AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

FILED

JUL 20 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Vo Van Hai
Petitioner

v.

Warden Central Valley Annex
Detention McFarland CA 93250
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 1:26-cv-5646 DAD-CKD HC
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Vo Van Hai
   (b) Other names you have used: NA
2. Place of confinement:
   (a) Name of institution: Central Valley Annex
   (b) Address: 254 Taylor Ave
   McFarland CA, 93250
   (c) Your identification number: A# [redacted]
3. Are you currently being held on orders by:
   ☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you: NA
   (b) Docket number of criminal case: NA
   (c) Date of sentencing: NA
   ☒ Being held on an immigration charge
   ☐ Other *(explain)*:
   NA

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other *(explain)*: NA

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Central Valley Annex 254 Taylor Ave McFarland, CA 93250

(b) Docket number, case number, or opinion number: A [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
Due Process Claim; Accardo Doctrine

(d) Date of the decision or action: Oct 06 - 2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: NA

(2) Date of filing: NA

(3) Docket number, case number, or opinion number: NA

(4) Result: NA

(5) Date of result: NA

(6) Issues raised: NA

(b) If you answered "No," explain why you did not appeal: NA Didn't Appeal

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: NA

(2) Date of filing: NA

(3) Docket number, case number, or opinion number: NA

(4) Result: NA

(5) Date of result: NA

(6) Issues raised: NA

(b) If you answered "No," explain why you did not file a second appeal: Didn't Appeal

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: NA

(2) Date of filing: NA

(3) Docket number, case number, or opinion number: NA

(4) Result: NA

(5) Date of result: NA

(6) Issues raised: NA

(b) If you answered "No," explain why you did not file a third appeal: Didn't Appeal

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: NA
(2) Case number: NA
(3) Date of filing: NA
(4) Result: NA
(5) Date of result: NA
(6) Issues raised: NA

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: NA
(2) Case number: NA
(3) Date of filing: NA
(4) Result: NA
(5) Date of result: NA
(6) Issues raised: NA

Didn't Appeal

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: NA

Didn't Appeal

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: October 06 - 2025
(b) Date of the removal or reinstatement order: 2004
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

(1) Date of filing: NA
(2) Case number: NA
(3) Result: NA
(4) Date of result: NA
(5) Issues raised: NA

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: NA
(2) Date of filing: NA
(3) Case number: NA
(4) Result: NA
(5) Date of result: NA
(6) Issues raised: NA

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: NA
(b) Name of the authority, agency, or court: NA
(c) Date of filing: NA
(d) Docket number, case number, or opinion number:
(e) Result: NA
(f) Date of result: NA
(g) Issues raised: NA

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Violation of the Accardi Doctrine, Failure to follow mandatory regulatory procedur governing detention.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I.C.E. has failed to Comply with its mandatory regulatory obligation Under 8.C.F.R. §241.4 and 241.13 which governs the review and condition of post removal order detention. This regulation requires at a minimum that Agency Conducts timely Curdely review provide written notice of determination and allow detainee to submit Evidence and arguments.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☒ No

GROUND TWO: Violation of Due-Process - Prolonged detention with notice, Custody review, or opportunity to be heard.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Under the 5th Amendmet Civil Immigration detention must comport with fundamental opportunity to be heard. I.C.E. own regulatory framework governing post-removal order detention including 8 C.F.R. 241.4 requires timely custody review written notice of Custody determination.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☒ No

GROUND THREE: Unlawful re-detention without proper revocation of order of Supervision, Violates of Agency regulation and Due-Process

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner was previously release under and order of Supervision, after demonstrating Compliance over an extended period of years, following release from Criminal Custody. I.C.E. re-detention petitioner, but failed to revoke the excisting "OSUP" under the Accardi Doctrine federal agencies must follow there own regulation detaining petitioner while the "OSUP" remains in effects and without proper revocation rendres detention unlawful.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☒ No

GROUND FOUR: Arbitrary and Indefinite detention Without Individualized determination or legitimate government purpose.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner has received no individualized Custody review or Explanation for Continued detention making the detention punitive, rather than regulatory. Because "I.C.E" has failed to Conduct any individualized determination or demonstrate a valid purpose. Petitioner's Continued Confinement is UnConstitutional and must be "Terminated"

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Did Not Appeal

Request for Relief

15. State exactly what you want the court to do: Wherefore, Petitioner respectfully requests that the Court:

1. Assume Jurisdiction over this matter,
2. Grant the Petition for Writ of Habeas Corpus
3. Order Petitioner Immediate release under reasonable Conditions of Supervision,
4. Alternative, order Respondents to show Immediate Cause why Petitioner should not be released.
5. Grant any additional relief this Court deems just and proper.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: July 15-2026

x _____
Signature of Petitioner

N/A
Signature of Attorney or other authorized person, if any

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Vo Van Hai
Plaintiff/Petitioner

v. Warden Central Valley Annex Detention Mc Farland CA 93250
Defendant/Respondent(s)

Case Number:

"DHS"

PROOF OF SERVICE

I hereby certify that on July 15, 2026, **I served a copy of the attached** Proof of Service, Notice of Change of Addres, application For Habeas Corpus.

by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the United States Mail at

Central Valley Annex 254 Taylor Ave Mc Farland, CA 93250

(List Name and Address of each Defendant or Attorney Served)

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

X

(Signature of Person Completing Service)