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AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

LUU, HUNG MINH
 Petitioner

Department of Homeland Security
 Enforcement and Removal Operations
 Attorney General of the United States
WARDEN, NORTH FLORIDA DETENTION FACILITY
 Respondent
 (name of warden or authorized person having custody of petitioner)

Case No.

3:26-cv-01097-JEP-PDB
 (Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: LUU, HUNG MINH
 (b) Other names you have used: N/A
2. Place of confinement:
 (a) Name of institution: North Florida Detention Facility
 (b) Address: 20706 U.S. Highway 90 West, Sanderson Florida 32087
 (c) Your identification number: A# [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. 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 number of criminal case: _____
 (c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

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

- (a) Name and location of the agency or court: 20706 U.S. Highway 90 West, Sanderson, FL
NORTH FLORIDA Detention Facility Zip 32087
 (b) Docket number, case number, or opinion number: [REDACTED]
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
I was placed in Re-detention with out change in Circumstance in my Case.
Re-detention with Out new facts is Arbitrary, Capricious, and UnConstitutional.
I am not challenging 180 Day Supreme Court Ruling at this time.
 (d) Date of the decision or action: November 25th 2025

Your Earlier Challenges of the Decision or Action

7. First appeal

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

☐ Yes ☒ No

(a) If "Yes," provide:

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

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

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

☐ Yes ☒ No

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(a) If "Yes," provide:

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

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. Third appeal

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

☐ Yes☒ No

(a) If "Yes," provide:

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

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☒ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: November 25th 2025(b) Date of the removal or reinstatement order: 1994

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

Re-Detention Without changed Circumstances is Arbitrary and Unlawful.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner was previously released and complied with Supervision for 25 years. Nothing about Petitioner's circumstance has changed. Re-detention with out new facts is Arbitrary, Capricious, and UnConstitutional. It also violates fundamental principles of procedural due-process because, petitioner received No notice, No hearing, and no opportunity to contest the basis for re-detention.

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

☐ Yes

☒ No

GROUND TWO:

Court have recognized that re-detention under such Circumstances is Arbitrary and unlawful.

SEE: *Fan Fan v. Noem*, No 3:25-cv-03291-DMS-BILW(S.D. Cal. Dec 12, 2025)

(a) Supporting facts (Be brief. Do not cite cases or law.):

Those previously released by DHS like Petitioners have necessarily been deemed neither a flight risk nor a danger. 8 C.F.R. § 1236.1(C)(8) Authorizing release of noncitizens under 1226(d) if they "would not pose a danger to property or persons" and are likely to appear in future proceeding" 8 C.F.R. 212.5(b) (Authorizing parole from custody of noncitizens deemed "neither a security risk nor a risk of absconding")

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

☐ Yes

☒ No

GROUND THREE: In Cases of individuals previously released by DHS, re-detention under section 1226(a) requires an individualized determination of a material change in circumstances relating to flight risk or danger.

"DHS re-detention and re-arrest individuals only after a "material" change in circumstances"

(a) Supporting facts (Be brief. Do not cite cases or law.):

Immigration detention has two regulatory goals: ensuring the appearance of noncitizens at future immigration proceeding and preventing danger to the community. Petitioner does not pose nor a danger to the community. Nor is he flight risk, he does not have travel documents.

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

☐ Yes

☐ No

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GROUND FOUR: Absent a material change in Circumstances, the re-detention of Noncitizens previously released by DHS violates the INA because it does not serve the purpose of the statute. SEE *Beltran V. RIPA* No. 2-25-cv-01171 SPC-NPM (United States District Court Middle District of Florida, Ft. Myers

(a) Supporting facts (Be brief. Do not cite cases or law.): Division Jan 2, 2026

Years of Compliance demonstrate Petitioner is not a Flight Risk. Respondents have failed to explain why less Restrictive alternatives to detention—such as telephone reporting or Supervision would be insufficient. Petitioner poses no danger to the Community. The Government has previously decided to release a noncitizen and there is no evidence in the record of any changed Circumstance that might have caused the Government to reconsider its initial decision

(b) Did you present Ground Four in all appeals that were available to you? to release the noncitizen.

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: N/A

Request for Relief

15. State exactly what you want the court to do: WHEREFORE, Petitioner respectfully request that the Court
- 1) Assume Jurisdiction over this matter;
 - 2) Grant the Petition for Writ of Habeas Corpus;
 - 3) Order Petitioner's immediate release under reasonable Conditions of Supervision;
 - 4) Alternatively, Order Respondents to show cause why Petitioner should not be release;
 - 5) Grant any additional relief this Court deems Just and proper.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 04/23/26


Signature of Petitioner

Signature of Attorney or other authorized person, if any

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