

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Khanh Truong Nguyen v. Pamela Bondi, Attorney General, et al.

Nguyen v. Bondi · No. CIV-25-1402-D · Decided February 12, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge’s recommendation and granted Khanh Truong Nguyen’s petition for habeas relief under 28 U.S.C. § 2241. The court held that ICE failed to comply with regulatory requirements governing the revocation of Nguyen’s Order of Supervision and failed to establish changed circumstances creating a significant likelihood of removal in the reasonably foreseeable future. The court ordered Nguyen’s immediate release subject to the prior Order of Supervision and denied the remaining requests as moot.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Timothy D. DeGiusti
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	February 12, 2026
DOCKET	CIV-25-1402-D
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from his immigration detention and requested immediate release, declaratory relief, and injunctive relief. After a magistrate judge recommended granting habeas relief and ordering release subject to supervision, the district court conducted de novo review of the respondents' specific objections and adopted the recommendation in relevant part.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's Report and Recommendation to which a specific objection was made under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3).
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Khanh Truong Nguyen v. Pamela Bondi, Attorney General, et al.

TOPICS

immigration detention

removal proceedings

subject matter jurisdiction

due process

civil procedure

PRACTICE AREAS

immigration

habeas corpus

administrative law

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) or § 1252(b)(9) deprived the district court of jurisdiction to review Nguyen's challenge to his renewed immigration detention and the alleged failure to follow release-revocation procedures.
2. Whether ICE complied with 8 C.F.R. § 241.13(i)(2)-(3) when it revoked Nguyen's Order of Supervision and returned him to custody.
3. Whether habeas relief under 28 U.S.C. § 2241, including immediate release subject to the prior Order of Supervision, was an appropriate remedy for ICE's failure to comply with its own regulations.
4. Whether Nguyen's requests for declaratory and permanent injunctive relief and expedited handling remained viable.

HOLDINGS

1. Neither § 1252(g) nor § 1252(b)(9) deprived the district court of jurisdiction over Nguyen's challenge to the procedures and legality of his renewed detention.
2. ICE unlawfully revoked Nguyen's Order of Supervision and returned him to custody because it failed to comply with 8 C.F.R. § 241.13(i)(2)-(3), including the requirement to determine that changed circumstances created a significant likelihood of removal in the reasonably foreseeable future and to provide notice of the reasons for revocation and an opportunity to respond.
3. Immediate release subject to the terms of Nguyen's prior Order of Supervision was an appropriate remedy under 28 U.S.C. § 2241(c)(3) because ICE's failure to comply with its own release-revocation regulations rendered the renewed detention unlawful.

KEY QUOTATIONS

“ICE’s failure to abide by its own regulations in making the decision to revoke Petitioner’s OOS renders the revocation unlawful, and that his release is therefore appropriate under 28 U.S.C. § 2241(c)(3).” (at 18)

“Respondents are directed to immediately release Petitioner, subject to the terms of his previous Order of Supervision.” (at 19)

FACTUAL BACKGROUND

Nguyen, a Vietnamese citizen and lawful permanent resident who entered the United States in 1990, received a final order of removal in 1999 based on California felony convictions. After being detained and later released under an Order of Supervision because removal could not be timely effectuated, he was detained again by ICE at a scheduled check-in on September 11, 2025. ICE did not provide written notice explaining the revocation of his

release or demonstrate that changed circumstances created a significant likelihood of removal in the reasonably foreseeable future; Vietnam's travel-document request remained pending and prior requests had been denied.

PROCEDURAL HISTORY

Nguyen filed a verified § 2241 habeas petition challenging his renewed ICE detention after release under an Order of Supervision. The matter was referred to Magistrate Judge Suzanne Mitchell, who recommended habeas relief and immediate release subject to an appropriate supervision order. Respondents objected, challenging jurisdiction, the alleged regulatory violations, and the proposed remedy. The district court overruled those objections in material part, granted habeas relief, ordered immediate release under the prior Order of Supervision, and denied the remaining requests as moot.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must immediately release Nguyen subject to the terms of his previous Order of Supervision and must submit a declaration under 28 U.S.C. § 1746 within seven days affirming his release. No remand to the magistrate judge was ordered.

CASES CITED

- Mukantagara v. DHS, 67 F.4th 1113, 1115 (10th Cir. 2023)
- Tazu v. Attorney General, 975 F.3d 292, 299 (3d Cir. 2020)
- Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482-85 (1999)
- Barrios v. Ripa, 2025 WL 2280485, at *5 (S.D. Fla. Aug. 8, 2025)
- Pham v. Bondi, No. CIV-25-1157-SLP, 2025 WL 3243870, at *2 (W.D. Okla. Nov. 20, 2025)
- Hamidi v. Bondi, No. CIV-25-1205-G, Doc. No. 19, at 9 (W.D. Okla. Dec. 1, 2025)
- Qui v. Carter, No. 25-CIV-3131-JWL, 2025 WL 2770502, at *4-5 (D. Kan. Sept. 26, 2025)
- Liu v. Carter, No. 25-CV-3036-JWL, 2025 WL 1696526, at *2-3 (D. Kan. June 17, 2025)