

United States Court of Appeals
For the Eighth Circuit

No. 26-1178

Ijeoma Miriam Chanthavong

Petitioner - Appellant

v.

Todd Blanche, US Attorney General; Markwayne Mullin, US Department of Homeland Security, Secretary; Todd M. Lyons, US Immigration & Customs Enforcement, Acting Director; Marcos Charles, Enforcement and Removal Operations, Acting Executive Associate Director; Erick Klang, Sheriff, Crow Wing County Jail

Respondents - Appellees

Appeal from United States District Court
for the District of Minnesota

Submitted: September 1, 2026

Filed: September 4, 2026

[Unpublished]

Before GRUENDER, BENTON, and TRAYNOR, Circuit Judges.

PER CURIAM.

Ijeoma Miriam Chanthavong, a citizen of Nigeria, appeals the district court's¹ without-prejudice dismissal of her 28 U.S.C. § 2241 petition. Having jurisdiction under 28 U.S.C. §§ 1291 and 2253(a), this court affirms.

The district court denied Chanthavong habeas relief because her immigration detention was mandatory and the challenge to her detention was premature. Upon de novo review, this court affirms. *See Spencer v. Haynes*, 774 F.3d 467, 469 (8th Cir. 2014) (standard of review). Chanthavong was subject to a Final Administrative Removal Order, dated December 22, 2025, because she had been convicted of an aggravated felony. *See* 8 U.S.C. §§ 1227(a)(2)(A)(iii), 1101(a)(43)(D). One day after Immigration and Customs Enforcement issued the removal order, she filed a habeas petition. Because of the aggravated felony conviction, however, her detention was mandatory and no individualized bond hearing was required. *See Johnson v. Guzman Chavez*, 594 U.S. 523; 526; 528 (2021) (once a noncitizen has been ordered removed, 8 U.S.C. § 1231 dictates that the noncitizen is not entitled to an individualized bond hearing during the 90-day removal period even if the noncitizen is simultaneously pursuing withholding of removal; during removal period, detention is mandatory); *Gonzalez v. Chertoff*, 454 F.3d 813, 815 (8th Cir. 2006) (describing expedited removal proceedings of noncitizens convicted of aggravated felonies within the meaning of § 1101(a)(43)). Further, her detention during the period at issue was presumptively reasonable and comported with constitutional limits. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (six-month detention period is presumptively reasonable).

To the extent Chanthavong asserts that she initiated proceedings to vacate the guilty plea underlying her aggravated felony conviction, she has not demonstrated any such attempt has been successful or shown that she has challenged her removal

¹The Honorable Jeffrey M. Bryan, United States District Judge for the District of Minnesota.

order on that basis. Similarly, while Chanthavong asserts that she is pursuing relief under the Violence Against Women Act (“VAWA”), she does not explain how she qualifies for such relief or how a pending application relates to the reasonableness of her detention. *See Hess v. Ables*, 714 F.3d 1048, 1051 n.2 (8th Cir. 2013) (claims not briefed on appeal are waived); *see also Magana-Magana v. Bondi*, 129 F.4th 557, 564 (9th Cir. 2025) (explaining that, under the VAWA, abused and battered noncitizen spouses or children of United States citizens or permanent residents are eligible for certain immigration benefits).

The judgment is affirmed. *See* 8th Cir. R. 47B.
