

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

MAY 20 2026 AM 11:18
FILED - USDC - FLMD - FTM

DO QUANG NHAT, Petitioner, pro se

v.

FIELD OFFICE DIRECTOR, ICE (MIAMI FIELD OFFICE), et al., Respondents.

Case No.: 2:26-cv-1715-SPC-NPM

**PETITION FOR WRIT OF HABEAS CORPUS AND
EMERGENCY MOTION FOR IMMEDIATE RELEASE**

I. INTRODUCTION

Petitioner has been detained for more than six months with no travel documents, no removal date, and no foreseeable removal timeline.

II. LEGAL AUTHORITIES

Zadvydas v. Davis, 533 U.S. 678 (2001); Akinwale v. Ashcroft, 287 F.3d 1050 (11th Cir. 2002); 28 U.S.C. § 2241; 8 U.S.C. § 1231(a)(6).

III. ARGUMENT

Continued detention is unconstitutional because removal is not significantly likely in the reasonably foreseeable future.

IV. HUMANITARIAN FACTORS

Petitioner's elderly mother suffers from hypertension and diabetes and requires ongoing care and support.

V. RELIEF REQUESTED

Petitioner requests immediate release under supervision or, alternatively, a prompt bond hearing.

VI. DECLARATION

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

Date: 5-15-26

Signature: 

Do Quang Nhat

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

DO QUANG NHAT, Petitioner, pro se,

v.

**FIELD OFFICE DIRECTOR, ICE (MIAMI FIELD OFFICE),
WARDEN / OFFICER IN CHARGE (KROME SERVICE PROCESSING CENTER),
ATTORNEY GENERAL OF THE UNITED STATES**, Respondents.

Case No.: _____

PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

I. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241. Petitioner is detained within this district.

II. FACTUAL BACKGROUND

Detained since Nov 10, 2025. Over six months. No travel documents. No removal date. No timeline.

III. ARGUMENT

Detention exceeds six months and is presumptively unreasonable. No significant likelihood of removal. Continued detention is unconstitutional.

IV. HUMANITARIAN FACTORS

Mother over 65 with high blood pressure and diabetes requires care. Petitioner has reformed, worked, and paid taxes over 10 years.

V. EMERGENCY MOTION FOR IMMEDIATE RELEASE

Petitioner requests immediate release due to prolonged detention and irreparable harm.

VI. DECLARATION

I declare under penalty of perjury that the above is true.

Date: _____

Signature: _____

LIMITED POWER OF ATTORNEY SIGNATURE (OPTIONAL SUPPORT)

Agent Name: _____

Signature of Agent: _____

Date: _____

CERTIFICATE OF SERVICE

MAY 20 2026 PM 11:18
FILED - USDC - FLMD - FTM

Copies sent to U.S. Attorney, Attorney General, and ICE Office of Chief Counsel.

Date: 5-15-26

Signature: 

Mail body: Fwd: Quang

----- Forwarded message -----

From: nga ly [REDACTED]
Date: Mon, May 4, 2026, 8:33 PM
Subject: Fwd: Quang
To: Long Tran [REDACTED]

MAY 20 2026 AM 11:18
FILED - USDC - FLMD - FTM

Sent from my iPhone

Begin forwarded message:

From: Mike Do [REDACTED]
Date: 4 May 2026 at 8:32:02 PM GMT-4
To: nga ly [REDACTED]
Subject: Quang

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

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Petitioner, pro se,

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PETITION FOR WRIT OF HABEAS CORPUS

AND MEMORANDUM OF LAW IN SUPPORT

WITH EMERGENCY MOTION FOR IMMEDIATE RELEASE

TABLE OF AUTHORITIES

Cases

Zadvydas v. Davis, 533 U.S. 678, 701 (2001)
Akinwale v. Ashcroft, 287 F.3d 1050, 1052 (11th Cir. 2002)

Statutes

28 U.S.C. § 2241
8 U.S.C. § 1231(a)(6)

I. INTRODUCTION

Petitioner Do Quang Nhat respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioner has been detained for more than six months following a final order of removal. Despite this prolonged detention, the Government has failed to demonstrate that removal is significantly likely in the reasonably foreseeable future.

Continued detention under these circumstances violates the Due Process Clause of the Fifth Amendment.

II. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241.

Petitioner is detained within the jurisdiction of this Court.

III. STATEMENT OF FACTS

Petitioner is a citizen of Vietnam subject to a final order of removal.

- Detained by ICE on November 10, 2025;
- Detention has exceeded six months;
- No travel documents have been issued;
- No removal date has been scheduled;
- No timeline has been provided;

Petitioner has previously complied with supervision and has demonstrated rehabilitation, including long-term employment and tax compliance.

IV. LEGAL STANDARD

In , 533 U.S. 678 (2001), the Supreme Court held that detention following a removal order is limited to a period reasonably necessary to effectuate removal.

The Court established that six months is a presumptively reasonable period of detention. *Id.* at 701.

After six months, the burden shifts to the Government to demonstrate that removal is significantly likely in the reasonably foreseeable future.

The Eleventh Circuit adopted this standard in , 287 F.3d 1050 (11th Cir. 2002), requiring both prolonged detention and a showing that removal is not reasonably foreseeable.

V. ARGUMENT

A. DETENTION EXCEEDS SIX MONTHS

Petitioner has been detained beyond the presumptively reasonable period recognized by the Supreme Court. This triggers constitutional scrutiny.

B. NO SIGNIFICANT LIKELIHOOD OF REMOVAL

The Government has not demonstrated:

- Issuance of travel documents;
- A scheduled removal date;
- Any concrete timeline;

Without such evidence, removal remains speculative and insufficient under controlling law.

C. FAILURE TO EFFECTUATE REMOVAL

Despite prolonged detention, the Government has failed to make meaningful progress toward effectuating removal.

There is no evidence of successful coordination with Vietnamese authorities or imminent removal.

D. LACK OF GOVERNMENT DILIGENCE

The Government has not demonstrated active, good-faith efforts to secure removal.

Generalized or boilerplate assertions are insufficient.

E. INDEFINITE DETENTION VIOLATES DUE PROCESS

Detention without a foreseeable endpoint becomes constitutionally impermissible.

Indefinite detention violates the Fifth Amendment.

F. IRREPARABLE HARM

Petitioner continues to suffer loss of liberty, which constitutes irreparable harm.

G. HUMANITARIAN FACTORS

Petitioner's mother:

- Is over 65 years old;
- Suffers from hypertension and diabetes;
- Requires ongoing care and support;

These humanitarian considerations further support release.

H. PETITIONER IS NOT A FLIGHT RISK OR DANGER

Petitioner has complied with supervision and poses no danger to the community.

VI. EMERGENCY MOTION FOR IMMEDIATE RELEASE

Petitioner respectfully moves for immediate release pending resolution of this Petition.

Grounds:

- Detention exceeds six months;
- No travel documents issued;
- No removal timeline;
- Ongoing irreparable harm;

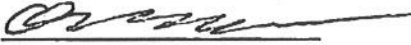
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VII. DECLARATION

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

Date: 5-15-26

Signature: 
Do Quang Nhat

VIII. CERTIFICATE OF SERVICE

I certify that a copy of this Petition was served on:

- United States Attorney, Middle District of Florida;
- Attorney General of the United States;
- ICE Office of Chief Counsel;

Date: 5-15-26

Signature: 
Do Quang Nhat

Mail body: Fwd: Writing

----- Forwarded message -----

From: Mike Do <[REDACTED]>
Date: Wed, May 6, 2026, 11:16 PM
Subject: Writing
To: nga ly <[REDACTED]>

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

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Do Quang Nhat

Mail body: Fwd: Writing

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Date: Wed, May 6, 2026, 11:18 PM
Subject: Writing
To: nga ly [REDACTED]

2:26-1715-SPC-NPM

MAY 20 2026 AM 11:18
FILED - USDC - FLMD - FTM

SUPPLEMENTAL LEGAL AUTHORITIES AND ARGUMENT

A. GOVERNING SUPREME COURT PRECEDENT

In , 533 U.S. 678 (2001), the Supreme Court held that post-removal-order detention is limited to a period reasonably necessary to effectuate removal.

The Court established:

- Six months is the presumptively reasonable period of detention;
- After six months, continued detention requires justification;
- The Government must demonstrate a significant likelihood of removal in the reasonably foreseeable future;

Critically, the Court rejected indefinite detention based on uncertainty, administrative delay, or speculative future events.

B. ELEVENTH CIRCUIT STANDARD

The Eleventh Circuit has adopted and applied this framework.

In , 287 F.3d 1050 (11th Cir. 2002), the court held that:

- A petitioner must show detention beyond six months;
- And provide good reason to believe removal is not foreseeable;

Once that showing is made, the burden shifts to the Government to produce evidence rebutting that claim.

C. DETENTION WITHOUT EVIDENCE OF REMOVAL IS UNLAWFUL

Courts consistently reject vague assertions that travel documents are merely "pending."

Absent:

- Confirmed issuance of travel documents;
- A scheduled or imminent removal date;
- Diplomatic confirmation from the receiving country;

the Government cannot meet its burden.

Speculative representations are insufficient as a matter of law.

D. DISTINGUISHING GOVERNMENT RELIANCE ON FUTURE POSSIBILITY

The Government may argue that removal is possible at some undefined future time.

However, controlling precedent makes clear:

- Mere possibility is not sufficient;
- Speculation does not satisfy constitutional requirements;
- Indefinite waiting is impermissible;

The Constitution requires a realistic, concrete, and reasonably foreseeable likelihood of removal—not theoretical or open-ended delay.

E. PROLONGED DETENTION WITHOUT PROGRESS VIOLATES DUE PROCESS

Where detention continues without measurable progress toward removal:

- It transforms from administrative detention into punitive confinement;
- It exceeds the statutory authority granted under 8 U.S.C. § 1231(a)(6);
- It violates fundamental liberty protections guaranteed by the Fifth Amendment;

The Supreme Court has made clear that civil detention must bear a reasonable relation to its purpose. When that purpose—removal—cannot be effectuated, detention becomes unconstitutional.

F. GOVERNMENT MUST SHOW ACTIVE, DILIGENT EFFORTS

To justify continued detention, the Government must demonstrate affirmative and ongoing efforts, including:

- Active diplomatic engagement with the receiving country;
- Concrete procedural steps toward obtaining travel documents;
- Evidence of actual, measurable progress;

Boilerplate assertions or generalized statements are legally insufficient to justify prolonged detention.

G. APPLICATION TO PETITIONER

In this case:

- Petitioner has been detained well beyond six months;
- No travel documents have been issued by Vietnam;

- No removal date has been scheduled;
- No timeline has been provided;
- No evidence of imminent removal has been presented;

Accordingly, Petitioner has satisfied his burden under controlling law.

The Government, in turn, cannot meet its burden because it lacks concrete evidence demonstrating that removal is significantly likely in the reasonably foreseeable future.

H. CONCLUSION OF SUPPLEMENTAL ARGUMENT

Under binding Supreme Court and Eleventh Circuit precedent, Petitioner's continued detention is unconstitutional.

Because removal is not reasonably foreseeable, continued detention violates the Due Process Clause.

Accordingly, this Court should grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release, or, in the alternative, order a prompt bond hearing.