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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
CIVIL DIVISION**

HOI VAN TRAN,

Petitioner,

v.

Christopher J. LaRose Warden, Imperial Regional
Detention Center; Gregory J. Archambeault
San Diego Field Office, U.S. Immigration and
Customs Enforcement; Markwayne Mullin, Sect.
of the U.S. Department of Homeland Security;
and Todd Blanche, Acting Attorney General of the
United States, Todd M. Lyons, Director U.S.
Immigration and Customs Enforcement,
in their official capacities,

Respondents.

Case No. '26CV2653 JLS GC

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Hoi Van Tran, by and through undersigned counsel, Matthew Henry Springmeyer, respectfully petitions this Honorable Court for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2241 to challenge the ongoing and unlawful detention by the United States Department of Homeland Security ("DHS") and its agents. Petitioner is currently detained at the Otay Mesa Detention Center at 7488 Calzada De La Fuente, San Diego, CA 92143.

2. Accordingly, to vindicate Petitioner's constitutional, statutory, and regulatory rights, this Court should grant the instant petition for a writ of habeas corpus.

3. The Petitioner entered the United States on November 24, 2023, and sought protection from persecution in Vietnam on account of his Catholic religious faith and imputed political opinion. DHS placed him into full removal proceedings under section 240 of the Immigration and Nationality Act ("INA"). Following his initial processing, the government released Mr. Tran from custody. His asylum case remains pending and no final order of removal has been entered.

4. On March 29, 2026, which is more than two years after releasing him, ICE arrested Mr. Tran and took him into custody at the Otay Mesa Detention Facility. The government did not identify any new criminal conduct, any violation of release conditions, or any other changed circumstances to justify that re-arrest. Despite having his asylum case pending and having already testified at merits hearings, Mr. Tran has been held since March 29, 2026, without any individualized bond hearing.

5. The government released Mr. Tran from custody in November 2023 following his entry. For over two years he complied fully with all conditions of his release, appeared at his immigration hearings, and gave the government no reason to revisit that decision. On March 29, 2026, ICE re-arrested him with no identified change in circumstances, no new criminal conduct, and no violation of any release condition. That arbitrary re-detention violates the Fifth Amendment liberty interest created by his prior release.

6. Petitioner asks this Court to find that his re-detention without changed circumstances or individualized justification violates the Constitution and applicable statutes, and to order his release or, in the alternative, a bond hearing before an immigration judge at which the government bears the burden to justify detention.

JURISDICTION

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

8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

9. This Court may grant relief under the habeas corpus statutes for those in custody in violation of the Constitution or laws of the United States. 28 U.S.C. § 2241 *et. seq.*, and the All Writs Act, 28 U.S.C. § 1651; *see also Hamdi v. Rumsfeld*, 542 U.S. 507, 525. Additionally, the court can grant habeas for noncitizens in custody as well. *Magana-Pizano v. I.N.S.*, 200 F.3d 603, 609 (9th Cir. 1999).

10. This Court retains jurisdiction over pre-final-order detention claims challenging the absence of a constitutionally adequate bond hearing. *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Casas-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942, 950-51 (9th Cir. 2008).

VENUE

11. Venue is proper because Petitioner is detained at Otay Mesa Detention Center, 7488 Calzada De La Fuente, which is within the jurisdiction of this District.

12. Venue is further proper in this District because Respondents are officers, employees, or agencies of the United States, and a substantial part of the events or omissions


giving rise to the claims occurred in this District, and Petitioner resides in this District, and no real property is involved in this action. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

13. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

14. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

15. Petitioner Hoi Van Tran is a native and citizen of Vietnam born on  in Thai Binh, Vietnam. ICE arrested him on March 29, 2026, and initially held him at the Otay Mesa Detention Center in San Diego. He remains in the custody and under the direct control of Respondents and their agents. He has not been afforded an individualized bond hearing at which the government bore the burden of proof at any point since his arrest.

16. Respondent Christopher J. LaRose is the Warden of the Otay Mesa Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens. Respondent LaRose is a legal custodian of Petitioner.

17. Respondent Gregory J. Archambeault is sued in his official capacity as the Director of the San Diego Field Office of U.S. Immigration and Customs Enforcement. Respondent Archambeault is a legal custodian of Petitioner and has the authority to release him.

18. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Mullin is a legal custodian of Petitioner.

19. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Blanche is a legal custodian of Petitioner.

20. Respondent Todd M. Lyons is sued in his official capacity as the Director of U.S. Immigration and Customs Enforcement. In that capacity, he has the authority to detain, release, or supervise noncitizens in removal proceedings and is a legal custodian of Petitioner.

STATEMENT OF FACTS

21. Petitioner Hoi Van Tran is a 30-year-old native and citizen of Vietnam. He is a Catholic who was targeted by the Vietnamese Government for practicing his faith and for protesting government interference with religious services. He fled to the United States to seek protection from that persecution.

22. In July 2023, Vietnamese police officers entered Mr. Tran's church and ordered the congregation to stop their mass service, declaring it illegal. On August 6, 2023,

approximately thirty officers returned to the church and confronted the priest. Mr. Tran and several other parishioners went outside to speak with the officers and ask them to leave. The police responded by beating Mr. Tran and others with batons, deploying pepper spray, and arresting Mr. Tran.


23. Mr. Tran was detained for three days following that arrest. During his detention, officers interrogated and beat him daily, demanding that he sign a confession acknowledging that he had resisted law enforcement. He refused to sign. The police released him on August 9, 2023, but ordered him not to attend Mass.

24. On August 10, 2023, Mr. Tran joined fellow parishioners in a peaceful protest at the local People's Committee Office (equivalent to a city hall), calling on the government to respect their religious freedoms. Police again intervened, and when demonstrators declined to disperse, officers attacked the protesters with batons. Mr. Tran was again arrested and taken into custody.

25. Mr. Tran remained in Vietnamese police custody from August 10 to October 10, 2023. Officers interrogated him two to four times per week throughout his detention, beating him to compel him to confess to disturbing the public order and to renounce his Catholic faith. The abuse was so severe that in at least one interrogation, Mr. Tran lost consciousness and required hospitalization for one day before being returned to custody.

26. After his release in October 2023, police continued to summon Mr. Tran regularly, timing summonses to coincide with scheduled church services. Officers repeatedly demanded he stop practicing his religion and threatened re-arrest if he refused to renounce his faith. On November 5, 2023, the police issued such a threat explicitly. Vietnamese authorities

also issued a warrant for his arrest. Mr. Tran concluded he had no choice but to flee and left for Ho Chi Minh City before departing Vietnam.

27. Mr. Tran entered the United States on November 24, 2023, and was placed into removal proceedings. His case,  is pending before the Otay Mesa Immigration Court before the Honorable Judge Sameit. DHS issued a Notice to Appear, and Mr. Tran timely filed his application for asylum, withholding of removal, and protection under the Convention Against Torture. Individual merits hearings have been held, and Mr. Tran has already testified about the persecution he suffered in Vietnam. The proceedings remain pending with a next master calendar hearing scheduled for April 29, 2026. No final order of removal has been issued.

28. On March 29, 2026, ERO officers arrested Mr. Tran and took him into custody. ICE filed an I-830 Notice to EOIR that same day reflecting his detention at the Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego. The I-830 is the only document the government has produced in connection with his re-detention. It contains no findings, no risk assessment, no stated basis for re-detention, and was not signed by any ICE official. The government did not check the box indicating that Mr. Tran was being detained due to a prior criminal incarceration, because he had none. There is no record of any administrative review, changed-circumstances analysis, or individualized determination that re-detention was warranted.

29. At no point since his arrest on March 29, 2026, has Mr. Tran been afforded an individualized bond hearing. Moreover, under the BIA's current case law, any bond hearing before the immigration court would be futile because the BIA had made jurisdiction all but impossible for anyone who did not enter with a visa. *Matter of Yajure-Hurtado*, 28 I&N Dec.

380 (BIA 2021). This Court's intervention is therefore necessary to ensure Mr. Tran receives a constitutionally adequate hearing at which the government bears the burden of justifying his detention.

LEGAL FRAMEWORK

30. The Due Process Clause of the Fifth Amendment provides that no person shall be deprived of liberty without due process of law. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This protection extends fully to noncitizens. *Id.* at 693 ("[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent."); *see also Trump v. J.G.G.*, 604 U.S. 670, 673 (2025).

31. Conditional release from physical restraint gives rise to a protected liberty interest. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (parolee has protected interest in continued liberty); *Young v. Harper*, 520 U.S. 143, 150-53 (1997) (applying *Morrissey* to pre-parole release). "[E]ven when an initial decision to detain or release an individual is discretionary, the government's subsequent release of the individual from custody creates 'an implicit promise' that the individual's liberty will be revoked only if they fail to abide by the conditions of their release." *Calderon v. Kaiser*, No. 25-cv-06695-AMO, 2025 WL 2430609, at *2 (N.D. Cal. Aug. 22, 2025) (quoting *Morrissey*, 408 U.S. at 482). Numerous courts have extended this reasoning to the immigration context, holding that a noncitizen released from immigration detention "ha[s] a liberty interest in remaining out of custody on bond." *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019); *accord Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *12 (D. Ariz. Aug. 11, 2025).

32. Critically, the government's decision to release a noncitizen under 8 C.F.R. § 1236.1(c)(8) is not merely administrative convenience, and it is a determination on the merits. That regulation provides that release is permissible only upon a finding that "release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding." 8 C.F.R. § 1236.1(c)(8). When DHS released Mr. Tran in November 2023, it necessarily determined that he was neither a flight risk nor a danger to the community. *See Pinchi v. Noem*, No. 5:25-cv-05632-PCP, 2025 WL 2084921, at *4 (N.D. Cal. July 24, 2025) ("[Petitioner's] release from ICE custody after her initial apprehension reflected a determination by the government that she was neither a flight risk nor a danger to the community, . . ."). Having made that finding, the government cannot reverse it without due process and an individualized determination on why the need for detention outweighs the liberty interests.

B. Re-Detention Without Changed Circumstances Violates Due Process

33. When determining what process is due before re-detention, courts apply the three-factor balancing test of *Mathews v. Eldridge*, 424 U.S. 319 (1976): (1) the private interest at stake; (2) the risk of erroneous deprivation without additional procedures; and (3) the government's countervailing interest. *Id.* at 335. All three factors compel relief here.

34. First, the private interest here is substantial. "[F]reedom from restraint is essential to the basic definition of liberty. . ." *Foucha v. Louisiana*, 504 U.S. 71, 90 (1992) Kennedy *dissenting*, and a noncitizen who has built his life in the United States stands to lose not only freedom of movement but also the right to "stay and live and work" in the country and "to rejoin [his] immediate family." *Landon v. Plasencia*, 459 U.S. 21, 34 (1982). His wife remains out of custody and Mr. Tran was living with her prior to his arrest.

35. Second, the risk of erroneous deprivation is manifest. DHS released Mr. Tran in November 2023 after determining he was not a flight risk or danger. He complied with every condition of his release for over two years, appeared at all immigration court hearings, and gave the government no reason to conclude that its prior determination was wrong.

36. Third, the government has no legitimate countervailing interest in detaining a person who has already been determined to be neither dangerous nor a flight risk. "Detention for its own sake, to meet an administrative quota, or because the government has not yet established constitutionally required pre-detention procedures is not a legitimate government interest." *Pinchi*, 2025 WL 2084921, at *5. "In immigration court, custody hearings are routine and impose a minimal cost," and any delay would be negligible given that Mr. Tran is already in full removal proceedings. *Doe v. Becerra*, No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, at *2 (E.D. Cal. Mar. 3, 2025). All three *Mathews* factors favor Petitioner.

C. Section 1226(a) Governs; Mandatory Detention Does Not Apply

37. Mr. Tran is in full removal proceedings under 8 U.S.C. § 1229a, having been served a Notice to Appear and placed before an immigration judge. His detention is therefore governed by 8 U.S.C. § 1226(a), which authorizes discretionary arrest and detention and permits release on bond or conditional parole. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1196 (9th Cir. 2022).

38. Section 1226(c) mandatory detention does not apply. Mr. Tran has no criminal history and has not been charged with, arrested for, or convicted of any enumerated offense—including those added by the Laken Riley Act, Pub. L. No. 119-1 (2025). Section 1226(c) is therefore inapplicable on its face.

39. The government may contend that § 1225(b)(2) mandatory detention applies because Mr. Tran entered without inspection and has not been admitted or paroled. That argument fails. DHS itself released Mr. Tran in November 2023 pursuant to § 1226(a) and 8 C.F.R. § 1236.1(c)(8)—confirming that the agency treated § 1226(a) as the operative detention authority at the time of release. The government cannot now invoke a different, mandatory statute to re-detain him without process after having voluntarily released him under a discretionary one. Moreover, courts in this circuit—including in this district—have repeatedly rejected the government's expansive reading of mandatory detention under § 1225 for noncitizens in full § 1229a proceedings. *See, e.g., Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025).

D. Administrative Exhaustion Is Excused as Futile

40. Petitioner need not seek a bond hearing before the immigration court before pursuing habeas relief here, because any such hearing would be constitutionally futile. "[W]here the agency's position 'appears already set' and recourse to administrative remedies is 'very likely' futile, exhaustion is not required." *Vasquez-Rodriguez v. Garland*, 7 F.4th 888, 896 (9th Cir. 2021).

41. On September 5, 2025, the BIA issued *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding that immigration judges lack jurisdiction to conduct bond hearings or grant bond to noncitizens who entered without inspection and have not been admitted or paroled—a category that includes Mr. Tran. BIA decisions are binding on immigration judges. A bond hearing before an IJ would therefore be governed by *Yajure-Hurtado's* framework, under which Mr. Tran would be found not to be eligible for a bond due to the court's lack of jurisdiction. Therefore, judicial intervention is necessary.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Procedural Due Process — Fifth Amendment

Arbitrary Re-Detention Without Pre-Deprivation Hearing or Changed Circumstances

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

43. DHS released Mr. Tran in November 2023 after determining—as required by 8 C.F.R. § 1236.1(c)(8)—that he was not a danger to the community and was likely to appear for his proceedings. From that date through March 29, 2026, Mr. Tran honored that determination entirely: he appeared at all hearings, including individual merits hearings at which he testified, committed no crimes, and violated no conditions of release.

44. On March 29, 2026, ICE arrested Mr. Tran and took him to the Otay Mesa Detention Center. The only document produced in connection with this re-detention is a largely blank I-830 Notice to EOIR bearing no findings, no risk assessment, no stated basis for re-arrest, and no signature of any ICE official. The government provided no pre-deprivation hearing. No neutral decisionmaker evaluated whether changed circumstances existed. No individualized determination was made that Mr. Tran had become a flight risk or danger.

45. Under the *Mathews* balancing test, all three factors favor Petitioner. His interest is the most fundamental liberty interest the Due Process Clause protects. The risk of erroneous deprivation is high—re-detention was carried out with no process whatsoever against a person the government itself had already cleared. And the government's interest in conducting a routine bond hearing before re-detaining a two-year compliant releasee is minimal. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

46. The procedural due process violation is compounded by the unavailability of a constitutionally adequate remedy in immigration court. Under *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), an IJ would lack jurisdiction to conduct a bond hearing, or would conduct one at which the burden falls on Mr. Tran rather than the government. Either outcome fails to cure the constitutional violation. This Court's intervention is required.

47. Petitioner's re-detention without a pre-deprivation hearing or any changed circumstances violates the procedural due process guarantee of the Fifth Amendment.

COUNT TWO

Violation of The Immigration and Nationality Act and Implementing Regulations

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

49. The Immigration and Nationality Act authorizes immigration detention only to the extent it serves a legitimate, non-punitive purpose. This is primarily to ensure appearance and future hearings and to protect public safety. Substantive due process requires that "the nature and duration" of civil detention "bear some reasonable relation to the purpose for which the individual is" held. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972). Nonpunitive government detention violates the Due Process Clause unless it is justified by a special circumstance that outweighs the individual's constitutionally protected liberty interest. *Zadvydas*, 533 U.S. at 690.

50. The two recognized justifications for civil immigration detention are preventing flight risk and protecting the community from danger. *Id. Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017). "[T]he government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by a lesser bond or alternative conditions." *Hernandez*, 872 F.3d at 994.

51. Here, neither justification exists. The government itself determined in November 2023 that Mr. Tran was not a flight risk and did not pose a danger to the community. Nothing changed in the intervening two years. He has no criminal record. He appeared at every immigration court hearing. He is actively and diligently pursuing his asylum case. His re-detention bears no reasonable relation to preventing flight or protecting the community—the only purposes that can constitutionally justify it.

52. Petitioner's re-detention therefore violates the substantive due process guarantee of the Fifth Amendment.

COUNT THREE

Violation of 8 U.S.C. § 1226 and Associated Regulations

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

54. Under § 1226(a), noncitizens in removal proceedings receive bond hearings at the outset of detention. *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)). Mr. Tran has been held since March 29, 2026, without any such hearing.

55. When the government re-detains someone it has previously released, due process requires that any bond hearing be conducted to justify continued custody. The INA's implementing regulations, including 8 C.F.R. § 236.1(d), 1236.1, and 1003.19(a)-(f), require an opportunity to request a bond hearing so a judge can review their detention. Mr. Tran has also been released through a decision from the government that he is not a risk of flight nor a danger. The government should not be allowed to revoke the prior determination without a change in circumstances and an opportunity to be heard before an immigration judge. DHS had no such justification here when it detained Mr. Tran.

56. Because *Yajure-Hurtado* forecloses a constitutionally adequate bond hearing in immigration court, this Court must act. Petitioner's detention violates 8 U.S.C. § 1226 and the Fifth Amendment, and this Court should order his release or, in the alternative, a bond hearing before a neutral decisionmaker at which the government bears the burden to demonstrate changed circumstances sufficient to establish that Petitioner is a flight risk or danger to the community.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioner's redetention without a hearing or changed circumstances violated procedural and substantive Due Process of the Fifth Amendment;
- (4) The continued detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1231, and 8 C.F.R. § 241.13.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or, in the alternative, to conduct a constitutionally adequate bond hearing with the burden on the government for why detention should continue without the application of *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Dated: 04/26/2026

/s/ Matthew Henry Springmeyer
Matthew Henry Springmeyer, Esq.
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Hoi Van Tran, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: 04/26/2026

/s/ Matthew Henry Springmeyer
Matthew Henry Springmeyer, Esq.
Attorney for Petitioner