

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Vishal v. Christopher Chestnut, et al.

Vishal v. Christopher Chestnut, No. 1:25-cv-01469-SAB-HC (E.D. Cal. Dec. 5, 2025) · No. 1:25-cv-01469-SAB-HC · Decided December 8, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Vishal’s petition for a writ of habeas corpus under 28 U.S.C. § 2241, finding that his prolonged detention under 8 U.S.C. § 1231(a)(6) was unreasonable under Zadvydas v. Davis. The court ordered his immediate release subject to supervision and held that the government’s third-country removal procedures violated due process and Ninth Circuit precedent. The court permanently enjoined removal to a third country unless specified notice and opportunities to assert fear-based protection claims were provided.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 8, 2025
DOCKET	1:25-cv-01469-SAB-HC
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from continued immigration detention and challenged the respondents' third-country removal procedures. The court granted the habeas petition, denied the preliminary-injunction motion as moot, ordered immediate release subject to supervision, and enjoined third-country removal unless specified procedures were followed.
STANDARD OF REVIEW	The court applied the statutory and constitutional standards governing post-removal-order detention under 8 U.S.C. § 1231(a)(6) and Zadvydas v. Davis, including the six-month presumptively reasonable period and the burden-shifting requirement concerning the likelihood of removal in the reasonably foreseeable future. It reviewed the due-process adequacy of the third-country removal procedures.
PRECEDENTIAL VALUE	unknown

PARTIES

Vishal v. Christopher Chestnut, et al.

TOPICS

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QUESTIONS PRESENTED

1. Whether petitioner's continued detention under 8 U.S.C. § 1231(a)(6) became unreasonable and unauthorized after he provided good reason to believe that removal was not significantly likely in the reasonably foreseeable future and the government failed to rebut that showing.
2. Whether petitioner's two custodial altercations justified continued detention despite the lack of a reasonably foreseeable removal.
3. Whether the government's March 30 and July 9, 2025 third-country removal procedures violated due process by failing to provide meaningful notice and an opportunity to assert a fear-based claim before removal.
4. What relief was appropriate for the statutory detention violation and the due-process violation.

HOLDINGS

1. Petitioner's continued detention was unreasonable and no longer authorized by 8 U.S.C. § 1231(a)(6) because he had been detained beyond the presumptively reasonable six-month period, showed good reason to believe that removal was not significantly likely in the reasonably foreseeable future, and the government failed to provide sufficient rebuttal evidence.
2. Petitioner's two altercations while in immigration custody did not justify continued detention under § 1231(a)(6).
3. The March 30 and July 9, 2025 third-country removal policies violated the Fifth Amendment Due Process Clause and Ninth Circuit precedent because they did not guarantee meaningful notice and an opportunity to assert a fear-based claim before removal to a third country.

KEY QUOTATIONS

“This 6-month presumption, of course, does not mean that every alien not removed must be released after six months.” (at 5)

“If a need to protect the community did not justify the detention of Ma—a killer—under § 1231(a)(6), it similarly does not justify the detention of Thai.” (at 8)

“Accordingly, Petitioner cannot be removed to a third country without meaningful notice and an opportunity to assert a fear-based claim.” (at 9-10)

FACTUAL BACKGROUND

Petitioner, a native and citizen of India, entered the United States on June 10, 2024, and was detained upon entry. An immigration judge found him inadmissible, ordered removal to India, and granted withholding of removal to India because he was likely to face persecution there based on protected political expression and Sikh identity. His removal order became final on April 17, 2025, but he remained detained for more than six months while ICE searched for a third country; the government did not identify a country or provide meaningful evidence of progress. Respondents also relied on third-country removal policies that provided notice and fear-based screening only under limited circumstances.

PROCEDURAL HISTORY

Vishal was ordered removed to India but was granted withholding of removal to India. After the removal order became final, he remained detained under 8 U.S.C. § 1231(a)(6) while the government allegedly searched for a third country willing to accept him. He filed this § 2241 petition and a motion for preliminary injunction on October 31, 2025. The parties briefed the matter, and the court advanced consideration of the merits under Federal Rule of Civil Procedure 65(a)(2).

DISPOSITION

other

CASES CITED

- Prieto-Romero v. Clark, 534 F.3d 1053, 1057, 1063 (9th Cir. 2008)
- Avilez v. Garland, 69 F.4th 525, 529-531 (9th Cir. 2023)
- Zadvydas v. Davis, 533 U.S. 678, 683, 685, 689, 699-702 (2001)
- Nguyen v. Scott, No. 2:25-CV-01398, 2025 WL 2419288, at *16, *19 (W.D. Wash. Aug. 21, 2025)
- Singh v. Gonzales, 448 F. Supp. 2d 1214, 1220 (W.D. Wash. 2006)
- Chun Yat Ma v. Asher, No. C11-1797 MJP, 2012 WL 1432229, at *4-*5 (W.D. Wash. Apr. 25, 2012)
- Hoac v. Becerra, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771, at *3 (E.D. Cal. July 16, 2025)
- Huang v. Albarran, No. 1:25-cv-01308-JLT-EPG, 2025 WL 2986885, at *4 (E.D. Cal. Oct. 23, 2025)
- Alva, 2025 WL 2419262, at *3
- Ceesay v. Kurzdorfer, 781 F. Supp. 3d 137, 154 (W.D.N.Y. 2025)
- Thai v. Ashcroft, 366 F.3d 790, 792, 794, 797-799 (9th Cir. 2004)
- Reno v. Flores, 507 U.S. 292, 306 (1993)
- Andriasian v. I.N.S., 180 F.3d 1033, 1041 (9th Cir. 1999)
- Ibarra-Perez v. United States, 154 F.4th 989, 995 (9th Cir. 2025)
- D.V.D. v. U.S. Department of Homeland Security, 778 F. Supp. 3d 355, 394 (D. Mass. 2025)
- D.V.D. v. U.S. Department of Homeland Security, No. CV 25-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025)
- Department of Homeland Security v. D.V.D., 145 S. Ct. 2153 (2025)

- Kumar v. Wamsley, No. C25-2055-KKE, 2025 WL 3204724, at *2-*3, *6 (W.D. Wash. Nov. 17, 2025)
- Vu v. Noem, No. 1:25-cv-01366-KES-SKO (HC), 2025 WL 3114341, at *9 (E.D. Cal. Nov. 6, 2025)

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