

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Kiet Nguyen v. Pamela Bondi, et al.

Nguyen · No. CIV-25-1356-SLP · Decided March 30, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma declines to adopt the magistrate judge’s recommendation that Kiet Nguyen be released from ICE detention. Because Nguyen was removed to Vietnam and did not challenge mootness, the court denies the habeas petition as moot and dismisses the case without prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Scott L. Palk
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 30, 2026
DOCKET	CIV-25-1356-SLP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief challenging his continued detention by Immigration and Customs Enforcement. After a magistrate judge recommended release, the district court determined that Petitioner had been removed to Vietnam, found the petition moot, declined to adopt the Report and Recommendation, denied the petition as moot, and dismissed the matter without prejudice.
STANDARD OF REVIEW	The court independently addressed mootness as a threshold jurisdictional issue.
PRECEDENTIAL VALUE	Unknown; district court order designated per curiam, with no reporter citation or precedential-status designation in the source.
PARTIES	Kiet Nguyen v. Pamela Bondi, et al.

TOPICS

- immigration detention
- removal proceedings
- subject matter jurisdiction
- procedural due process
- due process

PRACTICE AREAS

immigration

habeas corpus

federal jurisdiction

civil procedure

immigration detention

QUESTIONS PRESENTED

1. Whether Nguyen's habeas petition challenging his ICE detention became moot after he was removed from the United States and was no longer in ICE custody.
2. Whether any exception to the mootness doctrine preserved a live controversy despite Nguyen's removal.

HOLDINGS

1. Because Petitioner was no longer in ICE custody, the requested relief was unavailable and could not be redressed by a decision of the court; the habeas petition was therefore moot.
2. No exception to the mootness doctrine applied because Petitioner made no showing of surviving secondary or collateral consequences or another basis for continued jurisdiction.

KEY QUOTATIONS

“Mootness is a threshold issue because the existence of a live case or controversy is a constitutional prerequisite to federal court jurisdiction.” (at 1)

“Once it becomes impossible for a court to grant effectual relief, a live controversy does not exist, and a case is moot.” (at 2)

FACTUAL BACKGROUND

Petitioner Kiet Nguyen was detained by Immigration and Customs Enforcement and filed a verified petition for a writ of habeas corpus seeking relief from detention. A magistrate judge recommended that he be released based on a finding that continued detention violated due process. Before the district court resolved the recommendation, Respondents represented that Nguyen had been removed to Vietnam, making release from ICE custody unavailable.

PROCEDURAL HISTORY

A magistrate judge recommended that Petitioner be released from ICE detention based on an alleged Fifth Amendment due process violation. The district court later learned that Petitioner had been removed to Vietnam and gave Petitioner an opportunity to contest mootness. No response or extension request was filed, so the court dismissed the habeas petition without prejudice as moot.

DISPOSITION

dismissed

CASES CITED

- *McClendon v. City of Albuquerque*, 100 F.3d 863, 867 (10th Cir. 1996)

- *Alvarez v. Smith*, 558 U.S. 87 (2009)
- *Spencer v. Kemna*, 523 U.S. 1, 7 (1998)
- *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477-78 (1990)
- *Riley v. I.N.S.*, 310 F.3d 1253, 1256-57 (10th Cir. 2002)
- *Sule v. I.N.S.*, 189 F.3d 478, at *1 (10th Cir. 1999) (unpublished table decision)
- *United States v. Quezada-Enriquez*, 567 F.3d 1228, 1231 (10th Cir. 2009)
- *Ferry v. Gonzales*, 457 F.3d 1117, 1132 (10th Cir. 2006)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA KIET NGUYEN,)) Petitioner,)) v.) Case No. CIV-25-1356-SLP) PAMELA BONDI, et al.,)) Respondents.) ORDER Pending before the Court is the Report and Recommendation [Doc. No. 26] (R&R) of United States Magistrate Judge Shon T. Erwin, recommending that Petitioner be released from his detention by Immigration and Customs Enforcement (ICE) based on a finding that the continued detention of Petitioner violates his Fifth Amended due process rights.

On March 19, 2026, the Court issued an Order noting that Petitioner Khai Nguyen's Verified Petition for Writ of Habeas Corpus [Doc. No. 2] appeared moot in light of the Respondents' representation that Petitioner was removed to Vietnam. See Order [Doc. No. 35] at 1.

The Order also indicated that unless counsel for Petitioner challenged the issue of mootness by March 26, 2026, the case would be dismissed without prejudice. See *id.* at 1-2. Petitioner nor his counsel filed any submission challenging the issue of mootness, nor did they request an extension of time to do so. "Mootness is a threshold issue because the existence of a live case or controversy is a constitutional prerequisite to federal court jurisdiction." *McClendon v. City of Albuquerque*, 100 F.3d 863, 867 (10th Cir.

1996); see also *Alvarez v. Smith*, 558 U.S. 87 (2009). At all stages of the case, the parties must have a "'personal stake in the outcome' of the lawsuit." *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (quoting *Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 477-78 (1990)).

In other words, the petitioner must have suffered an actual injury that is traceable to the respondent and can be redressed by a favorable decision. *Spencer*, 523 U.S. at 7. Where the petitioner has been released from custody, their habeas claim is moot and should be dismissed, unless an exception to the mootness doctrine applies. See *Riley v. I.N.S.*, 310 F.3d 1253, 1256-57 (10th Cir.

2002). Because Petitioner is no longer in the custody of United States Immigration and Customs Enforcement, the requested relief is no longer available and cannot be redressed by a decision of this Court.¹ See *Sule v. I.N.S.*, 189 F.3d 478, at *1 (10th Cir. 1999) (unpublished table decision); see also *United States v. Quezada-Enriquez*, 567 F.3d 1228, 1231 (10th Cir.

2009) (“Once it becomes impossible for a court to grant effectual relief, a live controversy does not exist, and a case is moot.”) (citation omitted). Furthermore, the Court does not find that any of the exceptions to the mootness doctrine apply.² Accordingly, the Court finds that the case should be dismissed without prejudice as moot. IT IS THEREFORE ORDERED that the Court DECLINES to ADOPT the Report and Recommendation [Doc.

No. 26], Petitioner’s Verified Petition for Writ of Habeas 1 A declaration as to the lawfulness of Petitioner’s detention prior to removal would be an impermissible advisory opinion. See *Ferry v. Gonzales*, 457 F.3d 1117, 1132 (10th Cir. 2006). 2 In particular, there has been no showing by Petitioner that there exists “secondary or collateral consequences [which] survive his deportation.” *Ferry*, 457 F.3d at 1132.

Corpus [Doc. No. 2] is DENIED as MOOT, and the matter is DISMISSED WITHOUT PREJUDICE. A separate judgment shall be entered. IT IS SO ORDERED this 30th day of March, 2026. LAZ SCOTT L. PALK UNITED STATES DISTRICT JUDGE