

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Vi Kiet Diep v. Minga Wofford

Diep v. Wofford · No. 1:24-cv-01238-SKO (HC) · Decided February 25, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Vi Kiet Diep’s 28 U.S.C. § 2241 habeas petition challenging his prolonged mandatory immigration detention without a bond hearing. Applying the Mathews v. Eldridge balancing test, the court held that continued detention for approximately 13 months without an individualized bond hearing violated the Fifth Amendment’s Due Process Clause. The court denied the motion to dismiss and ordered an immigration-judge bond hearing within 30 days, requiring the government to justify continued detention by clear and convincing evidence or release Diep under appropriate supervision.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 25, 2025
DOCKET	1:24-cv-01238-SKO (HC)
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner, an immigration detainee, sought habeas relief under 28 U.S.C. § 2241, challenging prolonged detention without an individualized bond hearing. Respondent moved to dismiss, and the parties consented to magistrate-judge jurisdiction under 28 U.S.C. § 636(c)(1).
STANDARD OF REVIEW	The court applied the three-factor balancing test from Mathews v. Eldridge to determine whether prolonged detention without a bond hearing violated procedural due process.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Vi Kiet Diep v. Minga Wofford

TOPICS

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QUESTIONS PRESENTED

1. Whether approximately thirteen months of mandatory immigration detention under 8 U.S.C. § 1226(c), without an individualized bond hearing, violated the Fifth Amendment's Due Process Clause.
2. Whether the Mathews v. Eldridge balancing test was an appropriate framework for evaluating the procedural due process challenge to prolonged immigration detention.
3. Whether habeas relief should require Respondent to provide a bond hearing before an immigration judge at which the Government must justify continued detention by clear and convincing evidence.

HOLDINGS

1. Although § 1226(c) mandates detention for covered aliens pending removal proceedings, approximately thirteen months of detention without any individualized bond hearing violated Petitioner's Fifth Amendment procedural due process rights.
2. The Mathews v. Eldridge balancing test is an appropriate framework for evaluating whether prolonged immigration detention without an individualized bond hearing violates procedural due process.
3. Respondent must provide Petitioner a bond hearing before an immigration judge within thirty days, at which the Government must justify continued detention by clear and convincing evidence; if the hearing is not held, Petitioner must be released under appropriate supervision.

KEY QUOTATIONS

“Thus, Petitioner’s prolonged detention without a bond hearing before an IJ violates his Fifth Amendment due process rights.” (at 8)

“Respondent is ORDERED to provide Petitioner with a bond hearing before an immigration judge at which Respondent must justify Petitioner’s continued detention by clear and convincing evidence” (at 9)

FACTUAL BACKGROUND

Vi Kiet Diep, a lawful permanent resident who had lived in the United States for decades, was convicted in 1996 of murder, robbery, and conspiracy to commit kidnapping. After California granted him parole in August 2023, ICE arrested him on January 24, 2024, charged him with removability based on aggravated-felony convictions, and detained him under 8 U.S.C. § 1226(c). He remained detained for approximately thirteen months without an individualized bond hearing, although his removal proceedings included several continuances, including continuances related to post-conviction proceedings.

PROCEDURAL HISTORY

Diep filed the § 2241 petition on October 11, 2024. Respondent moved to dismiss on December 5, 2024, and Diep opposed on December 16, 2024. While the removal proceedings continued, an immigration judge ordered Diep removed on February 5, 2025. The court denied the motion to dismiss, granted habeas relief, and ordered a bond hearing before an immigration judge within thirty days or release under appropriate supervision.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondent must provide Petitioner with a bond hearing before an immigration judge within thirty days of the February 24, 2025 order. At the hearing, Respondent must justify continued detention by clear and convincing evidence. If Respondent fails to hold the hearing, Petitioner must be released under appropriate supervision. The court also dismissed unlawfully named officials and identified Minga Wofford, the facility administrator, as the proper habeas respondent.

CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426, 430 (2004)
- *Doe v. Garland*, 109 F.4th 1188 (9th Cir. 2024)
- *United States v. Bernal-Obeso*, 989 F.2d 331, 333 (9th Cir. 1993)
- *Jennings v. Rodriguez*, 583 U.S. 281, 303-04 (2018)
- *Reno v. Flores*, 507 U.S. 292, 306 (1993)
- *Zadvydas v. Davis*, 533 U.S. 678, 690, 697, 699, 701 (2001)
- *Demore v. Kim*, 538 U.S. 510, 521, 527-31, 532 (2003)
- *Carlson v. Landon*, 342 U.S. 524, 538 (1952)
- *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018)
- *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 235 (3d Cir. 2011)
- *Jensen v. Garland*, 2023 WL 3246522 (C.D. Cal. 2023)
- *M.T.B. v. Byers*, 2024 WL 3881843 (E.D. Ky. 2024)
- *Sanchez-Rivera v. Matuszewski*, 2023 WL 139801 (S.D. Cal. 2023)
- *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D. Wash. 2019)
- *Aroldo Rodriguez Diaz v. Merrick Garland*, *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206-08 (9th Cir. 2022)
- *Dusenbery v. United States*, 534 U.S. 161, 168 (2002)
- *Galdillo v. U.S. Department of Homeland Security*, 2021 WL 4839502, at *3 (C.D. Cal. 2021)
- *Jimenez v. Wolf*, 2020 WL 510347, at *3 (N.D. Cal. 2020)
- *Singh v. Holder*, 638 F.3d 1196, 1208 (9th Cir. 2011)
- *Zagal-Alcaraz v. ICE Field Office Director*, 2020 WL 1862254, at *7 (D. Or. 2020)
- *Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762, 777 (N.D. Cal. 2019)

- In re Guerra, 24 I. & N. Dec. 37 (B.I.A. 2006)
- Mathews v. Eldridge, 424 U.S. 319, 334-35 (1976)

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