

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

TRUONG QUOC NGUYEN,

Petitioner,

v.

PAM BONDI et al.,

Respondents.

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CAUSE NO. EP-26-CV-20-KC

ORDER

On this day, the Court considered Truong Quoc Nguyen’s Petition for a Writ of Habeas Corpus, ECF No. 1. Nguyen is detained at the El Paso Processing Center in El Paso, Texas. *Id.* ¶ 1. He argues that his detention is unlawful and asks the Court to order his release. *Id.* ¶¶ 21–31.

Nguyen was born in Vietnam and became a Lawful Permanent Resident (“LPR”) in 1991. *Id.* ¶ 12. After a criminal conviction in 1999, Nguyen lost his LPR status and an Immigration Judge (“IJ”) ordered that Nguyen be removed from the United States. *Id.* ¶¶ 13, 14. Vietnam did not accept Nguyen, and Immigration and Customs Enforcement (“ICE”) released him under an Order of Supervision in 2000. *Id.* ¶ 14. Thereafter, Nguyen was convicted and incarcerated three more times. *Id.* ¶ 15. Each time he was released, ICE reinstated Nguyen’s Order of Supervision. *Id.* Since his last release from prison in 2011, Nguyen has reported at least annually to ICE. *Id.* ¶¶ 16–17. On June 6, 2025, Nguyen reported for his annual check in. *Id.* ¶ 18. At that time, ICE detained Nguyen. *Id.* Nguyen has now been in ICE detention for over eight months. *Id.* ¶ 19.

On January 9, 2026, the Court found that “[i]f these allegations are true, Nguyen likely meets his burden of providing ‘good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.’” Jan. 9, 2026, Order 3, ECF No. 2 (citing *Zadvydas v. Davis*, 533 U.S. 678, 689–90 (2001)). Respondents had to “rebut this showing by either demonstrating that Nguyen’s removal is likely in the reasonably foreseeable future or deporting him.” *Id.*

In response, Respondents stated that they began their efforts to obtain travel documents for Nguyen from Vietnam on August 11, 2025. Resp. Ex. A (“Estrada Decl.”) ¶ 19, ECF No. 4-1. Since then, Nguyen’s travel document application went through various rounds of corrections and remained unsubmitted to Vietnam. *Id.* ¶¶ 19–25. Enforcement and Removal Operations (“ERO”) El Paso requested an update from “ERO RIO,” a division located at ICE headquarters, on the status of Nguyen’s travel document application, three times between December 10, 2025, and January 9, 2026. *Id.* ¶¶ 23, 26, 28. Yet, no response was received. *Id.* Thus, because the travel document application had not been approved internally, the travel document request was not submitted to Vietnam. *Id.* ¶ 30. At the time, the Court found an additional status update was warranted to allow Respondents one more month to submit the travel document request to Vietnam. Jan. 21, 2026, Order, ECF No. 6. In doing so, the Court cautioned Respondents that “failure to formally submit a travel document request to Vietnam for Nguyen before February 23, 2026, may result in an order for his immediate release from custody.” *Id.* at 2.

Now, in that status update, which was filed late after Respondents were ordered to show cause for missing the February 23 deadline, Respondents state that they “are still working to acquire travel documents” but they “have not yet sent the travel document request to Vietnam.” Resp. 1, ECF No. 10. In terms of ongoing efforts, since January 9, Respondents have requested

an update from ERO RIO on the status of the request on January 22, February 1, and February 14, but “[n]o response was received.” Resp. Ex. B (“Ramirez Decl.”) ¶¶ 22–24. Then, on February 23, ERO El Paso re-submitted a “corrected travel document request” to ERO RIO, though they do not explain why. *Id.* ¶¶ 16–25. There is no indication that Nguyen bears any responsibility for the delay.

In sum, Respondents have not shown any reasonable likelihood of removing Nguyen to Vietnam. *See generally* Ramirez Decl. Nguyen’s travel document request has now been pending internally since at least November 26, 2025. *Id.* ¶ 17. For unknown reasons, ERO El Paso cannot get an update on this request from ERO RIO. *Id.* ¶¶ 19–24. And although Respondents contend that “Vietnam typically issues documents within 30 days once the request is made[,]” Respondents have yet to send the request. Resp. 1. Nguyen has now been in immigration detention for eight months, and Respondents did not begin efforts to remove him until he had been detained for over a month. *See* Estrada Decl. ¶ 19. Still, the Government has not explained why the travel document request has not been submitted to Vietnam, nor provided any estimate of when removal may occur. This is precisely the type of open-ended detention, with no clear end point, that is impermissible under *Zadvydas*.

Thus, the burden to show a significant likelihood of removal in the reasonably foreseeable future has shifted to Respondents, and they have failed to carry it. *See Zadvydas*, 533 U.S. at 689–90; *see, e.g., Araya Mogos v. Thompson*, No. 5:26-cv-740-JKP, 2026 WL 475079, at *6 (W.D. Tex. Feb. 13, 2026) (“When there has been a long period of time between an issued supervision order (in this case more than seven years) and being taken into custody; no removal plan in place at the commencement of detention; an initial lack of explanation for detention; an unrealized, after-the-fact contention that the Government intends to expeditiously

remove the petitioner; and no immigration proceedings concerning removal to a third country, the circumstances demonstrate that there is no substantial likelihood that Petitioner's removal is reasonably foreseeable.”); *Trejo v. Warden of ERO El Paso East Montana*, --- F. Supp. 3d ----, 2025 WL 2992187, at *5–6 (W.D. Tex. Oct. 24, 2025) (similar).

Accordingly, the Petition is **GRANTED IN PART** on due process grounds. The Court **ORDERS** that, **on or before March 5, 2026**, Respondents shall **RELEASE** Nguyen from custody under reasonable conditions of supervision.

IT IS FURTHER ORDERED that, **on or before March 5, 2026**, Respondents shall **FILE** notice informing the Court whether Nguyen has been released from custody in compliance with this Order.

Barring exceptional circumstances, there will be no extensions of the March 5, 2026, deadlines.

SO ORDERED.

SIGNED this 26th day of February, 2026.


KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE