

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Bounpheng Soryadvongsa v. Kristi Noem, et al.

Case No. 25-cv-2663-AGS-DDL · No. 25-cv-2663-AGS-DDL · Decided November 8, 2025

SUMMARY

The United States District Court for the Southern District of California grants Bounpheng Soryadvongsa’s habeas petition challenging his immigration detention. The court holds that ICE violated 8 C.F.R. § 241.13(i)(3) by waiting 29 days to conduct the required initial informal interview after revoking his release. The court orders his immediate release subject to the prior Order of Supervision and denies his preliminary-injunction request as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Andrew G. Schopler
JURISDICTION	United States District Court for the Southern District of California
DECIDED	November 8, 2025
DOCKET	25-cv-2663-AGS-DDL
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention and separately sought a preliminary injunction. The district court granted the habeas petition, denied the preliminary-injunction request as moot, vacated the scheduled hearing, and ordered immediate release subject to existing supervision conditions.
STANDARD OF REVIEW	The court reviewed the habeas challenge under 28 U.S.C. § 2241(c) (3), requiring petitioner to show that he was in custody in violation of the Constitution or laws or treaties of the United States.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Bounpheng Soryadvongsa v. Kristi Noem, et al.

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- statutory interpretation
- remedies

PRACTICE AREAS

immigration law

federal habeas corpus

immigration detention

administrative law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) deprived the district court of jurisdiction over Soryadvongsa's habeas challenge to his immigration detention.
2. Whether ICE's 29-day delay in conducting the initial informal interview required by 8 C.F.R. § 241.13(i)(3) violated the regulation.
3. Whether a habeas petitioner challenging immigration detention must demonstrate prejudice from ICE's failure to conduct the required informal interview promptly.

HOLDINGS

1. Section 1252(g) did not bar jurisdiction because Soryadvongsa challenged the legality of his detention rather than the decision to commence proceedings, adjudicate his case, or execute his removal order.
2. A 29-day delay in conducting the initial informal interview required by 8 C.F.R. § 241.13(i)(3) is not prompt and violates the regulation.
3. A habeas petitioner challenging immigration detention need not demonstrate the government's proposed form of prejudice from ICE's failure to conduct the required informal interview promptly.

KEY QUOTATIONS

“When immigration officials arrested petitioner, a regulation required them to “promptly” conduct an informal interview, so he could contest the basis for his detention. The key issue in this habeas petition is whether an interview 29 days after arrest qualifies as prompt under that regulation. It does not.” (at 1)

“Especially in the context of civil detentions—when constitutional safeguards are at their zenith—this Court is unwilling to import such a prejudice analysis into regulations or binding caselaw that don’t mention it.” (at 7)

“Soryadvongsa has carried his burden of establishing that ICE exceeded those uncompromising bounds and that his custody is unlawful. Thus, he must be set free.” (at 8)

FACTUAL BACKGROUND

An Immigration Judge ordered Soryadvongsa removed to Laos in 2002 because of his criminal history. ICE repeatedly released him under orders of supervision because it could not obtain travel documents, but arrested him again on September 23, 2025. ICE did not immediately provide the informal interview required by regulation and conducted it 29 days after the arrest.

PROCEDURAL HISTORY

After ICE arrested Soryadvongsa on September 23, 2025, he filed a habeas petition alleging, among other claims, that ICE failed to provide the informal interview required by 8 C.F.R. § 241.13(i)(3). ICE conducted the

interview 29 days after arrest. The district court concluded that the delay violated the regulation and that the detention was unlawful, without reaching the petition's remaining grounds.

DISPOSITION

writ_granted

CASES CITED

- Lopez-Marroquin v. Barr, 955 F.3d 759, 759 (9th Cir. 2020)
- Zadvydas v. Davis, 533 U.S. 678, 688, 690 (2001)
- Department of Homeland Sec. v. Regents of the Univ. of California, 591 U.S. 1, 19 (2020)
- Reno v. American-Arab Anti-Discrimination Comm., 525 U.S. 471, 482, 487 (1999)
- Rokhfirooz v. Larose, No. 25-CV-2053-RSH-VET, 2025 WL 2646165, at *4 (S.D. Cal. Sept. 15, 2025)
- United States v. Ramos, 623 F.3d 672, 683 (9th Cir. 2010)
- Mendez v. Immigration & Naturalization Serv., 563 F.2d 956, 959 (9th Cir. 1977)
- Dolan v. United States Postal Serv., 546 U.S. 481, 486 (2006)
- Rodriguez v. Marin, 909 F.3d 252, 257 (9th Cir. 2018)
- Jones v. Blanas, 393 F.3d 918, 932 (9th Cir. 2004)
- M.S.L. v. Bostock, No. 6:25-cv-01204-AA, 2025 WL 2430267, at *11 (D. Or. Aug. 21, 2025)
- Community Legal Servs. in E. Palo Alto v. United States Dep't of Health & Hum. Servs., 780 F. Supp. 3d 897, 921 (N.D. Cal. 2025)
- United States v. Barraza-Leon, 575 F.2d 218, 221-22 (9th Cir. 1978)
- Doe v. Smith, No. 18-11363-FDS, 2018 WL 4696748, at *9 (D. Mass. Oct. 1, 2018)
- Ahmad v. Whitaker, No. C18-287-JLR-BAT, 2018 WL 6928540, at *5 (W.D. Wash. Dec. 4, 2018)
- K.E.O. v. Woosley, No. 4:25-CV-74-RGJ, 2025 WL 2553394, at *6-7 (W.D. Ky. Sept. 4, 2025)