IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

FILED IN CLERK'S OFFICE
2026 AUG 25 PM 2:20
MDGA-COL

Phuoc Tiet
A[redacted]
Petitioner.

Civil Action No.

v.

Todd Blanch, Attorney General of the United States; ***Markwayne Mullin,*** Secretary of the Department of Homeland Security; ***Sean Gallagher,*** US. ICE field office Director for the Atlanta field office, and ***Jason Streeval,*** Warden of Immigration Stewart Detention Center in Lumpkin, GA.
Respondents.

PETITION FOR A WRIT OF HABEAS CORPUS

Pursuant to 28 U.S.C.§2241 by a person subject to indefinite immigration detention.

BACKGROUND

Petitioner ***Phuoc Tiet***, hereby petitions this Court for a writ of Habeas Corpus to remedy Petitioner's unlawful detention by the respondent. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1- Petitioner is in the physical custody of respondents and US. Immigration and Customs Enforcement(ICE). Petitioner is detained at the Stewart Detention Center, located at 146 CCA road, Lumpkin, GA.31815 within this district. Petitioner is under the direct control of respondents and their agents.

JURISDICTION

2- This action arises under the Constitution of the United States 28 U.S.C.§2241(c)(1) and the Immigration and Nationality Act(**INA**) 8 U.S.C.§1101 et. seq. As amended by the Illegal Immigration and Nationality Act of 1996 ("**IIRIRA**"), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act ("**APA**") 5 U.S.C.§701 et. Seq.

3- This Court has subject matter jurisdiction under 28 U.S.C.§2241 art.1§9 cl.2 of the United States

Constitution(**"Suspension Clause"**); and 28 U.S.C.§1331, as petitioner is presently in custody under color of the authority of the United States and such custody is in violation of the Constitution, laws or treaties of the United States, see **Zadvydas v. Davis** 533 US .678,688(2001)(**"we conclude that §2241 Habeas Corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention") INS v. St.Cyr** 533 US.289,301(2001)(**"at its historical core, the writ of Habeas Corpus has served as a means of reviewing the legality of executive detention and it is in that context that its protections have been strongest"). Clark v. Martinez** 543 US. 371(2005)(**"holding that Zadvydas applies to aliens found inadmissible as well as removable").** This Court may grant relief to 28 U.S.C.§2241, 5 U.S.C.§702, and the all Writs Act, 28 U.S.C.§1651.

VENUE

4- Venue lies in the Middle District of Georgia because petitioner is currently detained in the territorial jurisdiction of this Court, at the Stewart Detention Center, located at 146 CCA road. Lumpkin Georgia. 31815.

EXHAUSTION OF REMEDIES

5- Petitioner has exhausted his administrative remedies to the extent required by law and his only remedy is by way of this judicial action after the Supreme Court decision in **Zadvydas**, the Department of Justice issued regulations governing the custody of aliens removed, see 8 C.F.R.§241.4.

6- No statutory exhaustion requirements apply to petitioner's claim of unlawful detention.

7- On 2000, petitioner filed a second petition for writ Habeas Corpus pro-Se to 11 Cir.(**"petitioner was release under supervision before Rule"**). On January 21, 2026 he filed a new petition for writ of Habeas Corpus pro-Se (**case no.**:4:26-cv-00108-CDL-ADH, 28 U.S.C.§2241) in this District Court. the District Court **"Dismissed"** because it was file prematurely.

8- Petitioner's custody status was first reviewed on March 31, 2026, he never have the opportunity to hearing or interview where he can explain because they should release him back under supervision. However more than **"seven months"** have passed since petitioner's new pro-Se Habeas petition was filed and petitioner still remains detained without any indication from the government of the United States or Vietnam, that petitioner's repatriation is reasonably foreseeable. **"A new Habeas petition is proper in light of these new facts".**

PARTIES

9- Petitioner is a native and citizen of Vietnam. Petitioner was first taken into ICE custody this time on October 14, 2025 and has remained in ICE custody continuously since that date. Petitioner was ordered removed on February 24, 2000, petitioner is currently detained at Stewart Detention Center. Petitioner has been continuously detained by ICE for **"over 300-days this time alone"**.

10- Respondent ***Todd Blanch*** is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Naturalization Act(**INA**). As such ***Mr. Blanch*** has ultimate custodial authority over petitioner.

11- Respondent ***Markwayne Mullin*** is the Secretary of the Department of Homeland Security (**"DHS"**) he is responsible for the administration of ICE and the implementation and enforcement of the INA. As such ***Mr. Mullin*** is the legal custodian of petitioner.

12- Respondent ***Sean Gallagher*** is the ICE field office Director of the ERO Atlanta and is petitioner' immediate custodian, see **Vazquez v. Reno**, 233F.3d688,690(1stCir.2000)cert.denied.122S.ct.43(2001).

13- Respondent Jason Streeval is the Warden of Stewart Detention Center, where petitioner is currently detained under the authority of ICE, alternatively may be considered to be petitioner's immediate custodian.

STATEMENT OF THE FACTS

14- Petitioner ***Phuoc Tiet*** was born in Vietnam on [redacted] Petitioner was arrested in Atlanta in 1997 and placed in States Prision to 2000. Petitioner is serve in Stewart Immigration Court with a Final Order of Deportation on February 24, 2000 and immediately a Immigration Judge ordered respondent shall be removed to Vietnam.(**He was release under supervision on August 31, 2001**).

15- Petitioner on October 14, 2025 is serve in ICE ERO Atlanta Field Office with a Notice of Fee Assessment under 8 U.S.C.§1814, he were arrested by US. Immigration and Customs Enforcement after issuance of your in absentee removal order and has remained in custody since that date.(**"More that 300-days detained this time alone"**).

16- Petitioner was placed under ICE custody in Delkal County and Moutrie County both facility in Atlanta Georgia, after 30 months, petitioner was **"release under supervision on August 31, 2001".**

17- On 2005 petitioner was arrest again, with conspiracy charges and is under BOP custody for 98 months, in June 2012, he was "**release under supervision 5 years".**

18- Petitioner was apprehended on October 14, 2025 by DHS in the field Office Atlanta, during a citation to complying a order of supervision and has remained in custody since that date.

19- To date however ICE has been unable to remove the petitioner to Vietnam. It is petitioner's understanding that Vietnam will deny any and all requests for travel documents, **"as there is no formal or informal repatriation agreement between Vietnam and the United States".**

20- Petitioner has cooperated fully with all efforts by ICE to remove petitioner from the United States .He provided ICE deportation office with information about when and where he was born, photographs and fingerprints.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

21- In **Zadvydas v. Davis**, 533 US.678(2001). the US. Supreme Court held that 8 U.S.C.§1231(a)(6), when **"read in light of the Constitution's demands, limits an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States"** 533 US. at. 689 a **"Habeas Court must[first]ask whether the detention in question exceeds a period reasonably necessary to secure removal"**. Id. at. 699. **"If the individual's removal is not reasonably foreseeable, the Court should hold continued detention unreasonable and no longer authorized by the statute"**. Id. at. 699-700. In **Clark v. Martinez**, 543 US. 371(2005), the US.

Supreme Court held that **Zadvydas** applies to aliens found inadmissible as well as removable.

22- In determining the length of a reasonable removal period, the Court adopted a **"presumptive reasonable period of detention of six-months"**. Id. at. 701. After six-months the government bears the burden of disproving an alien's **"good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future"**,see **Zhou v. Farquharson,** 2001 US. Dist. **LEXIS** 18239*2-*3(**D. Mass.** Oct.19,2001)(quoting and summarizing **Zadvydas**). Moreover **"for detention to remain reasonable as the period of prior post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink", Zadvydas** 533 US. at.701. Ice's administrative regulations also recognize that the HQPDU has a six-months period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future, see 8 C.F.R.§241.4(k)(2)(ii).

23- An alien who has been detained beyond the presumptive six-months should be released where the government is unable to present documented confirmation that the foreign government a issue will agree to accept the particular individual in question. see **Agbada v. John Ashcroft**, 2002 US. Dist. **LEXIS** 15797(**D. Mass.** August 22, 2002)(court **"will likely grant"** Habeas petition after fourteen months is ICE is **"unable to present document confirmation that the Nigerian government has agreed to[petitioner's]repatriation"**), **Zhou** 2001 US. Dist. **LEXIS** 19050at*7(**W.D.Wasa, February** 28, 2002)(**government's failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicate that there was no significant likelihood of petitioner's removal in the reasonable future**).

CLAIMS FOR RELIEF
COUNT ONE
STATUTORY VIOLATION

24- Petitioner re-alleges and incorporates by reference paragraphs 1 through 23 above.

25- Petitioner's continued detention by respondents is unlawful and contravenes 8 U.S.C.§1231(a)(6) as interpreted by the US. Supreme Court in **Zadvydas**, petitioner's **"ninety-day"** statutory removal period and **six-month** presumptive reasonably period for continued removal efforts **have both passed**. Respondents are unable to remove petitioner to [redacted], because there is no repatriation agreement between the United States and [redacted] will not accept its citizens who have been ordered removed from the United States. In **Martinez** the US. Supreme Court held that the continued indefinite detention of someone like petitioner under such circumstances is unreasonable and not authorized by 8 U.S.C.§1231 (a)(6).

COUNT TWO
SUBSTANTIVE DUE PROCESS VIOLATION

26- Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

27- Petitioner's continued detention violates petitioner's right to **Substantive Due Process** through a deprivation of the core liberty interest in freedom from bodily restraint. see e.g **Tam v. INS, 14F. Supp.** 2d 1184(**E. D. Cal.**1998)(**aliens retain substantive due process rights**).

28- The due process clause of the **Fifth Amendment** requires that the deprivation of petitioner's liberty be narrowly tailored to serve a compelling government interest in detaining petitioner in order to effectuate removal, **"that interest does not justify the indefinite detention of petitioner"**, who is not significantly likely to be removed in the reasonably foreseeable future, the US. Supreme Court in **Zadvydas** thus interpreted 8 U.S.C.§1231(a) to allow continued detention only for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interest to effect the alien's removal,see **Kay v. Reno,** 94F. Supp.2d 546.551(**M.D. Pa.**2000) (**granting writ of Habeas Corpus, because petitioner's substantive due process rights were violate and noting that "If deportation can never occur, the government's primary legitimate purpose in detention-executing removal-is nonsensical**") because petitioner is unlikely to be remove to Vietnam or other country. **"Her continued indefinite detention violates substantive due process".**

COUNT THREE
PROCEDURAL DUE PROCESS VIOLATION

29- Petitioner re-alleges and incorporates by reference paragraphs 1 through 28 above.

30- Under the **Due Process Clause** of the **Fifth Amendment**, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained, petitioner in this case has been denied that opportunity there is no administrative mechanism in place for the petitioner to obtain a decision from a neutral arbiter or appeal a custody decision that violates, **Martinez,** see **generally** 8 C.F.R.§212.12, the custody review procedures are constitutionally insufficient both as written and as applied a number of Courts have identified a substantial bias within ICE toward the continued detention of aliens, raising the risk of an erroneous deprivation to constitutionally high levels see eg. **Phan v. Reno, 56 F. Supp.**2d 1149,1157(**W.D. Wash.**1999)(**"INS does not meaningfully and impartially review review the petitioner's status"**) **St. John v. MC Elroy**, 917 **F. Supp.** 243,251 (**S.D.N.Y.**1996)(**"due to political and community pressure, INS an executive agency, has ever incentive to continue to detain aliens with aggravated felony convictions, even though they have served their sentences on the suspicion that they may continued to pose a danger to the community"**)see also **Rivera v. Demore**, No. C99-3042. The 199wl 521177*7(**N.D. Cal.** Jul.13,1999) (**procedural due process requires that aliens release determination be made by impartial adjudicator due to agency bias**).

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;

2. Grant petitioner a writ of Habeas Corpus directing the respondents to immediately release petitioner from custody under reasonably conditions of supervision;

3. Order respondents to refrain from transferring the petitioner out the jurisdiction of the ICE field office Atlanta, GA. Director during the pend ency of these proceedings and while the petitioner remains in respondent's custody;

4. Award petitioner attorney's fees and costs under the equal access to justice act (**"EAJA"**) as amended 5 U.S.C.§504 and 28 U.S.C.§2412 and on any other basis justified under law; and

5. Grant any other and further relief that this Court deems just and proper.

I affirm under penalty of perjury, that the foregoing is true and correct. Respectfully this 19 August 2026.

Phuoc Tiet pro-Se
A# [redacted]
Stewart Detention Center
P.O. BOX 248
Lumpkin, GA. 31815

MIKETAVIOUS A HALLBACK
NOTARY PUBLIC
Terrell County
State of Georgia
My Comm. Expires May 31, 2030

8/18/2026