

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SEECHANH KEOMANIVONG, :
A# 25-137-266 :
 :
Petitioner, :
 :
V. : CASE NO. 3:04CV00142 (RNC)
 :
BUREAU OF IMMIGRATION AND, :
CUSTOMS ENFORCEMENT, et al., :
 :
Respondent. :

RULING AND ORDER

Petitioner, a citizen of Laos, is currently detained at Osborne Correctional Institution in Somers, Connecticut, awaiting removal to Laos under a final order of removal. Petitioner contests the final order of removal on the ground that he cannot be removed because Laos is not accepting deportees.

Petitioner's argument does not raise any legally cognizable challenge to a final order of removal. If respondent holds petitioner for more than six months after the end of the 90-day removal period, petitioner may bring an action against respondent under Zadvydas v. Davis, 533 U.S. 678 (2001), seeking to show that his removal is not reasonably foreseeable because Laos is not accepting deportees. If he makes such a showing, respondent will be required to release him. However, since petitioner's removal period began when he was taken into respondent's custody on March 11, 2004, he will not be eligible to seek relief on that basis for many months. Also, such a petition must be

directed against his continued detention, not against the final order of removal.

Accordingly, the petition is hereby dismissed without prejudice to the filing of a petition based on the decision in Zadvydas.

It is so ordered this 5th day of April, 2004.

Robert N. Chatigny
United States District Judge