepare their will, make funeral
23 arrangements, and appoint a hostage-taker negotiator first.

24
25
26 ³ Edward Wong, et al., *Inside the Global Deal-Making Behind Trump’s Mass*
Deportations, N.Y. Times (June 25, 2025), <https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html> [<https://perma.cc/64G9-XYGB>].

1 On July 9, 2025, ICE issued a new memo stating that, when seeking to remove
2 an individual to a country not designated on the removal order, ICE may deport that
3 person without any procedures for notice or an opportunity to be heard if the State
4 Department confirms it has received diplomatic assurances that individuals will not be
5 persecuted or tortured. Exhibit 1 at 1. If no diplomatic assurances are received, the ICE
6 memo instructs officers to serve on the individual a Notice of Removal that includes the
7 intended country of removal. *Id.* It instructs officers not to ask whether the individual is
8 afraid of removal to that country. *Id.* It states that officers should “generally wait at
9 least 24 hours following service of the Notice of Removal before effectuating removal”
10 but that “[i]n exigent circumstances, [ICE] may execute a removal order six (6) or more
11 hours after service of the Notice of Removal as long as the [noncitizen] is provided
12 reasonable means and opportunity to speak with an attorney prior to removal.” *Id.*

13 The memo further instructs that if the noncitizen “does not affirmatively state a
14 fear of persecution or torture if removed to the country of removal listed on the Notice
15 of Removal within 24 hours, [ICE] may proceed with removal to the country identified
16 on the notice.” *Id.* at 2. If the noncitizen “does affirmatively state a fear if removed to
17 the country of removal,” then ICE will refer the case to U.S. Citizenship and
18 Immigration Services (“USCIS”) for a screening for eligibility for withholding of
19 removal and protection under the Convention Against Torture. *Id.* “USCIS will
20 generally screen within 24 hours.” *Id.* If USCIS determines that the noncitizen does not
21 prove to the screener’s satisfaction that it is more likely than not that the noncitizen will
22 be tortured, the individual will be removed. This imposes on the noncitizen a higher
23 standard than the “reasonable fear” and “credible fear” standards found in the INA. If
24 USCIS determines that the noncitizen has met the standard, then the policy directs ICE
25 to either move to reopen removal proceedings “for the sole purpose of determining
26

1 eligibility for [withholding of removal protection] and CAT” or designate another
 2 country for removal. *Id.*

3 The eight men who were ultimately deported to South Sudan all claimed fear of
 4 removal to South Sudan. None of those men were provided a fear screening by a
 5 USCIS officer or otherwise, despite the fact that they were held by ICE for six weeks
 6 on a U.S. military base in Djibouti before their final removal to South Sudan.

7 Further support that petitioner faces a risk of punitive third-country removal
 8 comes from two declarations submitted in *Nguyen*, attached here as exhibits 2, 3, and 4.
 9 They detail removals to third countries with little or no notice, as described in *Nguyen*,
 10 796 F. Supp. 3d at 736–37.

11 This practice and policy continues unabated. *See* Pranav Baskar and Hamed
 12 Aleaziz, *U.S. Deports Nine Migrants in Secret, Ignoring Legal Protections*, N.Y. Times
 13 (Feb. 14, 2026), [https://www.nytimes.com/2026/02/14/world/africa/us-secret-](https://www.nytimes.com/2026/02/14/world/africa/us-secret-deportation-cameroon.html?smid=nytcore-ios-share)
 14 [deportation-cameroon.html?smid=nytcore-ios-share](https://www.nytimes.com/2026/02/14/world/africa/us-secret-deportation-cameroon.html?smid=nytcore-ios-share) [<https://perma.cc/HX2S-MTZD>].
 15 The article details how the individuals—who had court orders preventing them from
 16 being returned to their home countries—did not know they were being sent to
 17 Cameroon “until they were handcuffed and chained on a Department of Homeland
 18 Security flight[.]” *Id.* Since arrival, they have been detained in a state-owned compound
 19 and told by authorities “they cannot leave the facility unless they agree to return to their
 20 home countries, from which they fled to escape war or persecution.”

21 **XII. The Law Governing Punitive Removal Practices**

22 It is bedrock law that the U.S. government may not impose or inflict an infamous
 23 punishment for violations of civil immigration law. In 1896, the U.S. Supreme Court
 24 ruled that while deportation itself was not a punishment, the government could not
 25 attach punitive conditions to deportation—in that case, imprisonment at hard labor—
 26

absent a criminal charge, trial in a court of law, and the protections of the Fifth, Sixth, and Eighth Amendments. *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).

Importantly, the Court distinguished deportation, which the Court reasoned is “not a ‘banishment,’ in the sense in which that word is often applied to the expulsion of a citizen from his country by way of punishment,” from government actions aimed at punishment, such as imprisonment at hard labor in addition to deportation. *Id.* at 236. The Court explained that deportation “is but a method of enforcing the return to his own country of [a noncitizen] who has not complied with the conditions upon the performance of which the government of the nation, acting within its constitutional authority and through the proper departments, has determined that his continuing to reside here shall depend.” *Id.* (quoting *Fong Yue Ting v. United States*, 149 U.S. 730 (1893)). But the Court admonished that the government may not “declare unlawful residence within the country to be an infamous crime, punishable by deprivation of liberty and property . . . unless provision were made that the fact of guilt should first be established by a judicial trial.” *Id.* at 237.

Deportation of individuals to third countries to be imprisoned or harmed is unquestionably punishment.

XIII. The Law Governing Injunctive Relief

“An injunction is appropriate when the party seeking relief demonstrates that: (1) it is likely to suffer irreparable injury that cannot be redressed by an award of damages; (2) that “considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted”; and (3) “that the public interest would not be disserved by a permanent injunction.” *City & Cnty. of San Francisco v. Trump*, 897 F.3d 1225, 1243 (9th Cir. 2018).

Grounds for Relief

Ground One: Petitioner's Continued Detention in Immigration Custody Violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution Because There Is No Significant Likelihood that Petitioner Will Be Removed in the Reasonably Foreseeable Future.

The allegations in the above paragraphs are realleged and incorporated herein.

Because Petitioner's removal order became final on November 4, 2014, the removal period has long since expired, and detention is no longer required under 8 U.S.C. § 1231. In addition, the presumptively reasonable period of six months has passed.

There is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future[.]" *Zadvydas*, 533 U.S. at 701. On information and belief, Mr. Vo has no evidence of nationality such as a Vietnamese passport or birth certificate nor does he have family members or other connections in Vietnam.

Therefore, the burden shifts to the government to rebut that showing. The government cannot meet that burden under the facts of this case. *See Nguyen*, 796 F. Supp. 3d at 739 (granting preliminary injunction requiring release under *Zadvydas*); *Tang*, 2025 WL 2637750, at *6 (same).

Ground Two: Procedural Due Process

The allegations in the above paragraphs are realleged and incorporated herein.

Petitioner has a liberty interest in not being re-detained. Applying the three-factor test of *Mathews*, that interest is high. The risk of any erroneous deprivation is also high, given that Respondents have a policy to round up as many noncitizens as possible. *See, e.g.*, Jose Olivares, "Trump administration sets quota to arrest 3,000 people a day in anti-immigration agenda," *The Guardian* (May 29, 2025), <https://www.theguardian.com/us-news/2025/may/29/trump-ice-arrest-quota>.

1 In addition, the cost to the government of providing a hearing is low and
2 significantly outweighed by the other factors.

3 As to Mr. Vo's prayer for injunctive relief barring a new re-detention absent due
4 process, the requirements for injunctive relief are met. His prospective unlawful re-
5 detention would constitute an irreparable injury that could not be redressed by an award
6 of damages. Second, the balance of hardships is completely in Petitioner's favor:
7 Mr. Vo risks unlawful re-detention, while Respondents suffer no hardship by being
8 prevented from following their unlawful re-detention practices. Finally, the public
9 interest would affirmatively be served by barring Respondents' unlawful practice.

10 Furthermore, there is a significant likelihood that Respondents would seek to
11 again re-detain Mr. Vo unlawfully given that Respondents have a policy to round up as
12 many noncitizens as possible. *See id.*

13 . **Ground Three: Failure to Comply with Regulations**

14 The allegations in the above paragraphs are realleged and incorporated herein.

15 Respondents have not complied with their obligations under 8 C.F.R. § 241.13,
16 and therefore Petitioner is entitled to release. On information and belief,

17 (a) Respondents did not make a determination either that, on account of
18 changed circumstances, there was a significant likelihood that Petitioner would be
19 removed in the reasonably foreseeable future or that Petitioner violated the conditions
20 of release;

21 (b) to the extent that Respondents made such a determination, they lacked an
22 adequate basis to do so and did not properly consider the factors specified in the
23 regulations;

24 (c) Respondents did not timely notify Petitioner in writing of the reasons for
25 revocation in a manner that Petitioner could reasonably respond to;

26 (d) Respondents did not conduct the required initial informal interview;

1 (e) Respondents did not afford Petitioner an opportunity to respond; and

2 (f) Respondents did not advise Petitioner of the right to request a review of
3 the detention and did not comply with the requirements for such review. Petitioner's re-
4 detention therefore was contrary to Respondents' regulations and unlawful.

5 **Ground Four: Violation of the Fifth Amendment, 8 U.S.C. § 1231,**
6 **Convention Against Torture, Implementing Regulations, and the**
7 **Administrative Procedure Act**

8 The allegations in the above paragraphs are realleged and incorporated herein.

9 The Fifth Amendment, the INA, the CAT, and implementing regulations
10 mandate meaningful notice and opportunity to respond to any attempt to remove
11 Petitioner to a third country in reopened removal proceedings. They also require an
12 opportunity for Petitioner to make a fear-based claim against removal to a third country
13 in reopened removal proceedings. Respondents' policy for third-country removals
14 violates all of these laws because it directs ICE agents to remove individuals to third
15 countries without any notice or process *at all* where diplomatic assurances are received
16 and, where no diplomatic assurances are received, to provide flagrantly insufficient
17 notice (6–24 hours) and opportunity to respond, in violation of the statute, regulations,
18 and Fifth Amendment.

19 Prior to any third-country removal, Petitioner must be provided with
20 constitutionally and statutorily compliant notice and an opportunity to respond and
21 contest that removal if he has a fear of persecution or torture in that country in reopened
22 removal proceedings. *See Nguyen*, 796 F. Supp. 3d at 739 (granting preliminary
23 injunction against “removing Petitioner to a country other than [home country] without
24 notice and a meaningful opportunity to be heard in reopened removal proceedings with
25 a hearing before an immigration judge”).

26 Furthermore, the requirements for injunctive relief are met. Petitioner's
prospective unlawful re-detention would constitute an irreparable injury that could not

1 be redressed by an award of damages. Second, the balance of hardships is completely in
2 Petitioner's favor: Petitioner risks unlawful removal to a third country, while
3 Respondents suffer no hardship by being prevented from following their unlawful re-
4 detention practices. Finally, the public interest would affirmatively be served by barring
5 Respondents' unlawful practice.

6 In addition, the matter is ripe. The facts set forth above—including Respondents'
7 stated policy regarding third-country removals—make it reasonably likely that
8 Respondents would seek to remove Petitioner to a third country without complying
9 with their regulatory and constitutional obligations to provide Petitioner with notice and
10 an opportunity to be heard.

11 **Ground Five: Punitive Third-Country Banishment; Violation of Fifth and**
12 **Eighth Amendments**

13 The allegations in the above paragraphs are realleged and incorporated herein.

14 Under the Fifth Amendment to the U.S. Constitution, no person shall “be held to
15 answer for a capital, or otherwise infamous crime, unless on a presentment or
16 indictment of a Grand Jury”; “be subject for the same offence to be twice put in
17 jeopardy of life or limb”; or “be deprived of life, liberty, or property, without due
18 process of law.”

19 The Eighth Amendment provides that no “cruel and unusual punishments” may
20 be inflicted.

21 The U.S. Supreme Court long ago held that the government may not inflict upon
22 individuals an “infamous punishment” in addition to deportation as a penalty for an
23 immigration violation, absent criminal charges, a judicial trial, and attendant
24 constitutional protections. *Wong Wing*, 163 U.S. at 236–38.

25 Petitioner was convicted and has completed any sentences for his criminal
26 convictions. Petitioner's convictions arguably made him removable from the United

1 States, but the convictions do not authorize the government to inflict, as a matter of
2 executive policy and discretion, additional punishment on Petitioner. Respondents'
3 third-country removal program is punitive in both its nature and its execution.

4 The government has arranged for third countries to receive deportees and
5 imprison them on arrival, possibly indefinitely, and often in abhorrent conditions. It has
6 selected countries notorious for human rights abuses and instability for third-country
7 removal arrangements. It has targeted individuals with criminal convictions for third-
8 country removals, where they will be imprisoned and harmed, and has publicly
9 broadcast those removals to demonize and dehumanize the individuals subjected to
10 these practices and strike fear in the immigrant community to send a message of
11 retribution and deterrence.

12 Respondents' third-country removal program is more than a publicity stunt. The
13 hundreds of individuals who have already been subjected to it have been banished in
14 foreign prisons upon arrival without charge and often without communication with the
15 outside world, including their families and lawyers. Respondents may not subject
16 Petitioner to their third-country removal program which is designed to impose a severe
17 punishment on their subjects. Such conduct "shocks the conscience" under Fifth
18 Amendment substantive due process, is cruel and unusual punishment, and may not be
19 imposed without charge and a judicial trial.

20 Respondents may not seek to remove Mr. Vo to a third country under their
21 punitive banishment policy and practices. *See Nguyen*, 796 F. Supp. 3d at 739 (granting
22 preliminary injunction against "removing Petitioner to any country where he is likely to
23 face imprisonment upon arrival").

24 The criteria for an injunction in this case are met. First, unlawful removal to a
25 third country risks irreparable injury that could not be redressed by an award of
26 damages. Second, the balance of hardships is completely in Petitioner's favor: Mr. Vo

1 risks removal to a third country where unwarranted punishment may result, and
2 Respondents suffer no hardship by being prevented from following their unlawful
3 removal policies. Finally, the public interest would affirmatively be served by barring
4 Respondents' unlawful policies. Given the potential for Respondents to attempt a rapid
5 and unlawful removal, Mr. Vo would have no opportunity to seek injunctive relief at
6 that time.

7 Furthermore, the matter is ripe. The facts set forth above—including
8 Respondents' stated policy regarding third-country removals—make it reasonably
9 likely that Respondents would seek to remove Petitioner to a third country with a
10 punitive intent and punitive result.

11 **Prayer for Relief**

12 Petitioner respectfully requests that this Court:

- 13 (a) Assume jurisdiction over this action;
- 14 (b) Order Respondents to immediately release Petitioner from custody;
- 15 (c) Order Respondents to, within 24 hours of his release, provide the Court
16 with a declaration confirming that Petitioner has been released from custody;
- 17 (d) Order that Respondents may not re-detain Petitioner without first holding
18 a hearing before a neutral decisionmaker at which the government bears the burden of
19 establishing flight risk or danger to the community by clear and convincing evidence
20 based on changed circumstances since Petitioner was previously released;
- 21 (e) Order that the government may not otherwise re-detain Petitioner unless
22 the government:
 - 23 (1) obtains a valid travel document to Vietnam for him,
 - 24 (2) provides the valid travel document to him and his counsel,
 - 25 (3) offers Petitioner the opportunity to leave on his own within two months,
 - 26 and

(4) Petitioner does not leave. Under such circumstances, the government may be permitted to re-detain Petitioner provided it has already made concrete arrangements for him to be put on a flight to Vietnam in the reasonably foreseeable future.

See Do v. Scott, No. C25-2187RSL, 2025 WL 3496909, at *6 (W.D. Wash. Dec. 5, 2025); *Tang*, 2025 WL 3551381, at *3.

(f) Order that Respondents may not remove or seek to remove Petitioner to a third country without notice and meaningful opportunity to respond in compliance with the statute and due process in reopened removal proceedings;

(g) Order that Respondents may not remove Petitioner to any third country where he is likely to face imprisonment or other punishment upon arrival; and

(h) Order all other relief that the Court deems just and proper.

Verification Pursuant to LCR 100(e)

Counsel verifies that this petition is authorized by Petitioner. It does not personally bear Petitioner's signature because of the significant difficulty for counsel in meeting with Petitioner in person and because mailing the petition to Petitioner and having it mailed back would cause delay that would only extend the period of his unlawful detention. Counsel knows the facts asserted above or alleges them on information and belief, based on information obtained from the government and/or Petitioner.

DATED this 24th day of March 2026.

Respectfully submitted,

s/Vicki W.W. Lai
Assistant Federal Public Defender
Attorney for Tuan Minh Vo