

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Kha Nguyen Tran v. Kristi Noem, et al.

Case No. 3:25-cv-02391-BTM-BLM (S.D. Cal. Oct. 27, 2025) · No. 3:25-cv-02391-BTM-BLM · Decided October 27, 2025

SUMMARY

The United States District Court for the Southern District of California granted Kha Nguyen Tran’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that immigration officials violated 8 C.F.R. § 241.13 by revoking Tran’s release without demonstrating changed circumstances before revocation, providing written notice of the reasons, or conducting a prompt informal interview. The court ordered Tran’s immediate release, subject to the conditions of his prior order of supervision, while dismissing as moot his claims concerning prolonged detention under Zadvydas and removal to a third country.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Barry Ted Moskowitz
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 27, 2025
DOCKET	3:25-cv-02391-BTM-BLM
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and alleged violations of the governing release-revocation regulations and due process.
STANDARD OF REVIEW	The court reviewed the lawfulness of Tran's custody under 28 U.S.C. § 2241 and considered whether immigration authorities complied with the mandatory procedures in 8 C.F.R. § 241.13.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

PARTIES

Kha Nguyen Tran v. Kristi Noem, Secretary of the Department of Homeland Security, Pamela Jo Bondi, Attorney General, Todd M. Lyons, Acting Director, Immigration and Customs Enforcement, Jesus Rocha, Acting Field Office Director, San Diego Field Office, Christopher LaRose, Warden at Otay Mesa Detention Center

TOPICS

immigration detention removal proceedings procedural due process judicial review of agency action
administrative law

PRACTICE AREAS

immigration law habeas corpus constitutional law administrative law remedies

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) deprived the district court of jurisdiction over Tran's challenge to the lawfulness of his detention.
2. Whether ICE unlawfully revoked Tran's release and detained him by failing to comply with 8 C.F.R. § 241.13(i)(2), including the required determination based on changed circumstances before revocation.
3. Whether ICE violated 8 C.F.R. § 241.13(i)(3) and due process by failing to provide written notice stating the reasons for revocation and by failing to conduct a prompt informal interview.
4. Whether Tran's claims under *Zadvydas v. Davis* and concerning removal to a third country became moot after the government obtained travel documents for removal to Vietnam.

HOLDINGS

1. Section 1252(g) did not bar jurisdiction because Tran challenged the legality of his detention and alleged violations of mandatory statutory, regulatory, and constitutional duties, rather than the discretionary decision to execute his removal order.
2. Under 8 C.F.R. § 241.13(i)(2), ICE may revoke an alien's release for removal only after determining, on account of changed circumstances and before revocation, that there is a significant likelihood the alien may be removed in the reasonably foreseeable future.
3. 8 C.F.R. § 241.13(i)(3) requires written notice containing all reasons for revocation of an alien's release; an I-213 form stating only that the person was arrested based on a final removal order does not satisfy that requirement.
4. 8 C.F.R. § 241.13(i)(3) requires a prompt initial informal interview after detention for revocation, at which the alien may respond to the reasons for revocation; Tran's detention without that opportunity violated the regulation and due process.
5. Tran's claims concerning prolonged detention under *Zadvydas* and threatened removal to a third country were moot after the government obtained travel documents for removal to Vietnam and Tran stipulated

to mootness.

KEY QUOTATIONS

“The Court holds that the notice must be in writing and contain all the reasons for the revocation of the alien’s release.” (at 5)

“The Respondents violated 8 C.F.R. § 241.13(i)(2) and (3) in the three ways set forth above.” (at 6)

“The Respondents shall immediately release Tran from custody on the 18, 2025, revocation and arrest.” (at 7)

FACTUAL BACKGROUND

Tran, a lawful permanent resident admitted in 2003, was ordered removed to Vietnam based on a 2006 assault-with-a-deadly-weapon conviction. He was detained twice in 2007 and 2008 but released when Vietnam would not accept him, and thereafter lived in the United States under an Order of Supervision without violation for more than fifteen years. ICE detained him again on June 18, 2025, but did not provide written reasons for revoking his release or conduct the required prompt informal interview; the government did not request Vietnamese travel documents until September 18, 2025.

PROCEDURAL HISTORY

ICE detained Tran on June 18, 2025, to execute a 2007 removal order after he had lived under an Order of Supervision for more than fifteen years. Tran filed a § 2241 habeas petition asserting unlawful detention, denial of a required interview, and threatened removal to a third country, and the court partially granted a temporary restraining order barring third-country removal. After the government obtained travel documents for Vietnam, Tran stipulated that the first and third claims were moot; the court dismissed those claims and granted habeas relief on the second claim.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents shall immediately release Tran from custody based on the June 18, 2025 revocation and arrest. Tran shall comply with all conditions in effect before the revocation, and the parties shall file a statement regarding satisfaction of the writ within twenty-four hours.

CASES CITED

- *Zadvydas v. Davis*, 533 U.S. 678 (2001)
- *Brown v. Allen*, 344 U.S. 443, 533 (1953) (Jackson, J., concurring in result)
- *Department of Homeland Security v. Regents of the University of California*, 591 U.S. 1, 19 (2020)
- *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 482 (1999)
- *Arce v. United States*, 899 F.3d 796, 800 (9th Cir. 2018)

- Kong v. United States, 62 F.4th 608, 617 (1st Cir. 2023)
- Rokhfirooz v. LaRose, 2025 WL 2646165, at *3 (S.D. Cal. Sept. 15, 2025)
- Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950)
- Grannis v. Ordean, 234 U.S. 385, 394 (1914)
- Alexander v. U.S. Parole Commission, 721 F.2d 1223, 1227-28 (9th Cir. 1983)
- United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954)
- Niz-Chavez v. Garland, 593 U.S. 155, 172 (2021)
- Truong v. Noem, 2025 WL 2988357, at *6 (S.D. Cal. Oct. 22, 2025)
- Ngo v. Noem, No. 25-cv-02739 (S.D. Cal. Oct. 23, 2025)

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