

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Taun Minh Huynh,

Petitioner,

v.

Markwayne Mullin, Secretary, U.S.
Department of Homeland Security
Garrett J. Ripa, Miami Field Office
Director of Enforcement and
Removal Operations, Miami Field
Office, Immigration and Customs
Enforcement; U.S. Department of
Homeland Security; Todd Blanche,
U.S. Attorney General; Executive
Office for Immigration REVIEW;
Warden of Baker County Facility

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner Taun Minh Huynh, respectfully submits this Petition for
3 Writ of Habeas Corpus challenging his continued detention by the United States
4 Department of Homeland Security, Immigration and Customs Enforcement
5 ("ICE").

6
7 2. Petitioner was admitted into the United States in 1992 from Vietnam
8 and has resided continuously in the United States since that time.

9 3. On or about June 5, 2003, an Immigration Judge entered a final order
10 of removal against Petitioner.

11 4. On November 6, 2025, decades after his release on supervision, ICE
12 re-detained Petitioner. Petitioner's OSUP was recently revoked by ICE alleging
13 removal to Mexico was possible.

14 5. Petitioner's continued detention is therefore unauthorized under
15 INA § 241(a)(6), exceeds statutory authority, and violates the Due Process Clause
16 of the Fifth Amendment to the United States Constitution.

17 6. Petitioner seeks immediate relief from this unlawful detention,
18 including release under the existing Order of Supervision or under reasonable
19 conditions of supervision.
20

21 7. There have been no changed circumstances to justify Petitioner's re-
22 detention and no evidence that removal to Vietnam is likely to occur in the
23 reasonably foreseeable future.
24

JURISDICTION

8. Petitioner is in the physical custody of Respondents. Petitioner is detained at Baker County Facility in Macclenny, Florida.

9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause) and the Administrative Procedure Act (APA), 5 U.S.C. §§ 701, *et seq.*

10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Middle District of Florida, the judicial district in which Petitioner currently is detained.

12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

13. This Petition for Writ of Habeas Corpus is brought pursuant to 28 U.S.C. § 2243 to challenge the Respondent's unlawful detention of Petitioner,

1 which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial
2 authority over Petitioner and is sued in her official capacity.

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

6 19. Respondent Todd Blanche, Attorney General of the United States. Is
7 responsible for the Department of Justice, of which the Executive Office for
8 Immigration Review and the immigration court system it operates is a
9 component agency.

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

13 21. Respondent Warden of Florida Soft Side South Detention Facility is
14 employed by a private corporation as Warden of Florida Soft Side South
15 Detention Facility, where Petitioner is detained. He has immediate physical
16 custody of Petitioner. He is sued in his official capacity.

17
18
19 **CLAIM FOR RELIEF**

20 **Count I**

21 **Unlawful Post-Order Detention in Violation of the Fifth Amendment and 28**
22 **U.S.C. § 2241 Because There Is No Significant Likelihood of Removal in the**
23 **Reasonably Foreseeable Future**
24

1 22. Petitioner's continued detention is unlawful because there is no
2 significant likelihood of removal in the reasonably foreseeable future.
3 Respondents have not effected removal, have not produced evidence that Mexico
4 has formally accepted Petitioner for repatriation, and have not produced valid
5 travel documents authorizing removal. These circumstances demonstrate more
6 than a temporary delay; they establish a present inability to execute removal.
7

8 23. Under *Zadvydas v. Davis*, once detention has extended beyond the
9 presumptively reasonable period and the noncitizen provides good reason to
10 believe removal is not significantly likely in the reasonably foreseeable future,
11 the burden shifts to the Government to rebut that showing. Here, repeated failed
12 removal attempts, the absence of travel documents, and the lack of evidence of
13 receiving-country acceptance establish precisely the type of indefinite detention
14 prohibited by due process. Continued detention therefore violates the Fifth
15 Amendment and habeas relief is warranted.
16

17
18 **Count II**
19 **Continued Detention Is Arbitrary and Violates Substantive and Procedural**
20 **Due Process**

21 24. Petitioner's continued detention is arbitrary and violates the Due
22 Process Clause because detention no longer bears a reasonable relationship to its
23 purported purpose of effectuating removal. Civil immigration detention may not
24 become punitive or indefinite where removal is not realistically foreseeable.

Count III
Detention Is Unlawful Because Respondents Have Failed to Demonstrate a Significant Likelihood of Effectuating Removal to Mexico

26. Respondents cannot justify continued detention based on speculative removal possibilities. The Government may not rely on abstract assertions that removal might occur someday; it must show a realistic and significant likelihood of removal in the reasonably foreseeable future. Here, there is no evidence Mexico has agreed to accept Petitioner, no evidence travel documents have been issued, and two prior attempted removals failed. Mere hope of future repatriation cannot support continued detention.

In the Alternative, Petitioner Is Entitled to Release Under Reinstatement of an Order of Supervision Pursuant to 8 C.F.R. § 241.13

PRAYER FOR RELIEF

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- d. Grant any other and further relief that this Court deems just and proper.

1
2 DATED this 24th of April, 2026.

3 /s/ Yaritssa Plasencia

4 Yaritssa Plasencia, Esq.

5 Florida Bar No.: 1021659

6 Great American Law Firm PLLC

7 100 Frandorson Cir., Ste. 202C

8 Apollo Beach, FL 33572

9 Phone: (407) 929-9292

10 Email: greatamericanlaw@gmail.com

11 *Attorney for Petitioner*

12 **VERIFICATION BY SOMEONE ACTING ON THE PETITIONER'S BEHALF**
13 **PURSUANT TO 28 U.S.C. § 2242**

14 I, Yaritssa Plasencia, am submitting this verification on behalf of the petitioner
15 because I am the petitioner's attorney. I am acting on behalf of the petitioner, Tuan
16 Minh Huynh, based on discussions with his attorney. On the basis of these
17 discussions and reviewing the record, I hereby verify that the statements made in
18 the foregoing Petition for Writ of Habeas Corpus are true and correct to the best
19 of my knowledge.

20 DATED this 24th of April, 2026.

21 /s/ Yaritssa Plasencia

22 Yaritssa Plasencia, Esq.

23 Florida Bar No.: 1021659

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