

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Nam Van Phan v. Leonard Oddo, Warden, Moshannon Valley
Processing Center, et al.

Phan · No. 3:25-cv-348-KAP · Decided January 8, 2026

SUMMARY

The court denied a 28 U.S.C. § 2241 habeas petition brought by a lawful permanent resident detained at the Moshannon Valley Processing Center pending removal to Vietnam. Applying *Tazu v. Attorney General*, the court held that it lacked jurisdiction to review the manner in which immigration authorities revoked the petitioner’s Order of Supervision and arrested him. The court further held that the petitioner’s *Zadvydas v. Davis* challenge to continued detention was premature because he had not been detained for six months and had not shown a significant likelihood that removal would not occur in the reasonably foreseeable future.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Keith A. Pesto
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	January 8, 2026
DOCKET	3:25-cv-348-KAP
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and the revocation of an Order of Supervision.
STANDARD OF REVIEW	The court considered whether the habeas petition stated a cognizable and nonpremature challenge to detention under § 2241, including the jurisdictional limitations of 8 U.S.C. § 1252 and the standards governing prolonged detention under <i>Zadvydas v. Davis</i> .
PRECEDENTIAL VALUE	Unknown; memorandum order from a federal district court with no reporter citation.
PARTIES	Nam Van Phan v. Leonard Oddo, Warden, Moshannon Valley Processing Center, et al.

TOPICS

immigration detention federal habeas corpus removal proceedings due process
judicial review of agency action

PRACTICE AREAS

immigration federal habeas corpus administrative law constitutional law

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction under § 2241 to review ICE's revocation of Phan's Order of Supervision and the manner of his arrest without notice and an opportunity to be heard.
2. Whether Phan's continued detention violated *Zadvydas v. Davis* because removal to Vietnam was not reasonably foreseeable.

HOLDINGS

1. The district court lacked jurisdiction to review Phan's challenge to ICE's revocation of his Order of Supervision and the manner in which his removal order was executed because the claim was barred by 8 U.S.C. § 1252(g) and § 1252(b)(9).
2. Phan's challenge to his continued detention was not jurisdictionally barred, but it was premature because he had not been detained for six months and had not provided good reason to believe that there was no significant likelihood of removal in the reasonably foreseeable future.

KEY QUOTATIONS

“While this claim does not challenge the Attorney General's decision to execute his removal order, it does attack the action taken to execute that order. So under § 1252(g) and (b)(9), the District Court lacked jurisdiction to review it.” (at 1)

*“And under *Zadvydas v. Davis*, the petitioner is required to “provide[] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future” before the respondent must “respond with evidence sufficient to rebut that showing.””* (at 2)

FACTUAL BACKGROUND

Phan, a Vietnamese national and lawful permanent resident, was admitted to the United States as a refugee and later received criminal convictions, including robbery and aggravated assault. After being ordered removed in 2008, he was released in 2009 subject to an Order of Supervision and remained in the community until ICE arrested him at a scheduled appointment on September 16, 2025. He challenged both the manner of his arrest and revocation of supervision and the lawfulness of his continued detention, asserting that removal to Vietnam was not reasonably foreseeable.

PROCEDURAL HISTORY

Phan filed a counseled § 2241 habeas petition in October 2025 after ICE revoked his Order of Supervision and detained him at Moshannon Valley Processing Center. Respondents filed a response. The court denied the petition and entered a final appealable order.

DISPOSITION

writ_denied

CASES CITED

- Roe v. Oddo, No. 3:25-cv-128, 2025 WL 3030692, at *2–3 (W.D. Pa. Oct. 30, 2025)
- Tazu v. Attorney General United States, 975 F.3d 292, 298 (3d Cir. 2020)
- United States v. Alvarez-Machain, 504 U.S. 655 (1992)
- Zadvydas v. Davis, 533 U.S. 678, 701 (2001)
- Jennings v. Rodriguez, 583 U.S. 281, 294 (2018)

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