

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Amkha Souvannaseng v. Kristi Noem, et al.

Souvannaseng · No. 3:25-cv-3473-CAB-DEB · Decided December 16, 2025

SUMMARY

The United States District Court for the Southern District of California granted Amkha Souvannaseng’s petition for a writ of habeas corpus and ordered his immediate release under the conditions applicable before his re-detention. Applying *Zadvydas v. Davis*, the court held that continued detention was unlawful because removal was not significantly likely in the reasonably foreseeable future. The court denied the motion for a temporary restraining order as moot and prohibited re-detention unless that likelihood of removal exists.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 16, 2025
DOCKET	3:25-cv-3473-CAB-DEB
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 and motion for a temporary restraining order challenging continued immigration detention after a final removal order.
STANDARD OF REVIEW	The petitioner bears the burden of demonstrating custody in violation of the Constitution or laws or treaties of the United States under 28 U.S.C. § 2241(c)(3).
PRECEDENTIAL VALUE	unpublished district court order; persuasive but not binding outside the case
PARTIES	Amkha Souvannaseng v. Kristi Noem, et al.

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- immigration

PRACTICE AREAS

immigration law

federal habeas corpus

immigration detention

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252 deprived the district court of jurisdiction over Souvannaseng's § 2241 statutory and constitutional challenges to post-removal-period detention.
2. Whether Souvannaseng's continued detention under 8 U.S.C. § 1231(a)(6) was unlawful because removal was not reasonably foreseeable under *Zadvydas v. Davis*.
3. Whether the court needed to reach Souvannaseng's due process arguments concerning revocation of his order of supervision after granting relief under *Zadvydas*.

HOLDINGS

1. The district court had subject matter jurisdiction over Souvannaseng's statutory and constitutional challenges to his post-removal-period detention under § 2241 notwithstanding 8 U.S.C. § 1252.
2. Continued detention was unlawful because Souvannaseng had been detained well beyond the presumptively reasonable six-month period and Respondents failed to show a significant likelihood of removal in the reasonably foreseeable future.
3. Respondents were required to immediately release Souvannaseng under the same conditions that existed before his November 28, 2025 re-detention, and were prohibited from re-detaining him unless there was a significant likelihood of removal in the reasonably foreseeable future.

KEY QUOTATIONS

“Under Zadvydas, “once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute [8 U.S.C. § 1231(a)(6)].”” (at 3)

“The Clerk of Court shall close the case.” (at 5)

FACTUAL BACKGROUND

Souvannaseng, a native of Laos who came to the United States in 1979 and later became a lawful permanent resident, was ordered removed on July 3, 2000, following a 1998 drug conviction. After approximately a year of detention, ICE released him on an order of supervision because Laos had not issued travel documents. ICE re-detained him on November 28, 2025, but still lacked travel documents and had previously failed to obtain them during his earlier detention.

PROCEDURAL HISTORY

Souvannaseng filed a § 2241 habeas petition and a motion for a temporary restraining order after ICE re-detained him on November 28, 2025, to effect removal to Laos. Respondents opposed both requests and argued that the court lacked jurisdiction under 8 U.S.C. § 1252 and that removal remained reasonably foreseeable. The court decided the motions on the papers, granted habeas relief, denied the TRO as moot, ordered immediate release under the prior conditions, and closed the case.

DISPOSITION

writ_granted

CASES CITED

- Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Zadvydas v. Davis, 533 U.S. 678, 687–88, 699, 701 (2001)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-southern-district-of-california-united-states-district-court-fo/2025/amkha-souvannaseng-v-kristi-noem-et-al-hmfnszc0>