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Attorneys for Dabona Thang

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Dabona Tang,

Petitioner,

v.

Kristi Noem, Secretary of the
Department of Homeland Security;
Todd M. Lyons, Acting Director of
ICE; Ernesto Santa Cruz, Acting
Director of Los Angeles ICE Field
Office; Jose Casillas, SDDO ERO; R.
Lee Immigration Officer

Respondents.

Case No.: 2:25-cv-04638

**REQUEST VOLUNTARY
DISMISSAL UNDER FRCP 41(a)(2)**

Petitioner, Dabona Tang, through his undersigned counsel files this request for voluntary dismissal of the habeas petition and the petition for preliminary injunction under FRCP 41(a)(2). Because the respondent has filed an opposition to the preliminary injunction, the Petitioner seeks leave from the court to voluntarily dismiss this matter.

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RELEVANT FACTS

On June 6, 2025, the government's counsel provided undersigned counsel with a Notice of Revocation of Release. *See* Dckt. 14, Ex. 1. The Notice, which was electrically signed by Jose Casillas Aguilar ("Mr. Casillas Aguilar") on June 6, 2025 at 10:58 a.m. *was completed nearly three weeks after the Petitioner was detained. Id.* It is unclear, but presumably, it is respondent Jose Casillas, who added his second last name to the signature. At any rate, Mr. Casillas did not also indicate his job title- the signature line states "signature and title of signing official," but there is just a signature on this line. *Id.* The Notice indicated that the Petitioner's release was being revoked under 8 C.F.R. § 241.4 because he was convicted of a misdemeanor DUI under California Vehicle Code section 23152(b). *Id.*

The next page contains a sheet stylized as an "Alien Informal Interview" for persons with a revoked order of supervision. *See* Dckt. 14, Ex. 1. The sheet has the Petitioner's aka name Dabon Tang and the place of the interview. *Id.* The sheet also says the Petitioner "refused to sign" under the section where he was given the opportunity to make a statement. *Id.* There is also a text line that states: "The detainee [did] [did not] provide a written statement. The detainee [did] [did not] provide any documents" that was not completed. No other information exists that indicates the interview actually took place.

After receiving notice of the DUI conviction, undersigned counsel independently verified that the Petitioner suffered the conviction. *See* Dckt. 14, Ex. 2.

REQUEST TO WITHDRAW THE PETITION

After the respondent files a response to the petition, the Petitioner may request voluntary dismissal under FRCP 41(a)(2). As an initial note, the Petitioner wholly disputes nearly all of the respondent's opposition.

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The Petitioner further notes that the Notice of Revocation of Release was not promptly given to him on May 21, 2025. “Even assuming *arguendo* that [r]espondents had the authority to revoke [p]etitioner’s release under [section] 241.4 in May 2018, they *could not detain him without providing him with notice* and an informal interview.” *You v. Nielsen*, 321 F. Supp. 3d 451, 463 (S.D.N.Y. 2018). ICE does not dispute that it did not formally provide Mr. Tang a reason that he was redetained at his May 21, 2025 check-in. Instead, the government detained the noncitizen and conducted an investigation to see if it could detain the noncitizen. There is no evidence that ICE offered the noncitizen a measure of due process until he filed this lawsuit:

It may be easy to say that we want noncitizens who are in this country illegally removed immediately. It may be popular to say that noncitizens who—at least allegedly—are members of violent gangs should be deported without a hearing. But how do we know that someone is who the arresting officers say he is? How do we know that a correctly identified noncitizen is a violent gang member and not a family man working hard to put food on the table of his wife and kids? How can anyone feel safe from being swept up and put in jail or deported simply based on being targeted by the government? More to the point: how can we pride ourselves on being a nation of laws if we are not willing to extend that most fundamental right to all—if we are not at least willing to ask, before we lock you up, do you have anything to say?

The answer is simple: due process. Everyone—citizen and noncitizen, the innocent and the guilty—is entitled to that sacred right.

Cesay v. Kurzdorfer, -- F.Supp.3d--, No. 25-CV-267-LJV, 2025 WL 1284720, at *21 (W.D.N.Y. May 2, 2025).

Moreover, ICE has not established Mr. Casillas, with an unknown job title, has the authority to revoke Mr. Tang’s supervision under 8 C.F.R. § 241.4(l)(1). *See id.* at *15-17 (W.D.N.Y. May 2, 2025).

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The applicable revocation regulation states: “The alien will be afforded an initial *informal interview promptly after his or her return to Service* custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” 8 C.F.R. § 241.4(l)(1) (emphasis added). Mr. Tang was returned to custody on May 21, 2025 and he was not given this paper stylized as an informal interview for nearly three weeks. This is hardly *promptly* occurring after he was returned to detention. By indicating the noncitizen “refused to sign” but not indicating in any other way that the immediate informal interview took place, ICE again violated its own regulations. An incomplete form stylized as an “Alien Informal Interview” that took place nearly three weeks after the noncitizen was detained undoubtedly fails to comply with the Petitioner’s due process rights under the Fifth Amendment and the Administrative Procedures Act. It is clear Mr. Tang was robbed of his due process rights and he is suffering because of it.

However, the government is correct, he was convicted of a crime after he was released. If he were released and the government chose to detain him again *after giving him a full measure of due process*, it would prolong his detention even further. Thus, the Petitioner respectfully requests this court grant the request for voluntary dismissal.

Date: June 8, 2025

Respectfully submitted,

/s/ Andres Ortiz

Andres Ortiz, Esq.
Andres Ortiz Law
Attorney for the Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing REQUEST VOLUNTARY DISMISSAL UNDER ERCP 41(a)(2) in *Dabona Tang v. Noem et. al*, with the Clerk of the Court for the Central District of California by using the appellate CM/ECF June 8, 2025, for filing and transmittal of Notice of Electronic Filing.

/s/ Andres Ortiz
Andres Ortiz, Esq.
Attorney for Petitioner

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