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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 **SOMOPHONE CHANDARA,**

13 **Petitioner,**

14 **v.**

15 **MARKWAYNE MULLIN, Secretary of**
16 **the Department of Homeland Security,**
17 **TODD BLANCHE, Acting Attorney**
18 **General, TODD M. LYONS, Acting**
19 **Director, Immigration and Customs**
20 **Enforcement, JESUS ROCHA, Acting**
Field Office Director, San Diego Field
Office, CHRISTOPHER LAROSE,
Warden at Otay Mesa Detention Center,

21 **Respondents.**

CIVIL CASE NO.:

'26CV3654 TWR JAC

Petition for Writ
of
Habeas Corpus

[28 U.S.C. § 2241]

INTRODUCTION

Somophone Chandara was ordered removed over 25 years ago years ago. Since then, ICE has not removed him to Laos, despite being detained for over two years when the final order of removal was first confirmed.

Nevertheless, ICE detained him on June 3, 2026. He was only told that there were travel documents, but no one provided these to him and he is detained to this day without removal. No one gave him a chance to contest his re-detention, and no one provided him notice. Just like 25 years ago, ICE's removal efforts have not borne fruit. Worse yet, if ICE were able to remove him, they could do so with no notice, six hours' notice, or 24 hours' notice, depending on the circumstances.

Mr. Chandara must be released. ICE gave him no timely notice or opportunity to contest re-detention, violating their own regulations. "[T]here is no significant likelihood of removal in the reasonably foreseeable future," meaning that Mr. Chandara's detention is not statutorily authorized. *Zadvydas v. Davis*, 533 U.S. 678 (2001). This Court should therefore grant this petition.

STATEMENT OF FACTS

I. Mr. Chandara has spent years performing perfectly on an order of supervision.

Mr. Chandara was born in Laos. Exhibit A, Declaration of Somophone Chandara at ¶ 1. In 1980, he entered the United States as a refugee with his brother and sister-in-law, *Id.* at ¶ 1. He received a green card. *Id.* at ¶ 1.

Around 1992 or 1993, Mr. Chandara was convicted of a crime. *Id.* at ¶ 2. He was ordered removed back to Laos about 25 or 26 years ago. *Id.* at ¶ 2. He was detained for about two years awaiting removal before he was released. *Id.* at ¶ 2. ICE was not able to deport him, so they released him on an order of supervision. *Id.* at ¶ 2.

1 During this time, Mr. Chandara has always checked in as required. *Id.* at ¶
 2 3. He has never missed a check-in. *Id.* at ¶ 3. He has not committed any crimes
 3 since he was ordered removed. *Id.* at ¶ 3. He also complied with all conditions of
 4 his supervision. *Id.* at ¶ 3.

5 On June 3, 2026, Mr. Chandara arrived at an ordered check-in, and he was
 6 detained by ICE. *Id.* at ¶ 4. When he was detained, ICE told him they had a travel
 7 document for him. *Id.* at ¶ 5. ICE had him sign paperwork saying they had the
 8 document. *Id.* at ¶ 5. Despite this claim, ICE did not give him a copy of the
 9 paperwork or show him the travel document. *Id.* at ¶ 5.

10 Mr. Chandara has been detained since that day and has not yet been
 11 deported. *Id.* at ¶ 5.

12 CLAIMS FOR RELIEF

13 This Court should grant this petition and order Mr. Chandara's immediate
 14 release. *Zadvydas v. Davis* holds that immigration statutes do not authorize the
 15 government to detain immigrants like Mr. Chandara, for whom there is "no
 16 significant likelihood of removal in the reasonably foreseeable future." 533 U.S.
 17 678, 701 (2001). ICE's own regulations require changed circumstances before re-
 18 detention, as well as notice and a chance to contest a re-detention decision.

19 **I. Count 1: ICE failed to comply with its own regulations before re-** 20 **detaining Mr. Chandara, violating his rights under the Fifth** 21 **Amendment and the Administrative Procedures Act.**

22 The Department of Homeland Security has enacted a series of regulations to
 23 protect the due process rights of someone who, like Mr. Chandara, is re-detained
 24 following a period of release. Title 8 C.F.R. § 241.4(*l*) applies to re-detention
 25 generally, while 8 C.F.R. § 241.13(i) applies to persons released after providing
 26 good reason to believe that they will not be removed in the reasonably foreseeable
 27 future, *see Rokhfirooz v. Larose*, No. 25-CV-2053-RSH-VET, 2025 WL 2646165,
 28 at *2 (S.D. Cal. Sept. 15, 2025), as Mr. Chandara was.

ICE is required to follow its own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *see Alcaraz v. INS*, 384 F.3d 1150, 1162 (9th Cir. 2004) (“The legal proposition that agencies may be required to abide by certain internal policies is well-established.”). A court may review a re-detention decision for compliance with the regulations. *See Phan v. Beccerra*, No. 2:25-CV-01757, 2025 WL 1993735, at *3 (E.D. Cal. July 16, 2025); *Nguyen v. Hyde*, No. 25-cv-11470-MJJ, 2025 WL 1725791, at *3 (D. Mass. June 20, 2025) (citing *Kong v. United States*, 62 F.4th 608, 620 (1st Cir. 2023)). Many judges in this district have granted habeas petitions or temporary restraining orders when ICE failed to follow 8 C.F.R. §§ 241.4(l), 241.13(i). *See, e.g., Constantinovici v. Bondi*, 2025 WL 2898985, No. 25-cv-2405-RBM (S.D. Cal. Oct. 10, 2025); *Rokhfirooz v. Larose*, No. 25-cv-2053-RSH, 2025 WL 2646165 (S.D. Cal. Sept. 15, 2025); *Phan v. Noem*, 2025 WL 2898977, No. 25-cv-2422-RBM-MSB, *3–*5 (S.D. Cal. Oct. 10, 2025); *Sun v. Noem*, 2025 WL 2800037, No. 25-cv-2433-CAB (S.D. Cal. Sept. 30, 2025); *Van Tran v. Noem*, 2025 WL 2770623, No. 25-cv-2334-JES, *3 (S.D. Cal. Sept. 29, 2025); *Truong v. Noem*, No. 25-cv-02597-JES, ECF No. 10 (S.D. Cal. Oct. 10, 2025); *Khambounheuang v. Noem*, No. 25-cv-02575-JO-SBC, ECF No. 12 (S.D. Cal. Oct. 9, 2025).¹

Here, ICE violated § 241.13 in at least four respects.²

¹ Courts in other districts have done the same. *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 166 (W.D.N.Y. 2025); *You v. Nielsen*, 321 F. Supp. 3d 451, 463 (S.D.N.Y. 2018); *Rombot v. Souza*, 296 F. Supp. 3d 383, 387 (D. Mass. 2017); *Zhu v. Genalo*, No. 1:25-CV-06523 (JLR), 2025 WL 2452352, at *7–9 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, No. 6:25-CV-01204-AA, 2025 WL 2430267, at *10–12 (D. Or. Aug. 21, 2025); *Escalante v. Noem*, No. 9:25-CV-00182-MJT, 2025 WL 2491782, at *2–3 (E.D. Tex. July 18, 2025); *Hoac v. Becerra*, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025); *Liu*, 2025 WL 1696526, at *2; *M.Q. v. United States*, 2025 WL 965810, at *3, *5 n.1 (S.D.N.Y. Mar. 31, 2025).

² Some of these violations also constitute § 241.4(l) violations, but because § 241.13(i) is more comprehensive, Mr. Chandara focuses his arguments on that

1 First, ICE did not comply with § 241.13(i)'s informal interview requirement.
2 No matter the reason for re-detention, the re-detained person is entitled to "an initial
3 informal interview promptly," during which they "will be notified of the reasons
4 for revocation." *Id.* §§ 241.4(l)(1), 241.13(i)(3). The interviewer must "afford[] the
5 [person] an opportunity to respond to the reasons for revocation," allowing them to
6 "submit any evidence or information" relevant to re-detention and evaluating "any
7 contested facts." *Id.* But Mr. Chandara has yet to receive the interview required by
8 regulation. Exh. A at ¶ 5. Any interview conducted now would not be prompt. *See,*
9 *e.g., M.S.L. v. Bostock*, Civ. No. 6:25-cv-01204-AA, 2025 WL 2430267, at *11 (D.
10 Or. Aug. 21, 2025) (27-day delay not prompt); *Yang v. Kaiser*, No. 2:25-cv-02205-
11 DAD-AC (HC), 2025 WL 2791778, at *5 (E.D. Cal. Aug. 20, 2025) (two-month
12 delay not prompt); *Soryadvongsa v. Noem*, 24-cv-2663-AGS-DDL, 2025 WL
13 3126821, at *1 (S.D. Cal. Nov. 8, 2025) (29-day delay not prompt). That alone is
14 enough to grant the petition.

15 Second, ICE did not comply with § 241.13(i)'s requirement that, "upon
16 revocation," the re-detained person be "notified of the reasons for revocation." As
17 Judge Moskowitz recently explained, the regulation's text and due process require
18 that the notice be written. *Tran v. Noem*, 25-cv-2391-BTM, Dkt. 16, at 5–6 (S.D.
19 Cal. Oct. 27, 2025). Here, Mr. Chandara supposedly did receive some notice upon
20 his revocation on June 3, 2026, but he has yet to receive a copy of that paperwork.
21 October 6, 2025. Exh. A at ¶ 5. That notice does not comply with the regulations,
22 either.

23 Third, the untimely notice is far too vague to "notif[y] [Mr. Chandara] of the
24 reasons for revocation of his [] release." 8 C.F.R. § 241.13(i)(2). The notice said
25 that travel documents had been issued, but the physical documents were never
26 produced or provided to Mr. Chandara—and still have yet to be provided or
27
28 regulation.

1 executed. “This bare-bones explanation does not contain reasons for the revocation
2 of Petitioner’s release, thus it does not satisfy the ‘the due-process notification
3 requirement of § 241.13(i)(3).” *Anh Nguyen v. Noem*, 25-CV-2792-LL, Dkt. 10 at
4 4 (S.D. Cal. Nov. 6, 2025) (quoting *Tran v. Noem*, No. 25-cv-2391-BTM-BLM,
5 2025 WL 3005347, at *2 (S.D. Cal. Oct. 27, 2025)).

6 Fourth, ICE did not revoke Mr. Chandara’s release for a permissible reason.
7 He was not returned to custody because of a conditions violation. Exh. A at ¶ 3.
8 And there are no changed circumstances that justify re-detaining him. Mr. Chandara
9 could not be removed 25 years ago, hence why ICE released him. *Id.* at ¶ 2. Absent
10 any evidence for “why obtaining a travel document is more likely this time
11 around[,] Respondents’ intent to eventually complete a travel document request for
12 Petitioner . . . does not constitute a changed circumstance.” *Hoac v. Becerra*, No.
13 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025)
14 (citing *Liu v. Carter*, No. 25-3036-JWL, 2025 WL 1696526, at *2 (D. Kan. June
15 17, 2025)). And if this document does not yet exist, there is no indication that ICE
16 even made a pre-arrest determination that changed circumstances made Mr.
17 Chandara’s removal likely. If the government is unable to produce “any
18 documented determination, made prior to Petitioner’s arrest,” that any of the
19 prerequisites to re-detention were met, then Mr. Chandara must be released on those
20 grounds, too. *Rokhfirooz v. Larose*, 2025 WL 2646165, at *3 (S.D. Cal. Sept. 15,
21 2025).

22 “[B]ecause officials did not properly revoke petitioner’s release pursuant to
23 the applicable regulations, that revocation has no effect, and [Mr. Chandara] is
24 entitled to his release (subject to the same Order of Supervision that governed his
25 most recent release).” *Liu*, 2025 WL 1696526, at *3.

1 **II. Count 2: Mr. Chandara’s detention violates *Zadvydas* and 8 U.S.C.**
 2 **§ 1231.**

3 **A. Legal background**

4 Mr. Chandara’s indefinite detention also violates the statute authorizing
 5 detention, 8 U.S.C. § 1231(a)(6). In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the
 6 Supreme Court considered a problem affecting people like Mr. Chandara. Federal
 7 law requires ICE to detain an immigrant during the “removal period,” which
 8 typically spans the first 90 days after the immigrant is ordered removed. 8 U.S.C.
 9 § 1231(a)(1)-(2). After that 90-day removal period expires, detention becomes
 10 discretionary—ICE may detain the migrant while continuing to try to remove
 11 them. *Id.* § 1231(a)(6). Ordinarily, this scheme would not lead to excessive
 12 detention, as removal happens within days or weeks. But some detainees cannot
 13 be removed quickly. Perhaps their removal “simply require[s] more time for
 14 processing,” or they are “ordered removed to countries with whom the United
 15 States does not have a repatriation agreement,” or their countries “refuse to take
 16 them,” or they are “effectively ‘stateless’ because of their race and/or place of
 17 birth.” *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1104 (9th Cir. 2001). In these and
 18 other circumstances, detained immigrants can find themselves trapped in
 19 detention for months, years, decades, or even the rest of their lives.

20 If federal law were understood to allow for “indefinite, perhaps permanent,
 21 detention,” it would pose “a serious constitutional threat.” *Zadvydas*, 533 U.S. at
 22 699. In *Zadvydas*, the Supreme Court avoided the constitutional concern by
 23 interpreting § 1231(a)(6) to incorporate implicit limits. *Id.* at 689.

24 As an initial matter, *Zadvydas* held that detention is “presumptively
 25 reasonable” for at least six months. *Id.* at 701. This acts as a kind of grace period
 26 for effectuating removals.

27 Following the six-month grace period, courts must use a burden-shifting
 28 framework to decide whether detention remains authorized. First, the petitioner

1 must make a prima facie case for relief: He must prove that there is “good reason
2 to believe that there is no significant likelihood of removal in the reasonably
3 foreseeable future.” *Id.*

4 If he does so, the burden shifts to “the Government [to] respond with
5 evidence sufficient to rebut that showing.” *Id.* Ultimately, then, the burden of
6 proof rests with the government: The government must prove that there is a
7 “significant likelihood of removal in the reasonably foreseeable future,” or the
8 immigrant must be released. *Id.*

9
10 **A. The six-month grace period expired decades ago.**

11 As an initial matter, the six-month grace period has long since ended. The
12 *Zadvydas* grace period lasts for “*six months* after a final order of removal—that is,
13 *three months* after the statutory removal period has ended.” *Kim Ho Ma v.*
14 *Ashcroft*, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001). Here, Mr. Chandara was
15 ordered removed in 2000 or 2001. Exh. A at ¶ 2. Accordingly, his 90-day removal
16 period began then. 8 U.S.C. § 1231(a)(1)(B). The *Zadvydas* grace period thus
17 expired three months after the removal period ended. Thus, the threshold
18 requirement is met. Even if it somehow were not met, Mr. Chandara would still
19 be able to rebut the presumption that his detention remains reasonable, given that
20 ICE tried and failed to remove him over his two years in ICE custody and nearly
21 23 years on release. *See Zavvar v. Scott*, No. CV 25-2104-TDC, 2025 WL
22 2592543, at *4 (D. Md. Sept. 8, 2025) (collecting cases). Either way, Mr.
23 Chandara can proceed with his *Zadvydas* claim.

24 **B. There is good reason to believe that there is no significant**
25 **likelihood of Mr. Chandara’s removal in the reasonably**
26 **foreseeable future.**

27 Because the six-month grace period has passed, this Court must evaluate
28 Mr. Chandara’s *Zadvydas* claim using the burden-shifting framework. At the first

stage of the framework, there must be “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701. This standard can be broken down into three parts.

“Good reason to believe.” The “good reason to believe” standard is a relatively forgiving one. “A petitioner need not establish that there exists no possibility of removal.” *Freeman v. Watkins*, No. CV B:09-160, 2009 WL 10714999, at *3 (S.D. Tex. Dec. 22, 2009). Nor does “[g]ood reason to believe’ . . . place a burden upon the detainee to demonstrate no reasonably foreseeable, significant likelihood of removal or show that his detention is indefinite; it is something less than that.” *Rual v. Barr*, No. 6:20-CV-06215 EAW, 2020 WL 3972319, at *3 (W.D.N.Y. July 14, 2020) (quoting *Senor v. Barr*, 401 F. Supp. 3d 420, 430 (W.D.N.Y. 2019)). In short, the standard means what it says: Petitioners need only give a “good reason”—not prove anything to a certainty.

“No significant likelihood of removal.” This component focuses on whether Mr. Chandara will likely be removed: Continued detention is permissible only if it is “significant[ly] like[ly]” that ICE will be able to remove him. *Zadvydas*, 533 U.S. at 701. This inquiry targets “not only the *existence* of untapped possibilities, but also [the] probability of *success* in such possibilities.” *Elashi v. Sabol*, 714 F. Supp. 2d 502, 506 (M.D. Pa. 2010) (second emphasis added). In other words, even if “there remains *some* possibility of removal,” a petitioner can still meet its burden if there is good reason to believe that successful removal is not significantly likely. *Kacanic v. Elwood*, No. CIV.A. 02-8019, 2002 WL 31520362, at *4 (E.D. Pa. Nov. 8, 2002) (emphasis added).

“In the reasonably foreseeable future.” This component of the test focuses on when Mr. Chandara will likely be removed: Continued detention is permissible only if removal is likely to happen “in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701. This inquiry places a time limit on ICE’s removal efforts. If the Court has “no idea of when it might reasonably expect

[Petitioner] to be repatriated, this Court certainly cannot conclude that his removal is likely to occur—or even that it might occur—in the reasonably foreseeable future.” *Palma v. Gillis*, No. 5:19-CV-112-DCB-MTP, 2020 WL 4880158, at *3 (S.D. Miss. July 7, 2020), *report and recommendation adopted*, 2020 WL 4876859 (S.D. Miss. Aug. 19, 2020) (quoting *Singh v. Whitaker*, 362 F. Supp. 3d 93, 102 (W.D.N.Y. 2019)). Thus, even if this Court concludes that Mr. Chandara “would *eventually* receive” a travel document, he can still meet his burden by giving good reason to anticipate sufficiently lengthy delays. *Younes v. Lynch*, 2016 WL 6679830, at *2 (E.D. Mich. Nov. 14, 2016).

Mr. Chandara readily satisfies the above standards for three reasons. *First*, ICE tried and failed to remove him when he was first ordered removed 25 years ago. ICE could not remove him over the 23 years that he was living in the community on an order of supervision. And though ICE has allegedly secured travel documents, Mr. Chandara remains detained and has had no update on when he will be removed, let alone been shown a copy of these travel documents. That track record strongly suggests that ICE will not be able to remove him now.

Because ICE has not been able to remove Mr. Chandara for the last 23 years, Mr. Chandara has met his initial burden. Thus, unless the government can prove a “significant likelihood of removal in the reasonably foreseeable future,” Mr. Chandara must be released. *Zadvydas*, 533 U.S. at 701.

III. This Court must hold an evidentiary hearing on any disputed facts.

Resolution of a prolonged-detention habeas petition may require an evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009). Mr. Chandara hereby requests such a hearing on any material, disputed facts.

IV. Prayer for relief

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Order Respondents to immediately release Petitioner from custody;

2. Enjoin Respondents from re-detaining Petitioner under 8 U.S.C. § 1231(a)(6) unless and until Respondents obtain a travel document for his removal;

3. Order all other relief that the Court deems just and proper.

Respectfully submitted,

Dated: June 22, 2026

s/ Hannah Basalone

Hannah Basalone

Federal Defenders of San Diego, Inc.

Email: hannah_basalone@fd.org

PROOF OF SERVICE

I, the undersigned, will cause the attached Petition for a Writ of Habeas Corpus to be emailed to the U.S. Attorney's Office for the Southern District of California at USACAS.Habeas2241@usdoj.gov when I receive the court-stamped copy.

Date: June 22, 2026

/s/ Hannah Basalone
Hannah Basalone