

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

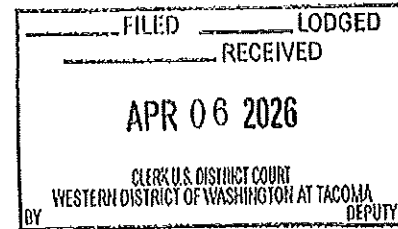
TRONG VU LE (A# )

Petitioner,

v.

PATRICIA H. HYDE, Field Office Director,
Seattle Field Office, U.S. Immigration and
Customs Enforcement; FACILITY
ADMINISTRATOR, Northwest ICE Processing
Center; ALEJANDRO MAYORKAS, Secretary
of Homeland Security,,
Respondents.

Case No. 2:26-cv-1156-DGE



PETITION FOR WRIT OF HABEAS CORPUS

28 U.S.C. § 2241

I. INTRODUCTION

Petitioner Trong Vu Le ("Petitioner") is a native and citizen of Vietnam who is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Northwest ICE Processing Center in Tacoma, Washington.

Petitioner is subject to a final order of removal; however, an Immigration Judge granted him withholding of removal under INA § 241(b)(3) on August 21, 2025, thereby prohibiting his removal to Vietnam.

Despite this final grant of protection, until April 01, 2026, ICE continues to detain Petitioner without any significant likelihood of removal in the reasonably foreseeable future.

Petitioner's continued detention violates the Fifth Amendment Due Process Clause and the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Petitioner therefore seeks immediate release, or in the alternative, an individualized bond hearing.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 2241.
2. Petitioner is in custody within the Western District of Washington.
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

II. PARTIES

3. Petitioner Trong Vu Le is detained at:
Northwest ICE Processing Center
1623 East J Street
Tacoma, WA 98421
4. Respondent Patricia H. Hyde is the Field Office Director for ICE Enforcement and Removal Operations in Seattle, Washington.
5. Respondent Facility Administrator is the immediate custodian of Petitioner at NWIPC.
6. Respondent Alejandro Mayorkas is the Secretary of the Department of Homeland Security.

III. FACTUAL BACKGROUND

7. Petitioner is a citizen of Vietnam.
8. On August 21, 2025, an Immigration Judge granted Petitioner withholding of removal under INA § 241(b)(3).
9. The Department of Homeland Security did not file an appeal of that decision.
10. The Immigration Judge's decision is therefore final.
11. As a result of the withholding grant, Petitioner cannot be removed to Vietnam.
12. ICE continues to detain Petitioner under post-order detention authority.
13. Petitioner has been detained for a prolonged period exceeding the six-month presumptive limit recognized in *Zadvydas v. Davis*.
14. ICE has not identified any country to which Petitioner may be removed.
15. There is no significant likelihood that Petitioner will be removed in the reasonably foreseeable future.

16. Petitioner is not a danger to the community and does not present a flight risk.

IV. LEGAL FRAMEWORK

A. Post-order detention is governed by 8 U.S.C. § 1231(a).

17. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that detention beyond six months is presumptively unreasonable unless the government demonstrates a significant likelihood of removal in the reasonably foreseeable future.
18. The Ninth Circuit has further held that prolonged detention requires additional procedural safeguards, including bond hearings. See *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011).
19. Detention becomes unconstitutional where it is indefinite or not reasonably related to removal.

C. Due Process

20. The Fifth Amendment prohibits prolonged civil detention without adequate procedural safeguards.
21. Detention under INA § 236(a) requires access to an individualized bond hearing.
22. Denial of such a hearing results in unconstitutional deprivation of liberty.
23. Internal agency guidance cannot override statutory rights or federal court interpretation of federal law.

V. CLAIM FOR RELIEF

COUNT I

24. Violation of the Fifth Amendment Due Process Clause
25. Petitioner incorporates all preceding paragraphs.
26. Petitioner's removal is not reasonably foreseeable because withholding of removal prohibits return to Vietnam.
27. ICE has not identified a viable third country for removal.
28. Continued detention under these circumstances is indefinite.
29. Petitioner's detention therefore violates *Zadvydas v. Davis* and the Fifth Amendment.

VI. IRREPARABLE HARM

WHEREFORE, Petitioner respectfully requests that this Court:

Grant this Petition for Writ of Habeas Corpus;

Order Petitioner's immediate release under reasonable conditions of supervision;

In the alternative, order a prompt individualized bond hearing before an Immigration Judge;

Award any other relief the Court deems just and proper.

Respectfully submitted,

Date: 04/01/2026

/s/ Vu Trong Le

Vu Trong Le - Respondent

