

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

LE DUNG MINH
Petitioner

DEPARTMENT OF HOMELAND SECURITY
 ENFORCEMENT AND REMOVAL OPERATIONS
 ATTORNEY GENERAL OF THE UNITED STATES
 WARDEN, NORTH *Respondent* FLORIDA DETENTION FACILITY
 (name of warden or authorized person having custody of petitioner)

Case No. 3:26-CV-1148-JEP-PI
(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: LE DUNG 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)☐ 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: NORTH FLORIDA Detention Facility
20706 US. Highway 90 West, Sanderson, Florida 32084(b) Docket number, case number, or opinion number: A [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.
My Detention is Unlawfully, I am not challenging 180 DAYS Supreme Court Ruling at this time

(d) Date of the decision or action: 02-09-2026**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: _____

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(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

(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: _____

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(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

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:

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- (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: 02-09-2006
- (b) Date of the removal or reinstatement order: In the year of 2006
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

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: _____

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(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.

GROUND ONE: Re-detention without changed circumstances is Arbitrary and Unlawful. Nothing about Petitioner's Circumstances has changed in his Case. Petitioner was previously released and Complied with Supervision for 20 years. And 20 years never had any violations or has become a Flight Risk or a danger.

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GROUND FOUR: Years of Compliance demonstrate Petitioner is not a flight risk. Respondents have failed to explain why Petitioner is back in Re-detention. Petitioner poses no danger to the Community.

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 Do not cite cases or law.):

The Government has previously decide to release a noncitizen petitioner and there is no evidence in the record of any changed circumstance that might have caused the Government to Reconsider its initial decision to release the petitioner. Courts have found the Government's interest in re-detention is low. SEE Doe v Chestnut, NO 1:25-cv-01372(HC), 2025 WL 3295154, at *10 (E.D. Cal. Nov. 26, 2025). This factor, too, weighs in favor of the Petitioner.

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

☐ 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

WHEREFORE, Petitioner respectfully requests that the Court.

Request for Relief

15. State exactly what you want the court to do: 1. Assume Jurisdiction over this matter.
2. Grant the Petition for Writ of Habeas Corpus.
3. Order Petitioner's release immediately under reasonable Conditions of [OSUP]
4. Alternatively, Order Respondents to show Cause why Petitioner should not be released.
5. Grant any additional relief this Court deems just and proper.

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

Re-detention without 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. Courts have recognized that re-detention under such circumstances is Arbitrary and Unlawful. SEE *Fanfan V. Noey*, No. 3:25-cv-03291 - DHS-BTW (S.D. Cal. Dec. 12, 2025)

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

☐ Yes☒ No

GROUND TWO: "The Due Process clause applies to all 'Persons' within the United States, including [NONCITIZENS], whether their presence here is lawful, unlawful, temporary, or permanent." *ZADWYDAS*, 533 U.S. at 693.

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

Immigrations detention "has two regulatory goals: Ensuring the appearance of [noncitizens] at future immigration proceeding and preventing danger to the Community". 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)(3) (authorizing parole or 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?

☐ Yes☒ No

GROUND THREE: In Cases of individuals previously released by DHS, re-detention under 12ab(A) requires an individualized determination of a material change in circumstances relating to flight risk or danger.

SEE *Ortega*, 415 F. Supp. 3d at 968 ("DHS-re-arrests individuals only

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

after a "material" change in circumstances" (citing *Saravia*, 280 F. Supp. 3d at 1197)); SEE also *Matter of Sugay*, 171 I & N Dec. 637, 640 (B.I.A. 1981) ("[W]here a previous bond determination has been made by an immigration Judge, no change should be made by [DHS] absent a change of circumstance") Absent a material change in circumstance, the re-detention of [non-citizens] previously released by DHS violates the INA because it does NOT serve the purpose of the statute.

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

☐ Yes☒ No

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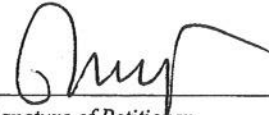
Declaration Under Penalty Of Perjury

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:

04/28/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any