

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Dang Cao Vu v. Brian English

Vu · No. 3:25cv999 DRL-SJF · Decided January 26, 2026

SUMMARY

The United States District Court for the Northern District of Indiana granted Dang Cao Vu’s 28 U.S.C. § 2241 habeas petition challenging his renewed detention by ICE. The court held that it had jurisdiction over the detention challenge and that the government had not shown, under 8 U.S.C. § 1231(a)(6) and Zadvydas v. Davis, that Vu’s removal was reasonably foreseeable. The court ordered Vu released under the conditions of his prior supervision and directed the respondent to certify compliance.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Damon R. Leichty
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	January 26, 2026
DOCKET	3:25cv999 DRL-SJF
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention.
STANDARD OF REVIEW	The court reviewed the legality of Vu's detention under 28 U.S.C. § 2241 and determined whether the government established statutory authority for continued detention under 8 U.S.C. § 1231(a)(6) consistent with Zadvydas v. Davis.
PRECEDENTIAL VALUE	district court opinion; precedential status not stated
PARTIES	Dang Cao Vu v. Brian English

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- due process
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) deprived the district court of jurisdiction over a § 2241 petition challenging re-detention pending removal.
2. Whether 8 U.S.C. § 1252(b)(9) required Vu's detention challenge to be brought only through judicial review of a final order of removal.
3. Whether 8 U.S.C. § 1231(a)(6), as limited by *Zadvydas v. Davis*, authorized Vu's continued or renewed detention when removal was not reasonably foreseeable.
4. Whether the government rebutted Vu's prior showing that removal was not reasonably foreseeable.

HOLDINGS

1. Section 1252(g) did not deprive the district court of jurisdiction because Vu challenged the lawfulness of his detention, not ICE's authority to execute the removal order.
2. Section 1252(b)(9) did not bar habeas review because the lawfulness of Vu's re-detention was distinct from a challenge arising from an action taken to remove him and would otherwise be effectively unreviewable.
3. The government failed to establish statutory authority for Vu's continued detention because, on this record, his removal was not reasonably foreseeable.
4. Vu was not required to periodically renew the showing that removal was not reasonably foreseeable; once that showing was made, the government bore the burden to rebut it before continuing or renewing detention for removal purposes.

KEY QUOTATIONS

“once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.”

*“Nothing in *Zadvydas* suggests that the mere passage of time erases this initial showing or requires a noncitizen to renew this showing periodically to stay out of detention.”*

*“Instead, *Zadvydas* means that, once this showing has been made, the burden remains on the government to rebut it for a noncitizen to be continuously detained (or re-detained) for that purpose.”*

FACTUAL BACKGROUND

Dang Cao Vu entered the United States as a refugee from Vietnam and became a lawful permanent resident in 1985. After 1998 drug and firearm convictions, he received a final order of removal in 2002 and was released from ICE detention on supervision after approximately eight months because removal was not reasonably foreseeable. Vu complied with supervision for approximately twenty-three years, married a U.S. citizen, had a daughter, and established a family and business in Massachusetts before ICE re-detained him on May 20, 2025. The government relied on ongoing efforts to obtain Vietnamese travel documents but did not establish that removal was reasonably foreseeable or explain the status of Vu's earlier travel-document request.

PROCEDURAL HISTORY

Vu, an immigration detainee subject to a 2002 final order of removal, filed a § 2241 habeas petition challenging his 2025 re-detention. The respondent answered and Vu replied. The court granted the petition and ordered Vu released on the conditions of his prior order of supervision.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The respondent was ordered to release Vu on the same conditions of supervision that existed before his re-detention and to certify compliance by filing a notice with the court by January 27, 2026. The clerk was directed to email the order to the Warden of the Miami Correctional Facility to secure Vu's release.

CASES CITED

- Nguyen v. Hyde, 788 F. Supp. 3d 144 (D. Mass. 2025)
- Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482-83 (1999)
- Jennings v. Rodriguez, 583 U.S. 281, 292-94 (2018)
- Fornalik v. Perryman, 223 F.3d 523, 531 (7th Cir. 2000)
- Nasrallah v. Barr, 590 U.S. 573, 582 (2020)
- Torres-Tristan v. Holder, 656 F.3d 653, 658 (7th Cir. 2011)
- Zadvydas v. Davis, 533 U.S. 678, 689, 699, 701 (2001)
- Clark v. Suarez Martinez, 543 U.S. 371, 378 (2005)
- Suarez Martinez v. McGinnis, 543 U.S. 371, 385-87 (2005)