**UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MINNESOTA**

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| Ijeoma Miriam CHANTHAVONG,<br><br>Petitioner,<br><br>v.<br><br>TODD BLANCHE, Acting United States Attorney General; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; DAVID J. VENTURELLA, Acting Director, U.S. Immigration & Customs Enforcement; MARCO CHARLES, Acting Executive Associate Director, Enforcement and Removal Operations; JOEL BROTT, Sheriff, Sherburne County Jail,<br><br>Respondents. | Case No.: 26-cv-03168<br><br>**PETITION FOR WRIT OF HABEAS CORPUS** |

## INTRODUCTION

1. Petitioner Ijeoma Miriam Chanthavong petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241. Her removal period began no later than December 22, 2025, when her Final Administrative Removal Order became administratively final. More than 180 days have since elapsed, and Respondents have not demonstrated, and on the present record cannot demonstrate, that her removal to Nigeria is significantly likely to occur in the reasonably foreseeable future. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), her continued detention is therefore presumptively unreasonable,

and she is entitled to release.

2. Ms. Chanthavong separately sought habeas relief from this Court earlier this year in *Ijeoma C. v. Bondi*, No. 25-CV-4770 (JMB/ECW) (D. Minn.); that petition was denied without prejudice on ripeness grounds in an order dated January 13, 2026, because her detention at that time had not yet reached the presumptively reasonable period. This Petition is independent of that earlier petition and is based on Ms. Chanthavong's current circumstances.

3. Ms. Chanthavong has been detained continuously since December 4, 2025—now more than 200 days—and has never received an individualized bond hearing. Her detention has, in addition, become acutely dangerous to her health: she has lost consciousness on multiple occasions in detention since late May 2026 and has been diagnosed with a serious gynecological condition that her own detention center providers have indicated requires surgery, which has not yet been scheduled.

4. Neither Ms. Chanthavong nor undersigned counsel has been shown any travel document, removal date, or itinerary. To the extent Respondents possess such evidence, the burden is theirs to come forward with it in response to this Petition; the absence of any such showing to date does not satisfy that burden.

5. Ms. Chanthavong respectfully requests emergency consideration of this Petition, and an order directing her timely access to needed medical evaluation and treatment, pending adjudication.

## JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 2241 because Ms. Chanthavong is in custody in violation of the Constitution and laws of the United States. Neither 8 U.S.C. § 1252(a)(5) nor § 1252(b)(9) divests the Court of jurisdiction because this petition challenges the legality and duration of her detention, not the validity of the underlying removal order. See *Zadvydas*, 533 U.S. at 687-88; *Rasul v. Bush*, 542 U.S. 466, 473 (2004).

7. Venue is proper in this District under 28 U.S.C. § 1391(e) because Ms. Chanthavong is detained at the Sherburne County Jail, located within the District of Minnesota, and because the events giving rise to this petition occurred within this District.

8. Ms. Chanthavong has no other adequate remedy. Exhaustion of administrative remedies is not a prerequisite to a habeas petition challenging detention under 8 U.S.C. § 1231(a)(6).

## PARTIES

9. Petitioner Ijeoma Miriam Chanthavong is a citizen and national of Nigeria. Petitioner is an immigrant with an administratively final removal order..

Petitioner is currently detained by Respondents at the Sherburne County Jail in Elk River, Minnesota, and under the direct control of Respondents and their agents.

10. Respondent Todd Blanche is being sued in his official capacity as the Acting Attorney General of the United States and the head of the Department of Justice. In this capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the BIA. Respondent Blanche is a legal custodian of Petitioner.

11. Respondent Markwayne Mullin is being sued in her official capacity as the Secretary of DHS. In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees ICE, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

12. Respondent David J. Venturella is being sued in his official capacity as the Acting Director of ICE. Respondent Venturella is responsible for Petitioner's detention.

13. Respondent Marco Charles is the Executive Director for ICE Enforcement and Removal Operations ("ERO") and is sued in his official capacity. Respondent Venturella is responsible for Petitioner's detention.

14. Respondent David Easterwood is being sued in his official capacity as the Field Office Director for the Minnesota Field Office for ICE within DHS. In this capacity, Respondent acts as supervisory authority over the ICE agents responsible for detaining Respondent.

15. Respondent Joel Brott is the Sheriff of Sherburne County, Minnesota, where Ms. Chanthavong is currently detained at the Sherburne County Jail, and is her immediate custodian.

## FACTUAL ALLEGATIONS

16. Lawful Entry and Immigration History. Ms. Chanthavong is a citizen and national of Nigeria who entered the United States lawfully in August 2017 on a B-2 visitor visa. She is the sole caregiver for her seven-year-old U.S.-citizen son.

17. On April 19, 2023, the Honorable Donovan W. Frank sentenced Ms. Chanthavong in *United States v. Chanthavong*, No. 22-cr-210 (DWF) (D. Minn.), to three years of probation, with no term of imprisonment, following her guilty plea to one count of conspiracy to commit international money laundering. Judge Frank later wrote directly to DHS and USCIS, explaining that the Court had imposed straight probation—which he described as "indeed rare"—because Ms. Chanthavong presented a low or no risk to

reoffend, cooperated fully with the investigation, and was "honest and straightforward with the Court," concluding that she "clearly qualifies as someone who has 'good moral character.'" (Ex. A, Letter of Hon. Donovan W. Frank to DHS & USCIS, Aug. 28, 2023.) Judge Frank stated that it would "truly serve the interests of justice" if Ms. Chanthavong were not deported. (*Id.*) [redacted]

[redacted]

18. On December 4, 2025, ICE took Ms. Chanthavong into custody at the Delta Cargo Terminal at Minneapolis-St. Paul International Airport, where, on information and belief, she had gone to retrieve delivered goods; she did not flee or evade apprehension. She was thereafter held at the Crow Wing County Jail in Brainerd, Minnesota, transferred to the Douglas County Jail in Superior, Wisconsin, and then at her current facility, the Sherburne County Jail in Elk River, Minnesota. On December 22, 2025, DHS issued a Final Administrative Removal Order directing her removal to Nigeria. (Ex. B, Final Administrative Removal Order.)

19. The Removal Period Began on December 22, 2025. Under 8 U.S.C. § 1231(a)(1)(B), the removal period begins on the date the removal order

becomes administratively final, unless a reviewing court enters a judicial stay or the alien is released from non-immigration confinement—neither of which applies here. Ms. Chanthavong's Final Administrative Removal Order became administratively final on December 22, 2025, the date of its issuance. See *Bah v. Cangemi*, 489 F. Supp. 2d 905, 910 (D. Minn. 2007) (removal period begins to run upon finality of the removal order). Ms. Chanthavong has been held in ICE custody, pursuant to immigration process, continuously since December 4, 2025.

20. As of the filing of this Petition, no motion to reopen is pending, no appeal has been filed, and no further administrative fear-based proceedings remain before the agency. Ms. Chanthavong does not raise the merits of the reasonable-fear determination in this Petition; review of that determination, if any, lies with the court of appeals, not this Court. See 8 U.S.C. § 1252(a)(5).

21. This is a straightforward first-instance post-removal-order detention case governed by *Zadvydas* and its application in this District in *Bah v. Cangemi* and *Walter A. v. Easterwood*, 2026 WL 836428 (D. Minn. 2026).

22. Ms. Chanthavong's son's circumstances have also deteriorated. He has recently required medical treatment for a serious fecal impaction attributable to dehydration and inadequate diet, consistent with inadequate care in his current living arrangement, and the individual currently caring

for him has indicated that he cannot remain in that placement beyond the end of the current school term.

23. The following facts are based on undersigned counsel's interview with Ms. Chanthavong on June 24, 2026; counsel is in the process of obtaining the underlying medical records to corroborate this account, and will supplement the record promptly upon receipt. Ms. Chanthavong had little meaningful medical access during the early months of her detention. She had experienced increasingly heavy menstrual bleeding but did not learn that she was anemic until eventually evaluated by a medical provider. On May 8, 2026, while detained, she awoke with severe chest pain. She repeatedly reported her symptoms to detention medical staff but, on her account, was not provided meaningful evaluation or treatment at that time.

24. Since approximately May 28, 2026, Ms. Chanthavong has lost consciousness on at least three occasions, including once when a corrections officer found her lying on the floor of her cell and once while returning a meal tray. She was evaluated and diagnosed with anemia and a uterine condition associated with her bleeding and abdominal pain, and was referred for an urgent gynecological consultation. On June 10, 2026, a gynecologist ordered surgery in light of her low blood count but indicated that she first requires intravenous iron therapy, which, as of the filing of this Petition, has not been

scheduled, nor has any date been set for surgery. On June 16, 2026, she was taken to Allina Health, where a gynecologist informed her that she has multiple uterine fibroids and that surgery (a hysterectomy) is the most viable treatment option.

25. Since approximately May 28, 2026, Ms. Chanthavong has experienced recurring, unrelieved joint and chest pain, predominantly at night. Detention medical staff have provided her only a sleeping aid and over-the-counter pain medication despite at least three written requests and two nighttime clinic visits, with no further evaluation or specialist referral provided.

26. As of the filing of this Petition, Ms. Chanthavong has been continuously detained in ICE custody for more than 200 days, and more than 180 days have elapsed since her Final Administrative Removal Order became administratively final on December 22, 2025.

## LEGAL FRAMEWORK

27. Ms. Chanthavong's detention is governed by 8 U.S.C. § 1231 and its implementing regulations. Section 1231 mandates detention "during the removal period."

28. The "removal period" consists of a 90-day period. 8 U.S.C. § 1231(a)(1)(A). Ms. Chanthavong's removal period began on December 22, 2025, when her Final Administrative Removal Order became administratively final, and ended ninety days later, on March 22, 2026.

29. While detention past the removal period can be lawful under some circumstances, none of those circumstances are present here. 8 U.S.C. § 1231(a)(1)(C), (a)(6).

30. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Reno v. Flores*, 507 U.S. 292, 306 (1993) (citation omitted). "[T]he Due Process Clause applies to all persons within the United States, including [noncitizens], whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lie[s] at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

31. Due process requires that the detention of a noncitizen "bear[] a reasonable relation to the purpose for which the individual [was] committed." *Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). The only legitimate justifications for continued detention are to mitigate

danger to the community or to ensure the noncitizen's presence for a removal hearing. *Demore v. Kim*, 538 U.S. 510, 528 (2003).

32. Under *Zadvydas*, an individual subject to a final order of removal cannot, consistent with the Due Process Clause, be detained indefinitely pending removal. 533 U.S. at 699-700. *Zadvydas* identifies six months as a relevant temporal reference point for post-removal-order detention, which is presumed reasonable during that period; beyond that point, detention is presumptively unreasonable unless the government demonstrates that removal is significantly likely to occur in the reasonably foreseeable future. *Id.* at 701. The District of Minnesota applies this presumption at 180 days following finality of the removal order. *Bah v. Cangemi*, 489 F. Supp. 2d 905, 910-11 (D. Minn. 2007); *Walter A. v. Easterwood*, 2026 WL 836428 (D. Minn. 2026).

33. *Zadvydas* further held that civil detention violates due process unless special, nonpunitive circumstances outweigh an individual's interest in avoiding restraint; immigration detention must remain "nonpunitive in purpose and effect." 533 U.S. at 690.

34. More than 180 days have elapsed since Ms. Chanthavong's removal period began on December 22, 2025. Respondents have produced no evidence that Ms. Chanthavong is a danger to the community or a flight risk—to the

contrary, the sentencing court and the government itself concluded that she presents a low or no risk of reoffending, and she did not flee or evade ICE at the time of her arrest. Respondents have likewise produced no evidence that her removal is significantly likely to occur in the reasonably foreseeable future: neither Ms. Chanthavong nor undersigned counsel has been shown a travel document, an itinerary, or any scheduled removal date. To the extent Respondents possess such evidence, the burden is theirs to present it to the Court in response to this Petition.

35. This is a straightforward post-removal-order detention case, not a re-detention case under 8 C.F.R. § 241.13(i), since Ms. Chanthavong was never released on an order of supervision and later re-detained, and is unaffected by *Banyee v. Garland*, 115 F.4th 928 (8th Cir. 2024), which addressed only the distinct, pre-order mandatory detention period under 8 U.S.C. § 1226(c).

36. Ms. Chanthavong's serious and worsening medical condition, set forth above, further confirms that her continued detention bears no reasonable relation to any legitimate purpose. Detention has not facilitated, and cannot facilitate, the medical care—IV iron therapy followed by likely surgery—that her detention center treating providers have identified as necessary, and no date has been set for either.

## PRAYER FOR RELIEF

WHEREFORE, Petitioner Ijeoma Miriam Chanthavong respectfully requests that this Court:

1. Assume jurisdiction over this matter.
2. Expedite consideration of this action pursuant to 28 U.S.C. § 1657, as it is an action brought under 28 U.S.C. Ch. 153.
    a. Issue an Order to Show Cause ("OSC") ordering Respondents to state the true cause of Respondent's detention within three (3) days of the Court's issuance of the OSC.
    b. If a magistrate judge is assigned, then pursuant to 28 U.S.C. § 1657, issue an Order shortening the time for making any objections to the magistrate's forthcoming Report & Recommendation from 14 days to 3 days.
    c. Order the Clerk of Courts to promptly serve a copy of the petition and any subsequent Order on Respondents and any other appropriate individual involved pursuant to Rule 4 of the Rules Governing Section 2254 and 2255 Cases.
3. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody under reasonable conditions of supervision pursuant to 8 U.S.C. § 1231(a)(3), or, in the alternative, order Respondents

to provide Petitioner with an individualized bond hearing before an immigration judge at which the government bears the burden of proving by clear and convincing evidence that her continued detention is necessary.

4. Declare that Petitioner's continued detention violates 8 U.S.C. § 1231(a)(6).
5. Order Respondents to ensure Petitioner's timely access to appropriate specialist medical evaluation and treatment pending resolution of this Petition;
6. Grant Respondent reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).
7. Grant all further relief this Court may deem just and proper.

DATED: June 26, 2026

Respectfully submitted,

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