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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANH THUY NGUYEN,

Petitioner

v.

Warden, Central Valley Annex;

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security;

Todd LYONS, Acting Director, U.S. Immigration and Customs Enforcement;

Todd BLANCHE, Acting Attorney General of the United States, U.S. Department of Justice.

Respondents.

Case No.:

Agency File No: A[redacted]

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND REQUEST FOR ORDER TO SHOW CAUSE PURSUANT TO 28 U.S.C. § 2243

INTRODUCTION

1. Petitioner, Anh Thuy Nguyen, has been continuously detained by U.S. Immigration and Customs Enforcement ("ICE") since November 15, 2025, after being taken into custody upon returning to the United States from international travel. Petitioner's order of removal became administratively final on March 26, 2026, and he has remained in ICE custody since that time. This Petition challenges only the legality of Petitioner's continued detention. It does not seek review of, concede, or waive any issue concerning Petitioner's nationality, citizenship, or the validity of the underlying removal proceedings.

2. This case presents a straightforward question under *Zadvydas v. Davis*, 533 U.S. 678 (2001): whether the Government may continue to detain an individual under 8 U.S.C. § 1231(a)(6) when there is no significant likelihood that removal can be effectuated in the reasonably foreseeable future. Although Respondents have maintained Petitioner in post-order detention for months, they have been unable to obtain the travel documentation necessary to execute the removal order.

3. Petitioner has fully cooperated with every effort to effectuate his removal. During his detention, he completed the documentation required by the Embassy of the Socialist Republic of Vietnam in connection with a passport renewal application. Despite Petitioner's complete cooperation, no passport or other travel document has been issued authorizing his removal, and Respondents have therefore been unable to execute the removal order.

4. Respondents themselves recognized that Petitioner's detention had entered the post-order custody review process by serving Petitioner with a Notice to Alien of File Custody Review pursuant to 8 C.F.R. § 241.4. Nevertheless, despite initiating that review process and despite the absence of any travel document permitting Petitioner's removal, Respondents have continued to detain him.

5. The Supreme Court has made clear that post-removal-order detention is permissible only for the period reasonably necessary to accomplish removal. *Zadvydas*, 533 U.S. at 689–90.

Once there is no significant likelihood of removal in the reasonably foreseeable future, continued detention is no longer authorized under 8 U.S.C. § 1231(a)(6).

6. Petitioner has cooperated fully with Respondents' efforts to effectuate his removal, yet Respondents have been unable to secure the documentation necessary to remove him. Under these circumstances, Petitioner's continued detention no longer bears a reasonable relation to the purpose of effectuating removal and has become unlawful. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus ordering his immediate release under reasonable conditions of supervision.

CUSTODY

7. Petitioner is presently in the legal and physical custody of Respondents and is confined at the Central Valley Annex in McFarland, California, within the jurisdiction of this Court.

JURISDICTION AND VENUE

8. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241 because Petitioner is in federal immigration custody and challenges the legality of that detention under the Constitution and laws of the United States.

9. This Court has authority to issue a writ of habeas corpus and to order Respondents to show cause pursuant to 28 U.S.C. § 2243.

10. Neither 8 U.S.C. § 1252(g) nor § 1252(b)(9) deprives this Court of jurisdiction because Petitioner does not challenge the validity of the underlying removal order or seek review of any discretionary decision to commence proceedings, adjudicate his case, or execute a removal order. Rather, Petitioner challenges only the legality of his continued detention pending execution of that removal order.

11. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(e) and 2241 because Petitioner is detained within the Eastern District of California and his immediate custodian is located within this District.

PARTIES

12. Petitioner, Anh Thuy Nguyen, is currently detained by U.S. Immigration and Customs Enforcement at the Central Valley Annex in McFarland, California.

13. Respondent Warden of the Central Valley Annex in McFarland, California is Petitioner's immediate custodian and is responsible for his confinement. The Warden is sued in his official capacity.

14. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security (DHS).

15. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE).

16. Respondent Todd Blanche is the Acting Attorney General of the United States and the head of the U.S. Department of Justice (DOJ).

17. All Respondents are named in their official capacities.

FACTS

18. Petitioner, Anh Thuy Nguyen, has been continuously detained by U.S. Immigration and Customs Enforcement ("ICE") since November 15, 2025, after being taken into custody upon returning to the United States from international travel.

19. Petitioner's removal proceedings resulted in an administratively final order of removal on March 26, 2026.

20. Since the removal order became administratively final, Respondents have continued to detain Petitioner pursuant to the post-removal-order detention provisions of the Immigration and Nationality Act.

21. Petitioner has fully cooperated with Respondents' efforts to effectuate his removal. Petitioner did not appeal the administratively final order of removal and has not sought to delay or obstruct its execution. To the contrary, Petitioner desires to be removed to Vietnam if Respondents are able to effectuate the removal order.

22. On or about May 11, 2026, Respondents served Petitioner with a Notice to Alien of File Custody Review, advising that ICE had initiated the post-order custody review process pursuant to 8 C.F.R. § 241.4 and would evaluate whether continued detention remained appropriate. (*Ex.* 1.)

23. During his detention, Petitioner completed and executed the documentation required in connection with the renewal or issuance of a Vietnamese passport. Despite Petitioner's complete cooperation and willingness to be removed, no Vietnamese passport or other travel document authorizing Petitioner's removal has been issued. As a result, Respondents have been unable to execute Petitioner's removal. (*Ex.* 2.)

24. Notwithstanding the initiation of the post-order custody review process, Respondents have continued Petitioner's detention despite their inability to effectuate his removal.

25. Petitioner has remained continuously detained for approximately seven and one-half months since being taken into ICE custody on November 15, 2025, and for more than three months following the entry of his administratively final removal order on March 26, 2026.

26. Petitioner remains in ICE custody even though Respondents have been unable to obtain the documentation necessary to execute the removal order and despite Petitioner's continued cooperation with all efforts to facilitate his removal.

REQUIREMENTS OF 28 U.S.C. § 2243

27. The Court must grant the petition for a writ of habeas corpus or issue an Order to Show Cause ("OSC") to Respondents "forthwith," unless it appears from the petition that Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." Id. (emphasis added).

28. Courts have long recognized the importance of the writ of habeas corpus in protecting individuals from unlawful detention. As the Supreme Court explained, the Great Writ is "perhaps the most important writ known to the constitutional law of England, affording as it does a swift

and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

29. The statutory design makes clear that habeas corpus must remain a swift remedy. "The statute itself directs courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations omitted). The Ninth Circuit has cautioned against undue delay that would frustrate the remedial purpose of habeas corpus, warning against any action creating the perception "that courts are more concerned with efficient trial management than with the vindication of constitutional rights." *Id.* at 1121.

30. Petitioner remains deprived of his physical liberty each day Respondents continue to detain him. Because this Petition challenges the legality of Petitioner's present confinement, the expedited procedures prescribed by Congress in 28 U.S.C. § 2243 are particularly appropriate. Petitioner therefore respectfully requests that the Court promptly issue an Order to Show Cause requiring Respondents to justify Petitioner's continued detention.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

31. Although exhaustion of administrative remedies in habeas proceedings is prudential rather than jurisdictional, Petitioner has exhausted all administrative remedies that are available and meaningful under the circumstances. See *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017).

32. Petitioner's removal order became administratively final on March 26, 2026. Following the expiration of the statutory removal period, Respondents continued Petitioner's detention pursuant to 8 U.S.C. § 1231(a)(6). Respondents also initiated the post-order custody review process pursuant to 8 C.F.R. § 241.4 by serving Petitioner with a Notice to Alien of File Custody Review.

33. Petitioner fully cooperated with Respondents' efforts to effectuate his removal, including completing the documentation required in connection with a Vietnamese passport renewal application. Despite Petitioner's cooperation, Respondents have been unable to obtain

the travel documentation necessary to execute the removal order and have continued Petitioner's detention.

34. No further administrative remedy exists that can provide Petitioner with the relief requested in this action—release from detention because there is no significant likelihood that removal can be effectuated in the reasonably foreseeable future. Accordingly, any further attempt to pursue administrative relief would be futile, and continued detention inflicts irreparable harm by depriving Petitioner of his physical liberty each day this action remains pending.

CLAIM FOR RELIEF

COUNT 1

Violation of the Due Process Clause of the Fifth Amendment

35. Petitioner realleges and incorporates by reference each of the preceding paragraphs as though fully set forth herein.

36. The Fifth Amendment to the United States Constitution provides that no person shall be deprived of life, liberty, or property without due process of law.

37. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

38. Civil immigration detention is constitutionally permissible only insofar as it bears a reasonable relation to its legitimate regulatory purpose. In the post-removal-order context, that purpose is to effectuate an individual's removal from the United States.

39. The Supreme Court has held that 8 U.S.C. § 1231(a)(6) does not authorize indefinite or potentially permanent detention. Rather, once there is no significant likelihood of removal in the reasonably foreseeable future, continued detention is no longer authorized by the statute. *Zadvydas*, 533 U.S. at 699–701.

40. Petitioner has fully cooperated with Respondents' efforts to effectuate his removal. During his detention, Petitioner completed the documentation required in connection with a Vietnamese passport renewal application and has complied with all requests relating to the removal process.

41. Despite Petitioner's complete cooperation, Respondents have been unable to obtain the travel documentation necessary to execute Petitioner's removal. No passport or other travel document authorizing Petitioner's removal has been issued.

42. Because Respondents have been unable to obtain the documentation necessary to effectuate Petitioner's removal, there is good reason to believe that Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future.

43. Under these circumstances, Petitioner's continued detention no longer bears a reasonable relation to its permissible regulatory purpose of effectuating removal. Continued detention has therefore become arbitrary and violates the Due Process Clause of the Fifth Amendment.

44. Unless Respondents can demonstrate with competent evidence that Petitioner's removal is significantly likely in the reasonably foreseeable future, Petitioner's continued detention is unlawful under the principles articulated in *Zadvydas v. Davis*.

45. Petitioner is therefore entitled to a writ of habeas corpus directing Respondents to release him from immigration custody under appropriate conditions of supervision.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A) Assume jurisdiction over this matter;

B) Direct Respondents to refrain from transferring Petitioner outside the jurisdiction of this Court while these proceedings are pending;

C) Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment and exceeds the authority conferred by 8 U.S.C. § 1231(a)(6), as construed by *Zadvydas v. Davis*, 533 U.S. 678 (2001);

D) Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from immigration custody under an Order of Supervision or such other appropriate conditions of supervision as authorized by law;

E) Award Petitioner attorney's fees and costs, including pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, to the extent authorized by law;

F) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

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Dated: July 2, 2026

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I submit this verification as counsel for Petitioner in this action. The factual allegations contained in this Petition are based upon my personal communications with Petitioner, including an in-person legal visit at the Central Valley Annex Detention Facility on June 28, 2026, as well as my review of available immigration records and supporting documents, including records relating to Petitioner's continued immigration detention, the post-order custody review process, and documentation concerning efforts to obtain travel documents from the Vietnamese government.

Based upon my communications with Petitioner, my review of those records, and to the best of my knowledge, information, and belief, I declare that the factual statements contained in this Petition are true and correct and accurately reflect Petitioner's circumstances and the procedural history of his continued detention.

Executed this 2nd day of July, 2026, in Chula Vista, California.

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