

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

BAO TIN NGUYEN,	:	
	:	
Petitioner,	:	
	:	Case No. 4:26-cv-00718-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
Warden, STEWART DETENTION	:	
CENTER,	:	
	:	
Respondent.	:	

RESPONSE TO COURT ORDER

Petitioner, Bao Tin Nguyen, filed his Petition for writ of habeas corpus on April 28, 2026. ECF No. 1 (“Pet.”). On May 8, 2026, the Court held a hearing on the Petition and directed the Parties to supplement the record by May 18, 2026. See ECF No. 10. Specifically, the Court directed Respondent to provide information regarding the revocation of Petitioner’s Order of Supervision (“OSUP”) and further details regarding both commercial and charter removal to Palau. *Id.* Respondent files this Response to the Court’s Order.

UPDATED BACKGROUND

Petitioner is a native and citizen of Vietnam subject to removal from the United States, but he cannot be removed to Vietnam. Pet. ¶ 49. On April 21, 2026, Petitioner was re-detained for the purposes of effectuating his removal to Palau, after the Government of Palau and the United States of America entered into a Memorandum of Understanding, and the Government of Palau agreed to accept Petitioner as a third country removal. *See* Declaration of Janese Mull (“Mull Decl.”), ECF No. 9-1 at ¶¶ 4-7. Petitioner was scheduled for a flight to Palau on May 4, 2026, but following the Court’s temporary restraining order issued on April 29, 2026, Petitioner’s removal was held in

abeyance awaiting the Court's final decision on the habeas petition. Immigration and Customs Enforcement ("ICE") / Enforcement and Removal Operations ("ERO") still intend to remove Petitioner to Palau. Declaration of Thurman Karan, Acting Unit Chief, Removal Management Division, Removal International Operations, Asia, ICE/ERO ("Karan Decl.") at ¶ 4.

Pursuant to the agreement between the United States and the Republic of Palau, commercial removals are permitted provided that the individual being removed possesses a valid passport issued by their country of origin and that Palau receives advance notice regarding the scheduled removal. *Id.* ¶ 5. Petitioner possesses a valid Vietnamese passport. Ex. C. ICE is working with the Government of Palau to assist in facilitating Petitioner's removal. *Id.* ¶ 6. ICE will evaluate available options and coordinate the arrangement of a commercial flight at the earliest opportunity. *Id.*

On April 21, 2026, ICE/ERO revoked Petitioner's OSUP and served him with a copy of the revocation. Declaration of Jason Godwin ("Godwin Decl.") ¶ 6 & Ex. A. On May 17, 2026, ICE/ERO offered Petitioner an informal interview to respond to the reasons for the revocation of his OSUP. *Id.* ¶ 7 & Ex. B. Petitioner did not provide any statements or documents. *Id.* ¶ 7 & Ex. B. Petitioner is currently detained at Stewart Detention Center in Lumpkin, Georgia, pursuant to 8 U.S.C. § 1231(a)(6) for the purpose of effectuating his imminent removal to Palau. See 8 C.F.R. § 241.13(i)(1)-(2).

ARGUMENT

At the conclusion of the hearing on May 8, 2026, the Court asked Respondent to provide an update regarding the revocation of Petitioner's OSUP, continued plans for removal, and the process for commercial removal.

Petitioner's OSUP was revoked on April 21, 2026, and he was provided with the notice on the same day. Godwin Decl. ¶ 6 & Ex. A. Petitioner was offered an opportunity to respond to the reasons for the revocation on May 17, 2026. *Id.* ¶ 7 & Ex. B. Respondent has therefore complied with the requirements for revocation of Petitioner's OSUP. *See* 8 C.F.R. §§ 241.13(i)(2) & 241.4.

Further, ICE/ERO remains intent on Petitioner's removal to Palau. Only this Court's TRO prevents ICE/ERO from effectuating that removal. Karan Decl. ¶ 4. As stated previously, and as described in the Declaration of Thurman Karan, commercial removal (i.e. removal via booking on a commercial flight rather than an ICE chartered plane) is permitted where the individual being removed possesses a valid passport and Palau receives advance notice of the scheduled removal. *Id.* ¶ 5. Petitioner possesses a valid Vietnamese passport. *See* Ex. C. ICE intends to coordinate a commercial flight at the earliest opportunity in order to facilitate Petitioner's removal to Palau, once the Court's TRO is lifted or expires. *Id.* ¶ 6.

CONCLUSION

For the foregoing reasons and those described in Respondent's Response, the Petition should be denied and the TRO dissolved.

Respectfully submitted, this 18th day of May, 2026.

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