

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Danh Trinh,

Petitioner,

v.

Markwayne Mullin, Secretary, U.S.
Department of Homeland Security,
Kristen Sullivan, Atlanta Field Office
Director of Enforcement and
Removal Operations; U.S.
Department of Homeland Security;
Todd Blanche, U.S. Attorney General;
Executive Office for Immigration
Review; Jason Streeval, Warden of
Stewart Detention Center.

Respondents.

Case No. 4:26-cv-1034

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner Danh Trinh (A ) respectfully submits this
3 Petition for Writ of Habeas Corpus challenging his continued detention by the
4 United States Department of Homeland Security, Immigration and Customs
5 Enforcement (“ICE”)
6

7 2. Petitioner was admitted into the United States in 1983 from Vietnam
8 and has resided continuously in the United States since that time.

9 3. On or about 2015, an Immigration Judge ordered him removed in
10 abstentia.
11

12 4. On October 31, 2025, a decade after his release on supervision, ICE
13 re-detained Petitioner. Petitioner’s OSUP was recently revoked by ICE alleging
14 removal to Mexico was possible.

15 5. Petitioner’s continued detention is therefore unauthorized under
16 INA § 241(a)(6), exceeds statutory authority, and violates the Due Process Clause
17 of the Fifth Amendment to the United States Constitution.
18

19 6. Petitioner seeks immediate relief from this unlawful detention,
20 including release under the existing Order of Supervision or under reasonable
21 conditions of supervision.
22
23
24

7. There have been no changed circumstances to justify Petitioner's re-detention and no evidence that removal to Vietnam is likely to occur in the reasonably foreseeable future.

JURISDICTION

8. Petitioner is in the physical custody of Respondents. Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia.

9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause) and the Administrative Procedure Act (APA), 5 U.S.C. §§ 701, *et seq.*

10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Middle District of Georgia, the judicial district in which Petitioner currently is detained.

12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States,

1 and because a substantial part of the events or omissions giving rise to the claims
2 occurred in the Middle District of Georgia.

3 **REQUIREMENTS OF 28 U.S.C. § 2243**

4
5 13. This Petition for Writ of Habeas Corpus is brought pursuant to 28
6 U.S.C. § 2243 to challenge the Respondent's unlawful detention of Petitioner,
7 who has been subject to an Order of Supervision for nearly ten years, has
8 complied with all its terms, and whose detention bears no reasonable relation to
9 a likelihood of removal.

10 14. Habeas corpus is "perhaps the most important writ known to the
11 constitutional law . . . affording as it does a *swift* and imperative remedy in all
12 cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963)
13 (emphasis added). "The application for the writ usurps the attention and
14 displaces the calendar of the judge or justice who entertains it and receives
15 prompt action from him within the four corners of the application." *Yong v.*
16 *I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).
17

18 **PARTIES**

19
20 15. Petitioner Danh Trinh is a citizen of Vietnam who has been in
21 immigration detention since October 31, 2025.

22 16. Respondent Kristen Sullivan is the Director of the Atlanta Field
23 Office of ICE's Enforcement and Removal Operations division. As such, she is
24

1 Petitioner's immediate custodian and is responsible for Petitioner's detention
2 and removal. She is named in her official capacity.

3 17. Respondent Markwayne Mullin is the Secretary of the Department
4 of Homeland Security. He is responsible for the implementation and
5 enforcement of the Immigration and Nationality Act (INA), and oversees ICE,
6 which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial
7 authority over Petitioner and is sued in her official capacity.
8

9 18. Respondent Department of Homeland Security (DHS) is the federal
10 agency responsible for implementing and enforcing the INA, including the
11 detention and removal of noncitizens.
12

13 19. Respondent Todd Blanche, Attorney General of the United States. Is
14 responsible for the Department of Justice, of which the Executive Office for
15 Immigration Review and the immigration court system it operates is a
16 component agency.
17

18 20. Respondent Jason Streeval, Warden of Stewart Detention Center is
19 employed by a private corporation as Warden of Stewart Detention Center,
20 where Petitioner is detained. He has immediate physical custody of Petitioner.
21 He is sued in his official capacity.

CLAIM FOR RELIEF

Count I

Unlawful Post-Order Detention in Violation of the Fifth Amendment and 28 U.S.C. § 2241 Because There Is No Significant Likelihood of Removal in the Reasonably Foreseeable Future

21. Petitioner's continued detention is unlawful because there is no significant likelihood of removal in the reasonably foreseeable future. Respondents have not effected removal, have not produced evidence that Mexico has formally accepted Petitioner for repatriation, and have not produced valid travel documents authorizing removal. These circumstances demonstrate more than a temporary delay; they establish a present inability to execute removal.

22. Under *Zadvydas v. Davis*, once detention has extended beyond the presumptively reasonable period and the noncitizen provides good reason to believe removal is not significantly likely in the reasonably foreseeable future, the burden shifts to the Government to rebut that showing. Here, repeated failed removal attempts, the absence of travel documents, and the lack of evidence of receiving-country acceptance establish precisely the type of indefinite detention prohibited by due process. Continued detention therefore violates the Fifth Amendment and habeas relief is warranted.

Count II
Continued Detention Is Arbitrary and Violates Substantive and Procedural Due Process

23. Petitioner's continued detention is arbitrary and violates the Due Process Clause because detention no longer bears a reasonable relationship to its purported purpose of effectuating removal. Civil immigration detention may not become punitive or indefinite where removal is not realistically foreseeable. Where the Government has failed to remove Petitioner and cannot show a meaningful prospect of removal in the reasonably foreseeable future, continued confinement ceases to serve a legitimate regulatory purpose.

24. Further, revocation of Petitioner's prior Order of Supervision, followed by prolonged detention without a realistic removal prospect, underscores the arbitrary nature of custody. Petitioner was previously managed through supervision in the community, demonstrating the existence of less restrictive alternatives to detention. Respondents' continued confinement despite those alternatives violates due process.

Count III
Detention Is Unlawful Because Respondents Have Failed to Demonstrate a Significant Likelihood of Effectuating Removal to Mexico

25. Respondents cannot justify continued detention based on speculative removal possibilities. The Government may not rely on abstract assertions that removal might occur someday; it must show a realistic and

1 significant likelihood of removal in the reasonably foreseeable future. Here, there
2 is no evidence Mexico has agreed to accept Petitioner, no evidence travel
3 documents have been issued. Mere hope of future repatriation cannot support
4 continued detention.

5
6 26. Because removal remains speculative and unsupported by concrete
7 evidence, detention exceeds statutory and constitutional limits and Petitioner is
8 entitled to release under reasonable conditions of supervision.

9
10 **Count IV**
11 **In the Alternative, Petitioner Is Entitled to Release Under Reinstatement of an**
12 **Order of Supervision Pursuant to 8 C.F.R. § 241.13**

13 27. Even assuming arguendo Respondents contend removal remains
14 possible, Petitioner is at minimum entitled to release under supervision.
15 Petitioner was previously released pursuant to an Order of Supervision,
16 demonstrating that community supervision is a viable and previously utilized
17 means of managing custody. Given the absence of a realistic removal prospect,
18 reinstatement of supervision is the appropriate remedy consistent with 8 C.F.R. §
19 241.13 and constitutional limitations on prolonged detention.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- d. Grant any other and further relief that this Court deems just and proper.

DATED this 23rd of July 2026.

/s/ Yaritssa Plasencia

Yaritssa Plasencia, Esq.

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Local Attorney for Petitioner

1 VERIFICATION BY SOMEONE ACTING ON THE PETITIONER'S BEHALF
2 PURSUANT TO 28 U.S.C. § 2242

3 I, Yaritssa Plasencia, am submitting this verification on behalf of the petitioner
4 because I am the petitioner's attorney. I am acting on behalf of the petitioner, Danh
5 Trinh, based on discussions with his attorney. On the basis of these discussions
6 and reviewing the record, I hereby verify that the statements made in the foregoing
7 Petition for Writ of Habeas Corpus are true and correct to the best of my
8 knowledge.
9

10 DATED this 23rd of July, 2026.

11 /s/ Yaritssa Plasencia
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