

Tran Lanh Van

NAME

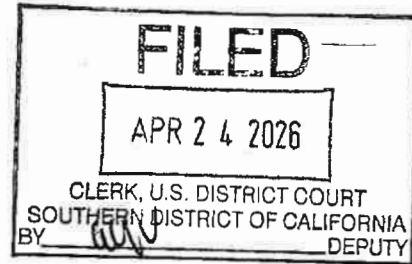

PRISON NUMBER

Imperial Regional Detention Facility

PLACE OF CONFINEMENT

1572 Gateway Road, CALEXICO, CA 92231

ADDRESS



**United States District Court
Southern District Of California**

TRAN LANH VAN

(FULL NAME OF PETITIONER)

Petitioner

v.

WARDEN JEREMY CASEY

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)

Respondent

and

The Attorney General of the State of
California, Additional Respondent.

Civil No.

'26CV2618 RSH DEB

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Are you currently:

☐ A pretrial detainee (waiting for trial on criminal charges)

☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: _____

(b) Docket or case number (if you know): _____

(c) Date of sentencing: _____

☒ Being held on immigration charge

☐ Other (explain): _____

2. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain:

U.S. Department of Homeland Security (DHS)

3. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities

☐ Pretrial detention

Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed

☐ Disciplinary proceedings

☐ Other (specify):

4. Provide more information about the decision or action you are challenging:

(a) Name and location of the court or agency:

U.S. Immigration and Customs EnforcementDHS.

(b) Case number, docket number or opinion number (if you know):

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

DEPORTATION Department Request Form 11/24/2025, Exhibit A

(d) Date of the decision or action: 03/25/2026, Exhibit A

5. Did you **appeal** the decision, file a grievance or seek an administrative remedy?

☐ Yes ☒ No

(a) If your answer to 5 was "Yes," give the following information:

(1) Name of court, agency or authority:

(2) Date of filing:

(3) Case number, docket number or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If your answer to 5 was "No," explain why you did not appeal: _____

No appeal available

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

☐ Yes ☒ No

(a) If your answer to 6 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____

(3) Case number, docket number or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If your answer to 6 was "No," explain why you did not appeal: _____

No appeal available

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

☐ Yes ☒ No

(a) If your answer to 7 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____

(3) Case number, docket number or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If your answer to 7 was "No," explain why you did not appeal: _____

_____ No appeal available _____

8. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should raise in this petition all available grounds on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: I have been detained for over 10 months.

(a) **Supporting FACTS** (state *briefly* without citing cases or law)

I am cooperated fully with ICE's efforts to remove me by providing information about my country of birth and country of citizenship, signing transfer documents, providing fingerprints and identification documents. See (Exhibit A). See *Ambroladze v. Maldonado*, No. 26-CV-00474 (HG), 2026 WL 280182, at *3 (E.D.N.Y. Feb. 3, 2026) (given that the typical remedy for unlawful detention is release, "the government's ongoing detention of Petitioner, in the face of yet another complete failure of process, entitles him to immediate release.")

Entered by the district court in *Jennings* for detainees held in the Central District of California "remains in place in the Central District of California until it is vacated by some further action by [the district court] or the Ninth Circuit." See Joint Status Report, *Rodriguez v. Martin*, No. CV 07-3239, at *2 (C.D. Cal. Mar. 5, 2018) (ECF No. 478). All noncitizen within the Central District of California who: (1) Are or were detained for

longer than six months pursuant to one of the general immigration detention statutes pending completion of removal proceedings, including judicial review; (2) Are not and have not been detained pursuant to a national security detention statute; and (3) Have not been afforded a hearing to determine whether their detention justified. *See Rodriguez v. Holder*, No. CV 07-3239 WL 5229795, at *1 (C.D. Cal. Aug. 6, 2013) (order granting permanent injunction).

The district court also approved subclasses, which correspond to the four general immigration detention statutes under which the class members are detained: 8 U.S.C. §§ 1225(b), 1226(a), 1226(c), and 1231(a). *Id.* On appeal, the Ninth Circuit had reversed the injunction as to Section 1231(a) subclass after concluding that “the § 1231(a) subclass does not exist.” *See Rodrigues*, 804 F.3d at 1086. For this reason, Section 1231(a) detainees’ right to a prolonged detention hearing was not before the Court in *Jennings*. The district court clarified that the injunction requires hearings for all noncitizens detained more than six months with pending cases, including noncitizens with reinstated removal orders and those in withholding-only proceedings. *See Rodrigues*, 2013 WL 5229795, at *1. The permanent injunction requires an automatic bond hearing before the immigration judge at six months of detention, where the government bears the burden of justifying continued detention by clear and convincing evidence. *Id.* at *1-2. The court further required that the immigration judge consider releasing individuals on reasonable conditions of supervision in making its custody decision. *Id.* at *2.

In *Diouf v. Napolitano (Diouf II)*, 634 F.3d 1081 (9th Cir. 2011), the Ninth Circuit held that prolonged detention under 8 U.S.C. § 1231(a)(6) is prohibited without an individualized hearing to determine whether the person is a flight risk or a danger to the community. *See* (Exhibit A) Because prolonged detention without a hearing presents serious due process concerns, and the statute did not plainly authorize such detention, the Court construed Section 1231(a)(6) to require a custody hearing before an immigration judge where detention has lasted six months. *Diouf II*, 634 F.3d at 1086. *Diouf II* clarified that “[a]s a general matter, detention is prolonged when it has lasted six months and is expected to continue more than minimally beyond six months.” *Id.* at 1092 n.13. The court also made clear that the government should not presumptively detain individuals for six months without a hearing. Rather, the government “should be encouraged to afford an alien a hearing before an immigration judge before the 180-day threshold has been reached if it is practical to do so, and it has already become clear that the alien is facing prolonged detention.” *Id.* *Jennings* did not abrogate the Ninth Circuit’s ruling in *Diouf II*. *See Ramos*, 2018 WL 1317276, at *3 (“*Jennings* ... left untouched the Ninth Circuit’s requirement of such hearings for immigrants detained under section 1231(a)(6).”). The question of whether Section 1231(a)(6) can be construed to require a custody hearing over prolonged detention was not before the Court in *Jennings*. Moreover, citing its prior decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Court underlined that, in contrast to the order general immigration detention statutes, Section 1231(a)(6) may be construed to limit prolonged detention, as the Ninth Circuit did in *Diouf II*. As the Court explained,

discussing its analysis of Section 1231(a)(6) in *Zadvydas*: “[T]he Court detected ambiguity in the statutory phrase ‘may be detained.’” “[M]ay” the Court said, “suggests discretion” but not necessarily “unlimited discretion. In that respect the word ‘may’ is ambiguous.”

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☒ No

GROUND TWO: The conditions of confinement.

(a) Supporting FACTS (state *briefly* without citing cases or law):

Nine month ago in Otay Mesa, I injured myself while exercising and my right testicle started to hurt. I thought pain medication would solve the problem, until a lump appeared in my right testicle, to the pain where I felt like I had three testicles. I decided to go to the doctor to get a prescription or a diagnosis. They performed an ULTRASOUND see Exhibit B, and indeed found a hernia in my right testicle, which to this day hurts when I cough or try to exert myself. I haven't received any treatment since, and I am afraid that if this continues, I'll have to resort to more expensive treatments, such as release or amputation, as the hernia is getting bigger and more painful.

Being held in custody like being in prison: (1) Constant threats from guards who have the power to send me to another facility with worse conditions. (2) Televisions and library time are limited, regardless of established rules. (3) Checking personal staff every week everyone is taken outside into little yard in unit. (4) Everyone is taken out into the exercise yard for two hours, forcibly, threatened with being sent to a punishment cell

called "alfa" for disobedience, regardless of their wishes or health, where there are few places to hide from the scorching sun. (5) The security staff treats us like criminals who have committed particularly serious crimes (they yell, abuse their authority, and insults). (6) I experience violations of laws and rights on a daily basis. the food they provide is of poor quality, the water is highly chlorates and poor quality.

The "equitable and flexible nature of habeas relief" affords district courts significant discretion over the appropriate remedies for violations of law and the Constitution. *See Velasco Lopez v. Decker*, 978 F.3d 842, 855 (2d Cir. 2020); *see also Schlup v. Delo*, 513 U.S. 298, 319 (1995) ("[H]abeas corpus is, at its core, an equitable remedy").

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☒ No

GROUND THREE: My detention has become unconstitutionally prolonged and violates the Fifth Amendment to the United States Constitution.

(a) Supporting FACTS (state *briefly* without citing cases or law):

The Fifth Amendment to the United States Constitution provides that "No person shall be ... deprived of life, liberty, or property, without due process of law," U.S. Const. Amend. V. The Supreme Court has held that the Due Process Clause of the United States Constitution applies to all persons within the United States, including aliens, whether their presence here is lawful, temporary or permanent. *See Zadvydas v. Davis*, 533 U.S. at 693. The Third Circuit has ruled that criminal aliens detained pending removal proceedings pursuant to 1226(c) of the INA have a due process right to a bond hearing once their detention becomes unreasonable. *See German Santos v. Warden Pike County*

Correctional Facility, 965 F.3d 203 (3rd Cir. 2020). In determining whether the detention of a person facing deportation is reasonable, the courts must consider four factors: (1) the duration of the detention; (2) whether the detention is likely to continue; (3) reasons for the delay; (4) whether the detainee's conditions of confinement are "meaningfully different from criminal punishment." *Id* at 210-211. The same inquiry applies whether the person is held pursuant to Section 1225(b) or 1226(c). *See German Santos v. Warden Pike County Correctional Facility*, 965 E.3d at 210.

Plaintiffs in *Jennings* challenged their prolonged detention without hearings on both constitutional and statutory grounds. They won a class-wide permanent injunction in the district court requiring custody hearings after six months of detention. *See Rodriguez v. Holder*, No. CV 07-3239, 2013 WL 5229795, at *1 (C.D. Cal. Aug. 6, 2013) (order granting permanent injunction).

In the decision below, the Ninth Circuit held that prolonged detention without a hearing under Section 1225(b), 1226(a), and 1226(c) raised serious due process concerns and concluded that none of the detention provisions at issue clearly authorized such detention. *See Rodriguez v. Robbins*, 804 F.3d 1060, 1074-77 (9th Cir. 2015). Applying the canon of constitutional avoidance, *see Zadvydas v. Davis*, 533 U.S. 678, 689 (courts should construe statutes to avoid serious constitutional concerns when it is "fairly possible" to do so), the court thus construed the statutes to require the automatic bond hearing before the immigration judge at six months of detention. *See Rodrigues*, 804 F.3d at 1078-85. Applying established the Ninth Circuit precedent, the court held that due process

requires the government to bear the burden of justifying continued detention by clear and convicting evidence. The court further required that the immigration judge consider releasing individuals on reasonable conditions of supervision and the length of the individual's detention in making the custody decision. Finally, the court ordered periodic bond hearings, every six months, for detainees who are not released after their first hearing. *Id.* At 1087-89.

See Kuot v. Bondi, 2025 U.S. Dist. LEXIS 267683, plaintiff contends hi is detained in violation of the Due Process Clause of the Fifth Amendment because his removal is not reasonably foreseeable under *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150L. Ed. 2d 653 (2001). The government disagrees and claims petitioner's removal is reasonably foreseeable. The parties agree Petitioner is detained under 8 U.S.C. § 1231. Under 8 U.S.C. § 1231, the government must detain a noncitizen during the 90 days following the entry of the removal order, during which time ICE attempts removal 8 U.S.C. § 1231(a)(2)(A). Petitioner was originally detained some 25 years ago, released, and re-detained by ICE about 2025; the 90-day removal period has obviously expired. After 90 days, the government may detain the noncitizen or release the noncitizen under supervision. * U.S.C. § 1231(a)(6).

Reasoning in *Jennings* reaffirms the Ninth Circuit's construction of Section 1226(c). As the Court in *Jennings* explained:

In *Demore v. Kim*, 538 U.S., at 529, we distinguished § 1226(c) from the statutory provision in *Zadvydas* by pointing out that detention under § 1226(c) has "a

definite termination point”: *the conclusion of removal proceedings*. As we made clear there, that “definite termination point”—and not some arbitrary time limit devised by courts—marks the end of the government’s detention authority under § 1226(c).

Jennings, 138 S. Ct. at 846 (emphasis added). However, the Court in *Jennings* also suggested that Section 1226(c) “mandates detention ‘pending a decision on whether the alien is to be removed from the United States’” *Id.* (quoting Section 1226(a)). The government may cite this language to argue that *Jennings* construes Section 1226(c) to authorize mandatory detention beyond removal proceedings before the immigration judge and BIA. However, because the Court in *Jennings* did not squarely address the issue presented in *Casas-Castrillon*—i.e., detention pending judicial review of the removal order—and because the discussion on page 846 of the opinion suggest that the Court did not consider that a final “decision on whether the alien is to be removed” may not occur until well after “the conclusion of removal proceedings,” *Casas-Castrillon* remains the circuit precedent unless and until revisited by the Ninth Circuit. See *Robertson*, 875 F.3d at 1291.

As noted above, several circuits had held prior to *Jennings* that prolonged detention mandatory detention under Section 1226(c) raises serious due process concerns. These decisions provide strong persuasive authority for arguing that due process requires a hearing over prolonged detention. Moreover, the Third Circuit *already* has held that mandatory detention under Section 1226(c) for an unreasonable period of time violates

the Due Process Clause. Thus, *Jennings* does not affect the Third Circuit's case law limiting prolonged mandatory detention.

Prior to *Jennings*, the Third Circuit held as a *constitutional* matter that due process prohibits mandatory detention for an unreasonable period of time. As the court explained in *Diop v. ICE/Homeland Security*,

Under the Supreme Court's holding [in *Demore v. Kim*, 538 U.S. 510 (2003)], Congress did not violate the Constitution when it authorized mandatory detention without a bond hearing for certain criminal aliens under § 1226(c). This means that the Executive Branch must detain an alien at the beginning of removal proceedings, without a bond hearing---and may do so consistent with the Due Process Clause---so long as the alien is given some sort of hearing when initially detained at which he may challenge the basis of his detention. *However, the constitutionality of this practice is a function of the length of the detention.* At a certain point, continued detention becomes unreasonable and the Executive Branch's implementation of § 1226(c) *becomes unconstitutional* unless the Government has justified its actions at a hearing inquiring into whether continued detention is consistent with the law's purposes of preventing flight and dangers to the community *In short, when detention becomes unreasonable, the Due Process Clause demands a hearing, at which the Government bears the burden of proving that continued detention is necessary to fulfill the purposes of the detention statute.*

656 F.3d 221, 232-33 (3d Cir. 2011) (emphasis added) (citing *Demore*, 538 U.S. at 532-33 (Kennedy, J., concurring). Accord *Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 470, 473-75 (3d Cir. 2015). The court in *Diop* also construed Section 1226(c) to include an implicit time limit and authorize mandatory detention for only a “reasonable” period. See *Diop*, 656 F.3d at 235. Although that holding has been abrogated by *Jennings*, the Third Circuit’s conclusion that unreasonable periods of mandatory detention violate due process remains good law. See, e.g., *Wilkins v. Doll*, No. 1:17-cv-2354 (M.D. Pa. Feb. 22, 2018) (ECF No. 9) (R&R) & (ECF No. 11) (M.D. Pa. Mar. 19, 2018) (post-*Jennings* order granting habeas relief and ordering bond hearing under *Chavez-Alvarez*).

The Third Circuit held that the analysis of whether mandatory detention violates due process is “necessarily a fact-dependent inquiry that will vary depending on individual circumstances.” *Diop*, 656 F.3d at 233, and clarified this framework in *Chavez-Alvarez*.

This Court should order a remedy that fully addresses the statutory and constitutional violations in this case and is efficient to administer. See *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968) (the habeas statute “does not limit the relief that may be granted to discharge of the applicant from physical custody. Its mandate is broad with respect to the relief that may be granted”).

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☒ No

(a) Supporting FACTS (state *briefly* without citing cases or law):

Applying established Ninth Circuit precedent, the court held that due process requires the government to bear the burden of justifying continued detention by clear and convincing evidence. The court further required that the immigration judge consider releasing individuals on reasonable conditions of supervision and the length of the individual's detention in making the custody decision. The court ordered periodic bond hearings, every six months, for detainees who are not released after their first hearing. *See Rodriguez v. Robbins*, 804 F.3d 1087-89 (9th Cir. 2015).

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is no significant likelihood of removal in the reasonably foreseeable future.” *Clark v. Martinez*, 543 U.S. 371, 378, 125 S.Ct. 716, 160 L.Ed. 2d 734 (2005) (quoting *Zadvidas*, 533 U.S. at 701).

To avoid a wasteful round of enforcement proceedings-or even two-while unlawful detention continues, this court should grant release or hold any bail hearing itself. See *Luciano-Jimenez v. Doll*, 543 F. Supp. 3d 69, 72 (M.D. Pa. 2021) (finding court-ordered bond hearing was not individualized and granting federal court hearing); see also *Chi Thom Ngo v. I.N.S.*, 192 F.3d 390, 398 (3d Cir. 1999) (“The fact that some aliens posed a risk of flight in the past does not mean that they will forever fall into that category. Similarly, presenting danger to the community at one point by committing crime does not place them forever beyond redemption. Measures must be taken to assess the risk of flight and danger to the community on a current basis.”). Exhibit A.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☒ No.

9. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them:

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?

☐ Yes ☒ No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding _____
N/A

(b) On appeal from any adverse ruling in a post-conviction proceeding _____
N/A

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

04/21/2026
(DATE)


SIGNATURE OF PETITIONER