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6 UNITED STATES DISTRICT COURT  
7 FOR THE MIDDLE DISTRICT OF GEORGIA  
8 COLUMBUS DIVISION

9 Linh Khac SAM,

Petitioner,

Case No. 4:26-cv-00557

10 v.

**PETITION FOR WRIT OF  
HABEAS CORPUS PURSUANT TO  
28 U.S.C. § 2241 AND REQUEST FOR  
IMMEDIATE RELEASE**

11 Kristin SULLIVAN, Acting Field Office  
12 Director of Enforcement and Removal  
Operations, Atlanta Field Office, Immigration  
13 and Customs Enforcement; Markwayne  
MULLIN, Secretary, U.S. Department of  
14 Homeland Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY; Todd BLANCHE,  
15 Acting U.S. Attorney General; EXECUTIVE  
OFFICE FOR IMMIGRATION REVIEW;  
16 Jason Streeval, Warden of STEWART  
DETENTION CENTER,

17 Respondents.  
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1 Petitioner, LINH SAM (“Petitioner”), by and through undersigned counsel, respectfully  
2 petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241, and in support states as  
3 follows:

4 **I. INTRODUCTION**

- 5 1. This is a petition for a writ of habeas corpus challenging the legality and constitutionality  
6 of Petitioner’s prolonged post-final-order immigration detention by U.S. Immigration and  
7 Customs Enforcement (ICE).
- 8 2. Petitioner has been detained in ICE custody for approximately 219+ days (over seven  
9 months) since August 27, 2025, in connection with a final order of removal to Vietnam  
10 issued by the Atlanta Immigration Court on January 11, 2012.
- 11 3. Despite extensive cooperation and good-faith efforts by Petitioner and counsel to  
12 facilitate his removal, including providing an expired Vietnamese passport and engaging  
13 with both ICE and the Vietnamese consulate, ICE has been unable to effectuate  
14 Petitioner’s removal to Vietnam.
- 15 4. There is no significant likelihood that Petitioner will be removed in the reasonably  
16 foreseeable future. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), and related authority,  
17 Petitioner’s continued post-final-order detention has become unlawful and  
18 unconstitutional.
- 19 5. Petitioner respectfully requests that this Court order his immediate release from ICE  
20 custody under reasonable conditions of supervision, because: (a) he has been detained  
21 well beyond the presumptively reasonable six-month *Zadvydas* period; (b) his removal to  
22 Vietnam is not significantly likely in the reasonably foreseeable future; and (c) continued  
23 detention is not justified by any legitimate governmental purpose.
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1 **II. JURISDICTION AND VENUE**

- 2 6. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 because Petitioner is in  
3 custody under color of the authority of the United States and challenges the legality of  
4 that custody.
- 5 7. This petition arises under the Immigration and Nationality Act (INA), 8 U.S.C. §§ 1101  
6 et seq., and the Fifth Amendment to the United States Constitution.
- 7 8. This Court has authority to grant the writ and related declaratory and injunctive relief  
8 pursuant to 28 U.S.C. §§ 2241, 2201–2202, and 1651.
- 9 9. Venue is proper in the Middle District of Georgia, Columbus Division, because Petitioner  
10 is detained at the Stewart Detention Center in Lumpkin, Georgia, which is located in this  
11 District, and his immediate custodian, the Warden of Stewart Detention Center, is within  
12 this District.

13 **III. PARTIES**

- 14 10. Petitioner, LINH SAM, is a native and citizen of Vietnam, currently detained by ICE at  
15 the Stewart Detention Center in Lumpkin, Georgia.
- 16 11. Respondent Kristin SULLIVAN is the Acting Director of the Atlanta Field Office of  
17 ICE’s Enforcement and Removal Operations division. As such, Kristin SULLIVAN is  
18 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and  
19 removal. She is named in her official capacity.
- 20 12. Respondent Markwayne MULLIN is the Secretary of the Department of Homeland  
21 Security. He is responsible for the implementation and enforcement of the Immigration  
22 and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s  
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1 detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his  
2 official capacity.

3 13. Respondent Department of Homeland Security (DHS) is the federal agency responsible  
4 for implementing and enforcing the INA, including the detention and removal of  
5 noncitizens.

6 14. Respondent Todd BLANCHE is the Acting Attorney General of the United States. He is  
7 responsible for the Department of Justice, of which the Executive Office for Immigration  
8 Review and the immigration court system it operates is a component agency. He is sued  
9 in his official capacity.

10 15. Respondent Executive Office for Immigration Review (EOIR) is the federal agency  
11 responsible for implementing and enforcing the INA in removal proceedings, including  
12 for custody redeterminations in bond hearings.

13 16. Respondent Jason Streeval is employed by CoreCivic as Warden of the Stewart Detention  
14 Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He  
15 is sued in his official capacity.

16 **IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

17 16. To the extent exhaustion is required in this context, Petitioner has exhausted available  
18 remedies.

19 17. Petitioner requested parole from ICE on or about September 3, 2025, shortly after  
20 entering ICE custody, and received no meaningful relief.

21 18. Petitioner, through counsel, followed up with ICE regarding parole and his detention  
22 status on or about September 30, 2025.

1 19. Petitioner has cooperated fully with ICE's efforts to effectuate removal and has no  
2 administrative avenue to obtain the specific relief sought here: a judicial determination  
3 that his prolonged detention is unlawful and an order of release pursuant to *Zadvydas*.

4 20. Neither the immigration courts nor the Board of Immigration Appeals has jurisdiction to  
5 order release from post-final-order detention on the grounds asserted herein; therefore,  
6 habeas corpus in this Court is the only adequate remedy.

### 7 V. FACTUAL ALLEGATIONS

#### 8 *Petitioner's Background*

9 21. Petitioner is a native and citizen of Vietnam.

10 22. Petitioner lawfully entered the United States in or about 1994.

11 23. Petitioner previously held lawful permanent resident status but lost that status in or  
12 around 2012 as a result of criminal history that rendered him removable.

13 24. Petitioner has resided in the United States for more than three decades and has substantial  
14 ties to this country. On information and belief, he maintains family and community  
15 connections in the United States and has no significant remaining ties to Vietnam beyond  
16 his nationality.

#### 17 *Procedural History and Removal Order*

18 25. On January 11, 2012, an Immigration Judge of the Atlanta Immigration Court ordered  
19 Petitioner removed to Vietnam.

20 26. Petitioner's removal order became administratively final pursuant to 8 U.S.C. §  
21 1101(a)(47) no later than 2012, after conclusion of any appeal(s) to the Board of  
22 Immigration Appeals or waiver of such appeals.  
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1 27. There is currently no stay of removal in effect arising from any petition for review or  
2 other judicial proceeding; thus, ICE is not legally barred by any court order from  
3 effectuating Petitioner's removal.

4 28. For a substantial period following the 2012 removal order, Petitioner was not in ICE  
5 custody. He was later taken back into ICE custody in August 2025 following a criminal  
6 arrest.

7 *Current Detention*

8 29. On or about August 27, 2025, ICE took Petitioner into custody in connection with the  
9 2012 final order of removal.

10 30. Petitioner has remained continuously detained in ICE custody at the Stewart Detention  
11 Center in Lumpkin, Georgia, from August 27, 2025, through the filing of this petition.

12 31. As of April 2, 2026, Petitioner has been detained for approximately 219 days (over seven  
13 months).

14 32. The statutory 90-day "removal period" set forth in 8 U.S.C. § 1231(a)(1)(A) began no  
15 later than August 27, 2025 and expired no later than November 25, 2025.

16 33. Petitioner's detention has thus far extended approximately 129 days beyond the  
17 expiration of the 90-day removal period and well beyond the presumptively reasonable  
18 six-month period identified in *Zadvydas*.

19 *Requests for Parole and Efforts to Facilitate Removal*

20 34. On or about September 3, 2025, Petitioner, through counsel, formally requested parole or  
21 release from ICE custody, explaining his long residence in the United States, non-flight  
22 risk, and willingness to comply with conditions of supervision.  
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1 35. On or about September 30, 2025, counsel followed up with ICE regarding the parole  
2 request and Petitioner's detention status. ICE did not grant parole and has not offered a  
3 meaningful explanation consistent with *Zadvydas*.

4 36. Petitioner has fully cooperated with ICE in efforts to obtain travel documents from  
5 Vietnam, including, but not limited to:

6 a. Providing biographical and identifying information requested by ICE;

7 b. Providing ICE with an expired Vietnamese passport as evidence of his identity  
8 and nationality;

9 c. Signing any necessary forms for release of information and travel document  
10 applications;

11 d. Being available for, and participating in, any consular or identity interviews  
12 requested by ICE or the Vietnamese government.

13 37. Petitioner's counsel has likewise made extensive efforts to facilitate removal and clarify  
14 the status of Petitioner's case, including:

15 a. Communicating with deportation officers and supervisory personnel at the ICE Atlanta  
16 Field Office and at Stewart Detention Center regarding the status of travel document requests  
17 and any scheduled travel;

18 b. Requesting updates from ICE on multiple occasions as to the status of Petitioner's  
19 removal, his parole request, and any identified obstacles to removal to Vietnam;

20 c. Contacting the Vietnamese consulate or embassy to seek assistance and information  
21 regarding issuance of travel documents for Petitioner.

22 38. Despite these efforts, ICE has not provided Petitioner or counsel with:

23 a. A removal date;

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1 b. Confirmation that travel documents have been requested or issued;

2 c. Any concrete, verifiable timeline for Petitioner's removal to Vietnam.

3 *Inability to Effectuate Removal to Vietnam*

4 39. It remains unknown what actions ICE has taken to procure the necessary travel  
5 documents for Petitioner from the Government of Vietnam, but has apparently not  
6 obtained the necessary documentation.

7 40. Vietnam's failure or refusal to timely issue travel documents has prevented ICE from  
8 scheduling or effectuating Petitioner's removal.

9 41. There is no indication that Vietnam will issue travel documents for Petitioner in the  
10 reasonably foreseeable future, and ICE has been unable, over 219 days of detention, to  
11 bring Petitioner's removal any closer to fruition.

12 42. ICE has not identified any pending flight, itinerary, or scheduled removal date for  
13 Petitioner, nor has it provided a written explanation of how or when it expects to  
14 accomplish his removal.

15 43. Under *Zadvydas*, this pattern of extended detention without progress toward removal  
16 constitutes "good reason to believe" that there is no significant likelihood of removal in  
17 the reasonably foreseeable future.

18 *Petitioner Is Not a Danger or Flight Risk*

19 44. Petitioner's underlying criminal history does not, standing alone, justify indefinite civil  
20 detention.

21 45. Petitioner has already served any criminal sentence imposed and is now held solely in  
22 civil immigration detention.  
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1 46. Petitioner has substantial and longstanding ties to the United States dating back to his  
2 entry in 1994. On information and belief, he has family, community, and social support  
3 networks in this country.

4 47. Petitioner is willing to reside at a fixed address, comply with any reasonable conditions  
5 of release, submit to regular ICE reporting, and comply with electronic monitoring if  
6 deemed necessary.

7 48. Petitioner does not pose a danger to the community that would warrant continued  
8 confinement beyond constitutional limits, and any theoretical risk can be addressed by  
9 appropriate conditions of supervision.

10 49. There is no reasonable basis to conclude that Petitioner is a flight risk. He has cooperated  
11 in efforts to remove him and has an incentive to comply with supervision to avoid re-  
12 detention.

13 **VI. LEGAL FRAMEWORK**

14 50. Petitioner's detention is governed by 8 U.S.C. § 1231, which provides a 90-day period for  
15 the government to effectuate removal and contains a limited authorization for continued  
16 detention of certain noncitizens thereafter.

17 51. Section 1231(a)(1)(A) states that the Attorney General (now the Secretary of DHS) "shall  
18 remove the alien from the United States within a period of 90 days" following the latest  
19 of specific triggering events.

20 52. Section 1231(a)(2) mandates detention during that 90-day removal period.

21 53. Section 1231(a)(6) authorizes limited continued detention of certain noncitizens beyond  
22 the 90-day period, but that authority is constrained by the Constitution.  
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1 54. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that section  
2 1231(a)(6) does not permit indefinite detention and that, once a noncitizen has been  
3 detained for more than six months after the start of the removal period, detention is  
4 presumptively unreasonable absent a significant likelihood of removal in the reasonably  
5 foreseeable future.

6 55. *Zadvydas* established a burden-shifting framework:

7 a. After six months of post-order detention, the noncitizen may establish a prima facie  
8 case for release by providing “good reason to believe that there is no significant likelihood of  
9 removal in the reasonably foreseeable future.”

10 b. The burden then shifts to the government to rebut this showing by coming forward  
11 with evidence that removal is significantly likely in the reasonably foreseeable future.

12 *Zadvydas*, 533 U.S. at 701.

13 56. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that the same  
14 construction of section 1231(a)(6) applies to inadmissible noncitizens, confirming that  
15 the statutory limitation on detention is broad.

16 57. Federal courts, including those within the Eleventh Circuit, have consistently applied  
17 *Zadvydas* to order release of noncitizens where removal is not significantly likely in the  
18 reasonably foreseeable future and detention has exceeded six months.

19 58. The Fifth Amendment’s Due Process Clause prohibits arbitrary or punitive civil  
20 detention, and immigration detention must bear a reasonable relation to a legitimate  
21 purpose—here, effectuating removal—both in nature and in duration.

22 **VII. CLAIMS FOR RELIEF**

1           **COUNT I**

2   *Violation of 8 U.S.C. § 1231(a)(6) as Interpreted by Zadvydas v. Davis and the Fifth Amendment*  
3   *(Unlawful Prolonged Detention)*

4           59. Petitioner re-alleges and incorporates by reference paragraphs 1–58 as though fully set  
5           forth herein.

6           60. Petitioner has been detained under color of section 1231(a)(6) since the expiration of his  
7           90-day removal period in or about November 2025.

8           61. As of April 2, 2026, Petitioner has been in ICE custody for approximately 219 days—  
9           well over the six-month presumptively reasonable Zadvydas period.

10          62. Petitioner has provided good reason to believe that there is no significant likelihood that  
11          he will be removed to Vietnam in the reasonably foreseeable future.

12          63. The burden now shifts to the government to provide evidence sufficient to rebut  
13          Petitioner’s showing and to demonstrate a significant likelihood of removal in the  
14          reasonably foreseeable future.

15          64. On information and belief, Respondents cannot meet this burden. They have no flight  
16          scheduled, no travel documents in hand, and no credible plan to effectuate removal.

17          65. Petitioner’s continued detention is no longer reasonably related to its purported purpose  
18          of effectuating removal and has therefore become arbitrary and unlawful.

19          66. Under *Zadvydas* and *Clark*, Respondents’ continued detention of Petitioner beyond the  
20          six-month presumptive limit, without a significant likelihood of removal in the  
21          reasonably foreseeable future, violates section 1231(a)(6) as properly construed and the  
22          Due Process Clause of the Fifth Amendment.

1 67. Petitioner is therefore entitled to a writ of habeas corpus ordering his immediate release  
2 from ICE custody under reasonable conditions of supervision.

3 **COUNT II**

4 *Fifth Amendment Due Process – Substantive and Procedural Violations*

5 68. Petitioner re-alleges and incorporates by reference paragraphs 1–67 as though fully set  
6 forth herein.

7 69. The Due Process Clause of the Fifth Amendment applies to all “persons” within the  
8 United States, including noncitizens in immigration detention.

9 70. Civil immigration detention must be non-punitive and reasonably related, in scope and  
10 duration, to a legitimate governmental interest. Detention that becomes indefinite or  
11 unreasonably prolonged is unconstitutional.

12 71. Petitioner has now been detained for over seven months, beyond the presumptive period  
13 recognized in *Zadvydas*, without evidence that his removal is significantly likely in the  
14 reasonably foreseeable future.

15 72. Respondents’ continued detention of Petitioner, where removal is not meaningfully  
16 progressing and the country of removal has not issued necessary travel documents, is  
17 excessive in relation to its purpose and has become punitive in effect.

18 73. To the extent ICE has conducted Post-Order Custody Reviews (POCRs), those internal  
19 reviews have not provided a meaningful, neutral, or transparent opportunity for Petitioner  
20 to contest the necessity of his ongoing detention under the *Zadvydas* standard.

21 74. Petitioner has not received a bond hearing or comparable proceeding before a neutral  
22 decision-maker at which the government bears the burden of justifying his continued  
23 detention by clear and convincing evidence.  
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1 75. The absence of any meaningful procedural safeguard against prolonged and potentially  
2 indefinite detention violates Petitioner’s procedural due process rights.

3 76. The continued confinement of Petitioner despite his cooperation, the lack of a removal  
4 timeline, and the extended duration of detention—violates his substantive due process  
5 rights by subjecting him to arbitrary and unjustified deprivation of liberty.

6 **VIII. IRREPARABLE HARM**

7 77. Petitioner suffers ongoing and irreparable harm as a result of his unlawful detention,  
8 including loss of physical liberty, separation from family and community, and  
9 psychological distress associated with prolonged incarceration in a remote detention  
10 facility.

11 78. No monetary remedy can adequately redress the ongoing deprivation of liberty; only  
12 release can remedy the constitutional violation.

13 **IX. NO ADEQUATE ALTERNATIVE REMEDY**

14 79. Petitioner has no adequate remedy at law other than this petition.

15 80. The immigration courts and the Board of Immigration Appeals lack jurisdiction to  
16 provide the relief Petitioner seeks as release from post-final-order detention on the basis  
17 that there is no significant likelihood of removal in the reasonably foreseeable future  
18 under *Zadvydas*.

19 **X. REQUEST FOR EXPEDITED CONSIDERATION**

20 81. Petitioner remains confined in civil immigration detention despite the absence of any  
21 significant likelihood of removal in the reasonably foreseeable future.

22 82. Each additional day in detention constitutes a fresh and irreparable injury to Petitioner’s  
23 constitutional rights.

1 83. Petitioner therefore respectfully requests expedited consideration of this petition,  
2 including prompt issuance of an order to show cause and an expedited hearing schedule.

3 **XI. PRAYER FOR RELIEF**

4 WHEREFORE, Petitioner respectfully requests that this Court:

5 A. Assume jurisdiction over this matter;

6 B. Issue an order directing Respondents to show cause why the writ should not be granted  
7 and to file a return justifying Petitioner's continued detention;

8 C. After review of the pleadings, evidence, and applicable law, issue a writ of habeas  
9 corpus under 28 U.S.C. § 2241 and:

10 1. Declare that Petitioner's continued detention in ICE custody for approximately 219 days  
11 post-custody, with no significant likelihood of removal to Vietnam in the reasonably  
12 foreseeable future, violates 8 U.S.C. § 1231(a)(6) and the Due Process Clause of the Fifth  
13 Amendment;

14 2. Order Petitioner's immediate release from ICE custody under reasonable conditions of  
15 supervision, such as regular reporting, maintenance of a fixed residence, and, if deemed  
16 necessary, electronic monitoring or other standard conditions;

17 D. Enjoin Respondents from re-detaining Petitioner under the same removal order absent  
18 a material change in circumstances demonstrating that his removal to Vietnam has become  
19 significantly likely in the reasonably foreseeable future;

20 E. Award Petitioner reasonable attorney's fees and costs if authorized by law; and

21 F. Grant such other and further relief as the Court deems just and proper.

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23 Respectfully submitted this 6<sup>th</sup> day of April, 2026.  
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