

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

SAHN HONG TRAN,

Petitioner.

v.

JASON STREEVAL, in his official capacity as
Warden, Stewart Detention Center.

Respondent.

Case No. _____

HEARING REQUESTED

Agency number: A



**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

1. Petitioner Sahn Hong Tran (“Petitioner” or “Mr. Tran”) is a citizen of Vietnam who is currently detained at Stewart Detention Center (“Stewart”). He has been in the custody of U.S. Immigration & Customs Enforcement (“ICE”) for more than six (6) months, since on or about October 8, 2025, when he was transported to Stewart following his arrest in North Carolina.

2. Like thousands of other Vietnamese nationals with final orders of removal, Mr. Tran had been living in his community under supervised release before ICE arrested him and

transported him to Stewart Detention Center in Lumpkin, Georgia — far from his wife and family in Eden, North Carolina.

3. Mr. Tran entered the United States in 1982, as a refugee (ECF No. 1, Exh. 4). He has lived in the United States for over forty-four (44) years. Despite cooperating with ICE and filling out the required paperwork for a travel document, Mr. Tran does not believe Vietnam has issued or will issue a travel document for him in the reasonably foreseeable future.

4. Mr. Tran has now been detained for more than six months post-order, awaiting deportation to Vietnam, and there is no significant likelihood that he will be removed in the reasonably foreseeable future. Mr. Tran's detention has become unconstitutionally prolonged under the framework set out in *Zadvydas v. Davis*, 533 U.S. 678 (2001). He therefore challenges his prolonged and indefinite detention as a violation of the Immigration and Nationality Act ("INA") and the Due Process Clause.

5. Mr. Tran respectfully requests that this Court grant him a Writ of Habeas Corpus, ordering Respondent to release him from custody.

JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and art. I, sec. 9, cl. 2 of the U.S. Constitution (Suspension Clause), as Mr. Tran is presently in custody under or by color of the authority of the United States, and he challenges his custody as in violation of the Constitution, laws, or treaties of the United States.

7. "[W]here Congress does not say there is a jurisdictional bar, there is none." *Santiago-Lugo v. Warden*, 785 F.3d 467, 473 (11th Cir. 2015). "Congress knows how to limit

courts' subject matter jurisdiction to decide § 2241 petitions when it wishes to do so. The fact that it did not limit courts' subject matter jurisdiction to decide unexhausted § 2241 claims compels the conclusion that any failure of [the respondent] to exhaust administrative remedies is not a jurisdictional defect." *Id.* at 474.

8. In the absence of a statutorily mandated exhaustion requirement, whether to apply a common law exhaustion requirement is a decision subject to sound judicial discretion, considering congressional intent and any applicable statutory scheme. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992); *see also Richardson v. Reno*, 162 F.3d 1338, 1374 (11th Cir. 1998); *Yahweh v. U.S. Parole Comm'n*, 158 F. Supp. 2d 1332, 1341 (S.D. Fla. 2001).

9. Here, there is no reason to require exhaustion as Mr. Tran has no meaningful administrative remedy to request. Mr. Tran's prolonged detention raises constitutional issues. "[A] petitioner need not exhaust [their] administrative remedies 'where the administrative remedy will not provide relief commensurate with the claim.'" *Boz v. United States*, 248 F.3d 1299, 1300 (11th Cir. 2001) (quoting *Haitian Refugee Ctr., Inc. v. Nelson*, 872 F.2d 1555, 1561 (11th Cir. 1989)). Thus, "[b]ecause the BIA does not have the power to decide constitutional claims ... certain due process claims need not be administratively exhausted." *Warsame v. U.S. Att'y Gen.*, 796 F. App'x. 993, 1006 (11th Cir. 2020). *See also Haitian Refugee Ctr., Inc.*, 872 F.2d at 1561, *aff'd sub nom. McNary v. Haitian Refugee Ctr., Inc.*, 498 U.S. 479 (1991).

10. Thus, this Court has jurisdiction over Mr. Tran's § 2241 action because exhaustion of administrative remedies is not required, and his petition raises constitutional issues that cannot be addressed administratively.

11. Venue is proper in the Middle District of Georgia, Columbus Division, pursuant to 28 U.S.C. §§ 1391 and 2241(d) because Mr. Tran is detained at the Stewart Detention Center in Lumpkin, Georgia.

PARTIES

12. Petitioner Sahn Hong Tran is a Vietnamese national who has lived in the United States since 1982, when he arrived as a refugee as a minor, along with several family members. He has most recently been in ICE custody since on or about October 8, 2025, when he was transferred to ICE custody following an arrest in North Carolina the day before. He has been at Stewart since on or about October 10, 2025.

13. Respondent Jason Streeval is sued in his official capacity as Warden of Stewart Detention Center (Stewart) in Lumpkin, Georgia, where Mr. Tran is currently detained. As Warden, he is responsible for the operations of Stewart, including overseeing the people in the facility's custody and, as such, is Mr. Tran's immediate physical custodian.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

Repatriation of Vietnamese Nationals

14. In 2008, after ten years of negotiation, Vietnam and the United States executed a repatriation agreement to govern the repatriation of certain Vietnamese immigrants with final orders of removal to Vietnam. Before this agreement was negotiated, Vietnam refused to repatriate the overwhelming majority of Vietnamese immigrants ordered removed from the United States.

15. The repatriation agreement officially opened the door for repatriation of Vietnamese immigrants who arrived to the United States on or after July 12, 1995. However,

Vietnam continued to accept only a limited number of persons for repatriation each year. As Mr. Tran entered the U.S. before July 12, 1995 — specifically, as a refugee on January 16, 1982 — he did not fit under the scope of that agreement.

16. In 2020, the U.S. and Vietnam entered into a Memorandum of Understanding (MOU) for the acceptance and repatriation of Vietnamese citizens who entered the U.S. before July 12, 1995, and currently have final orders of removal. Mr. Tran fits into this category. However, despite this MOU, Mr. Tran has been detained with a final order of removal for more than six months. In the interim, ICE has gone ahead and used the opportunity to publicize his detention, labeling him as the one of the “worst of the worst.” Despite this, Mr. Tran remains detained with a final order of removal.

17. Before a Vietnamese immigrant without a passport or other travel document can be repatriated, Vietnam must issue a passport or other travel document in response to a request from ICE. *See Trinh v. Homan*, 466 F. Supp. 3d 1077, 1083 (C.D. Cal. 2020).

18. The process for requesting a travel document from Vietnam requires the submission of a document package, including documents pertaining to the person’s biography, citizenship, and criminal history. Upon request, the Vietnamese government may also interview individuals considered for repatriation about their Vietnamese citizenship, biographical data, and last place of residence.

19. Moreover, the repatriation agreement states that Vietnam will consider each person for repatriation on a case-by-case basis, after determining nationality and taking into account “the humanitarian aspect, family unity[,] and circumstances of each person in each individual case.”

20. Upon information and belief, the Vietnamese government's process for determining whether to issue a travel document can be complex and lengthy and may include outreach to members of the person's family to verify the person's past or present ties to Vietnam.

21. Because of the Vietnamese government's overall lack of cooperation, the United States government has been unable to carry out most orders of removal to Vietnam. Consequently, ICE has for years routinely released Vietnamese immigrants with final orders of removal from immigration custody upon or even before expiration of the 90-day removal period. Thousands of Vietnamese returned to their families, their jobs, and their communities and built productive, peaceful lives following completion of their removal proceedings.

Mr. Tran's Background and History

22. Mr. Tran is a citizen of Vietnam who entered the United States in 1982 as a refugee (ECF No. 1, Exh. 4). He came as part of a group of eight people, including his mother, father, and five siblings (ECF 1 Exh. 10, ¶ 3). His family fled Vietnam because 

. *Id.* After the fall of South Vietnam, the family sought protection and first spent approximately eighteen months in a refugee camp in the Philippines, before a Catholic Church in the United States agreed to sponsor them and help them resettle here. *Id.* Mr. Tran has never left the U.S. since his sole entrance as a refugee. He then adjusted status and became a Lawful Permanent Resident on May 23, 1984. *Id.* at Exh. 5.

23. The family settled in Biloxi, Mississippi, where Mr. Tran grew up and graduated from high school around 1992. *Id.* at Exh. 1, ¶ 4. He later moved to Georgia at age eighteen,

and then to North Carolina around 1994. *Id.* He then moved to and lived in Puerto Rico for several years before he returned to North Carolina. *Id.*

24. Mr. Tran, while a minor, became a Lawful Permanent Resident. *Id.* at Exh. 5. He never naturalized.

25. His wife is a Lawful Permanent Resident, and he has USC children. *Id.* at Exh. 11. He has other family in the U.S., including siblings, and he has a nephew in the military. *Id.* at Exh. 10, ¶ 6.

26. Mr. Tran has been a business owner for many years. *Id.* at ¶ 7.

27. Mr. Tran acknowledges that he has a prior criminal history. *Id.* at ¶ 8; *see also*, ECF No. 1, Exh. 6. He spent time in jail and has also been sentenced to probation. His criminal history resulted in then INS initiating removal proceedings against him. *Id.* at Exh. 5.

28. At the time INS filed the Notice to Appear, Mr. Tran was in INS custody in Puerto Rico before he was released under a \$5,000 bond.¹ (ECF No. 1, at Exh. 4).

29. An Immigration Judge in Atlanta ordered his removal on January 16, 2003. *Id.* at Exhs. 2-3. No other country is listed in the removal order. *Id.* Petitioner reserved the right to appeal. *Id.* Neither side appealed, however, and the removal order became administratively final on February 19, 2003. *Id.* at Exh. 3.

¹ Counsel for the Petitioner has a copy of the Freedom of Information Act (FOIA) results from the Executive Office for Immigration Review (EOIR) to understand what happened in removal proceedings. His immigration court case was then moved to Atlanta on October 3, 2000. Counsel apologizes that some of the documents are difficult to read.

30. Mr. Tran was previously detained at Stewart Detention Center in 2010 for approximately seventy-three to seventy-five days. *Id.* at Exh. 10, ¶ 9. Mr. Tran was cited in North Carolina for speeding, and the police informed him that DHS had a warrant for him. During that time, he was subsequently placed under an Order of Supervision and was required to report to the ICE office in Charlotte, North Carolina. *Id.* at Exh. 8. After reporting a couple of times, a supervisor informed him that he did not need to continue reporting in person, and that if he moved, he should call and notify them. *Id.* at Exh. 10, ¶ 9. Mr. Tran complied with those instructions.

31. In that time, Mr. Tran applied for and received Employment Authorization Documents from USCIS several times based on the (c)(18) category, as he was under an Order of Supervision. *Id.* at Exh. 9. He had work authorization until at least April 19, 2019. *Id.*

32. Mr. Tran was arrested on or about October 7, 2025, in North Carolina, and ICE placed a hold on him. *Id.* at Exh. 10, ¶ 10. The following day, he was brought first to the ICE office in Charlotte and then transported to Stewart Detention Center, where he has been detained since on or about October 10, 2025. *Id.*; *see also*, Exh. 1.

33. In December 2025, an ICE officer met with Mr. Tran at Stewart and provided paperwork for a travel document, which he filled out to the best of his ability. *Id.* at Exh. 10, ¶ 11. On or about April 16, 2026, another ICE officer named Simonton met with Mr. Tran and asked him to sign a document indicating cooperation so that ICE could attempt to obtain a travel document. *Id.* at ¶ 12.

34. On or about May 7, 2026, Deportation Officer Simonton met with Petitioner in person at Stewart. *Id.* at ¶ 13. Officer Simonton did not provide any documents to Petitioner or

ask him to sign anything. *Id.* The officer told Petitioner his case was higher up in ICE’s system, meaning he may either be removed or released soon, but he did not provide any more information. *Id.* Petitioner estimates the meeting was between five to seven minutes. *Id.*

35. Mr. Tran has never held a Vietnamese passport. He was born during the war in Cam Ranh Bay, in the south of Vietnam, at home rather than in a hospital. *Id.* at ¶ 13. Moreover, Mr. Tran’s own father applied for a visa to visit Vietnam in 1993, and it took the Vietnamese government approximately five years to issue it — with the delay attributed to difficulties in verifying his identity. *Id.* These specific, documented circumstances make it highly unlikely that Vietnam will issue a travel document for Mr. Tran in the reasonably foreseeable future.

36. Mr. Tran has no close family, if any, remaining in Vietnam. *Id.* at ¶ 14. Since his family fled the country to the Philippines, he has had no contact with anyone in Vietnam and does not know of any family members still living there. *Id.* ICE has never asked Mr. Tran to speak directly with the Vietnamese government, whether by phone, video, or in person.

37. Mr. Tran’s 90-day removal period expired in January 2026. He has now been detained for more than six months, with no indication that Vietnam has issued or will issue a travel document.

LEGAL FRAMEWORK

38. “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 [of the Fifth Amendment] protects.” *Zadvydas*, 533 U.S. at 690.

39. The Due Process Clause requires that the deprivation of Mr. Tran’s liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292,

301-02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests ... unless the infringement is narrowly tailored to serve a compelling state interest”). As the Supreme Court held in *Zadvydas*, indefinite detention raises a “serious constitutional problem” and runs afoul of the Due Process Clause. 533 U.S. at 690.

40. 8 U.S.C. § 1231 governs the detention and removal of noncitizens, like Mr. Tran, who have been ordered removed. Section 1231(a)(2) authorizes a 90-day period of mandatory post-final-removal-order detention, during which ICE is supposed to effectuate removal.

41. Those who are not removed within the 90-day removal period should be released under conditions of supervision. *See* § 1231(a)(3). The Government may continue to detain certain noncitizens beyond the 90-day removal period if they have been ordered removed on grounds stemming from criminal convictions, or security concerns, or if they have been determined to be a danger or flight risk. *See* § 1231(a)(6).

42. In *Zadvydas*, the Supreme Court held that § 1231(a)(6), when “read in light of the Constitution’s demands, limits [a noncitizen]’s post-removal-period detention to a period reasonably necessary to bring about that alien’s removal from the United States.” 533 U.S. at 689. A “habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal.” *Id.* at 699. “[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized.” *Id.* At that point, the individual must be released because his continued detention would violate both the statute and the Due Process Clause of the Constitution. *Id.*

43. In determining a period reasonably necessary to effectuate removal, the *Zadvydas* Court adopted a “presumptively reasonable period of detention” of six months, inclusive of the

90-day removal period. *Id.* at 701. “After this six-month period, once the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.* Thus, after six months, the Government bears the burden of disproving a detained person’s “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Clark v. Martinez*, 543 U.S. 371, 386 (2005); *see also Adu v. Bickham*, No. 7:18-cv-103-WLS-MSH, 2018 WL 6495068 (M.D. Ga. Dec. 10, 2018) (R&R recommending release under *Zadvydas*).

44. A noncitizen who has been detained beyond the presumptive six-month period should be released if the Government is unable to present documented confirmation that removal is likely to occur in the reasonably foreseeable future. *Clark*, 543 U.S. at 386; *see also McKenzie v. Gillis*, No. 5:19-cv-139, 2020 WL 5536510, at *3 (S.D. Miss. July 30, 2020), *report and recommendation adopted*, 2020 WL 5535367 (S.D. Miss. Sept. 15, 2020).

45. Even where detention meets the *Zadvydas* standard for reasonable foreseeability, detention violates the Due Process Clause unless it is “reasonably related” to the government’s purpose of preventing danger or flight risk. *See Zadvydas*, 533 U.S. at 700.

46. Release is the proper remedy for unconstitutionally prolonged post-removal-order detention. *See Zadvydas*, 533 U.S. at 699–700 (explaining that supervised release is the appropriate relief when “the detention in question exceeds a period reasonably necessary to secure removal”).

47. Mr. Tran’s detention fits squarely within the *Zadvydas* framework. His removal order became final in January 2003. Nothing has suspended or tolled the removal period since

ICE detained him on or about October 8, 2025. He is therefore subject to permissive post-removal-order detention under 8 U.S.C. § 1231(a)(6) and his claim is ripe for court review.

48. “[F]or detention to remain reasonable, as the period of post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Zadvydas*, 533 U.S. at 701. ICE has had over twenty-three (23) years to try to remove Mr. Tran since his removal order became final, and it has failed to do so. Even since the MOU went into effect, ICE has had several years.

49. Removal “seems a remote possibility at best.” *Zadvydas*, 533 U.S. at 690. Thus, Mr. Tran’s continued detention violates the implicit requirement in 8 U.S.C. § 1231(a)(6) that detention may not become unreasonably prolonged. In addition, his continued detention does not serve a legitimate government purpose and lacks sufficient procedural protections in violation of the Due Process Clause.

CLAIMS FOR RELIEF

Count One

Violation of the Fifth Amendment of the U.S. Constitution Procedural and Substantive Due Process

50. Mr. Tran incorporates by reference all preceding paragraphs as if fully set forth here.

51. The Fifth Amendment to the U.S. Constitution provides that “[n]o person ... shall be ... deprived of life, liberty, or property, without due process of law.” U.S. Const., amend. V.

52. The Fifth Amendment's due process protections extend to all individuals within the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

53. The Due Process Clause of the Fifth Amendment also requires detention to "bear a reasonable relationship" to the purpose for which an individual is detained. *Zadvydas v. Davis*, 533 U.S. at 690. Post-final-order detention bears no reasonable relation to its principal purpose if removal cannot be effectuated. *Id.* at 697.

54. ICE's detention of Mr. Tran violates his right to substantive due process because ICE has not demonstrated that his removal is reasonably foreseeable. *See Zinermon v. Burch*, 494 U.S. 113, 125 (explaining that the Due Process Clause "bars certain arbitrary, wrongful government actions regardless of the fairness of the procedures used to implement them"); *Zadvydas*, 533 U.S. at 696 (finding a "serious question as to whether" indefinite detention is unconstitutional "irrespective of the procedures used").

55. Mr. Tran has been detained continuously for more than six months since ICE detained him on October 8, 2025. The government must now show that removal is "reasonably foreseeable." It cannot simply rely on generalized evidence of the possibility of repatriation to Vietnam but must present particularized evidence that Mr. Tran's removal is reasonably foreseeable.

56. The requirement for individualized evidence is well-established. *See Nguyen v. Hyde*, 788 F. Supp. 3d 144, 152 (D. Mass. 2025) (finding ICE failed to show it had made an individualized determination that the petitioner's removal was reasonably foreseeable because ICE neither had travel documents for petitioner nor any indication of approval from the

Vietnamese government); *Nguyen v. Bondi*, No. EP-25-CV-323-KC, 2025 WL 3120516, at *7 (W.D. Tex. Nov. 7, 2025) (finding no change in circumstances making the petitioner's removal likely where ICE simply presented evidence of removal of over 400 Vietnamese nationals to Vietnam in 2025 without more specifically assessing the petitioner's particular circumstances); *Lam v. Noem*, Civil Action No. 3:25-cv-00397, 2026 WL 492383, at *6-7 (W.D. Pa. Feb. 23, 2026) (2020 MOU and representation that a travel document request was in process did not establish a likelihood of removal).

57. In Mr. Tran's specific case, the obstacles to obtaining a Vietnamese travel document are concrete and well-documented. Mr. Tran was born at home during the war in Cam Ranh Bay, with no hospital record (ECF No. 1, at Exh. 10, ¶ 13). He has never held a Vietnamese passport. *Id.* at ¶ 5. He has had no contact with Vietnam since his family fled to the Philippines over forty years ago, and he has no family remaining in Vietnam. *Id.* at ¶¶ 13-14. Most tellingly, Mr. Tran's own father — who, like Mr. Tran, left Vietnam as part of the same family group — applied for a visa to visit Vietnam in the 1990s, and it took the Vietnamese government approximately five years to issue it, with the delay attributed to difficulty verifying his identity. *Id.* at ¶ 13. These individualized facts demonstrate that there is no significant likelihood of removal in the reasonably foreseeable future.

58. Upon information and belief, Vietnam still has not issued Mr. Tran a travel document, and the government has presented no individualized evidence that it will do so in the reasonably foreseeable future. As a result, Mr. Tran is likely to be detained indefinitely absent intervention from this Court. His detention is no longer reasonably related to the primary statutory purpose of ensuring his imminent removal.

59. Nor does Mr. Tran's continued detention bear any relationship to the governmental purposes of preventing flight and protecting the community. Mr. Tran previously complied with his Order of Supervision following his 2010 detention (ECF No. 1, at Exh. 8). He has strong ties to the United States, where he has lived for over forty-four years, including a wife, two adult children, and siblings who are U.S. citizens. *Id.* at Exh. 6.

60. Mr. Tran's removal is not practically attainable, and he poses no danger or flight risk. Consequently, his detention is punitive in effect and violates the Due Process Clause. He is therefore entitled to immediate release under an order of supervision.

61. Prolonged civil detention also violates procedural due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Id.* at 690-91; *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992); *Kansas v. Hendricks*, 521 U.S. 346, 364-69 (1997); *United States v. Salerno*, 481 U.S. 739, 750-752 (1987).

62. "The fundamental requirement of procedural due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Matthews v. Eldridge*, 424 U.S. 319, 333 (1976).

63. Mr. Tran has a strong private interest in remaining out of custody so that he can continue supporting his wife and family. The risk of erroneous deprivation of his liberty is high, and the value of additional procedural safeguards — namely, a hearing before a neutral arbiter — would be significant. On the other hand, the government's interest in detaining Mr. Tran without a hearing is weak, given that he previously lived in the community without incident and complied with his Order of Supervision.

64. Any pro forma internal post-order custody reviews ICE conducted in Mr. Tran's case do not meet the minimum procedural safeguards required by due process. *See Diouf v. Napolitano*, 634 F.3d 1081, 1092 (9th Cir. 2011).

65. Thus, Mr. Tran's detention violates both substantive and procedural due process, and he is entitled to immediate release from custody.

Count Two

Violation of the Immigration and Nationality Act, 8 U.S.C. § 1231(a)

66. Mr. Tran incorporates by reference all preceding paragraphs as if fully set forth here.

67. Mr. Tran is detained pursuant to the discretionary, post-removal-order detention provision, § 1231(a)(6), because more than 90 days have elapsed since his removal order became administratively final and he has not done anything to impede his removal or toll the removal period. See 8 U.S.C. § 1231(a); 8 C.F.R. § 1241.1.

68. Section 1231(a)(6) contains an implicit temporal limitation of six months, after which detention is no longer presumptively reasonable. *Zadvydas*, 533 U.S. at 701. After that point, if the habeas petitioner "provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing," and due process "requires ordering [the p]etitioner released." *Adu*, 2018 WL 6495068, at *2-3 (quoting *Zadvydas*, 533 U.S. at 701).

69. Mr. Tran's detention under § 1231 is no longer presumptively reasonable because he has been continuously detained pursuant to a final removal order for over six months.

70. Mr. Tran has demonstrated “good reason to believe” that his removal is not reasonably foreseeable because ICE has detained him for more than six months, and there is no indication that Vietnam has issued a travel document or will do so in the reasonably foreseeable future. *Id.* at 701. The burden has thus shifted to Respondent to produce individualized evidence to rebut Mr. Tran’s showing, and due process “requires ordering [the p]etitioner released.” *Id.* at 681; *Adu*, 2018 WL 6495068, at *2-3.

71. Nor is there any “sufficiently strong special justification” for Mr. Tran’s prolonged detention beyond the six-month limit. *See Zadvydas*, 533 U.S. at 690-91 (requiring a showing of dangerousness accompanied by some other “special circumstance” to justify continued detention when removal is not significantly likely in the reasonably foreseeable future).

72. Thus, Mr. Tran’s detention violates § 1231, and he is entitled to immediate release from custody.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order Respondent to show cause why a writ of habeas corpus should not be granted “within three (3) days unless for good cause additional time, not exceeding twenty (20) days, is allowed,” that Petitioner be afforded one (1) week to file a response to Respondents’ return, and set a hearing on this Petition within one (1) week after Petitioner’s response is due, pursuant to 28 U.S.C. § 2243;
- c. Order that as part of their filing showing cause why the Petition should not be granted, Respondents provide all documents relevant to efforts made to obtain travel documents for Mr. Tran, which Mr. Tran does not have access to;

- d. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under Chapter 153 (habeas corpus) of Title 28;
- e. In the event that this Court determines that a genuine dispute of material fact exists regarding the likelihood of removal to Vietnam in the reasonably foreseeable future, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243. *Singh v. U.S. Attorney Gen.*, 945 F.3d 1310, 1315-16 (11th Cir. 2019);
- f. Grant a writ of habeas corpus ordering Respondent to immediately release Mr. Tran from their custody;
- g. Enter preliminary and permanent injunctive relief enjoining Respondent from further unlawful detention of Mr. Tran;
- h. Declare that Mr. Tran's detention without a bond hearing violates the Immigration and Nationality Act;
- i. Declare that Mr. Tran's detention violates the Due Process Clause of the Fifth Amendment;
- j. Enjoin Respondent from transferring Mr. Tran outside of this judicial district pending litigation of this matter;
- k. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- l. Grant such further relief as this Court deems just and proper.

Dated: May 11, 2026

Respectfully submitted,

/s/ Matthew O. Boles
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VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

Dated: May 11, 2026.

/s/ Matthew Boles
Attorney for Petitioner