

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

TAM CHI NGUYEN

PETITIONER,

v.

KRISTI NOEM, et al.,

RESPONDENTS.

Case No. 6:25-CV-057-H

**PETITIONER TAM NGUYEN'S EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER, FOR AN ORDER REQUIRING IMMEDIATE RETURN
OF PETITIONER TO THE JURISDICTION, AND AN EMERGENCY HEARING**

Petitioner Tam Nguyen, by and through his undersigned counsel, files this Emergency Motion for a Temporary Restraining Order and for an Order requiring the immediate return of Petitioner to this jurisdiction. This motion is necessitated by the United States government's flagrant violation of its own unequivocal representation to this Court, which has placed Petitioner in imminent danger of being unlawfully removed from the United States and beyond the reach of this Court's writ. In support, Petitioner shows the following:

I. SUMMARY OF EMERGENCY

The Government is on the verge of unlawfully removing Petitioner Tam Nguyen from the United States, thereby depriving this Court of jurisdiction and rendering his pending petition moot. This action is in direct violation of a written notice the Government filed with this Court on July 9, 2025, in which it explicitly promised to provide undersigned counsel with three (3) days' notice before moving Mr. Nguyen from this Court's

jurisdiction. Without providing any notice whatsoever, the Government has moved Mr. Nguyen from a facility in this District to a "staging facility" in Alexandria, Louisiana. This move demonstrates the Government's bad faith and creates a clear and present danger that Mr. Nguyen will be immediately removed to a third country where he faces persecution and potential disappearance. Immediate intervention by this Court is required to prevent this irreparable harm and to vindicate the authority of its own orders.

II. FACTUAL BACKGROUND

1. This Court previously ordered the Government to file a statement indicating, among other things, the notice it would provide to undersigned counsel before moving Petitioner out of the Court's jurisdiction.
2. On July 9, 2025, Assistant United States Attorney (AUSA) Ann Haag, on behalf of the Government, filed the "United States' Notice Regarding Petitioner's Custody Status." (A true and correct copy of this filing is attached hereto as **Exhibit A**). In that sworn filing, the Government made the following unequivocal promise to the Court and counsel: "The United States will provide counsel for Petitioner with **three (3) days' notice** before Petitioner is moved from the Court's jurisdiction." (Ex. A at ¶ 2) (emphasis added).
3. Earlier this evening, on July 14, 2025, undersigned counsel learned that Mr. Nguyen had been moved from the Eden Detention Center in Eden, Texas, to a detention facility in Alvarado, Texas. While this was a violation of the spirit of the Court's order, it was still within the Northern District of Texas. Counsel immediately contacted AUSA Haag by email and telephone to inform her of this move. AUSA

Haag implied she was unaware of the transfer and promised to investigate immediately.

4. Hours later—no follow up from AUSA Haag.
5. Meanwhile, when the family called the Prairieland Detention Center in Alvarado, TX, someone there told them “he was released, not sure why it says he’s still here.” They, of course, had not heard from him so everyone was dubious about the claim that he was released. This, was without question, a concerted effort to misdirect and mislead for nefarious purposes.
6. Hours later, Mr. Nguyen's family finally heard from him. He confirmed that he had been moved again. The ICE Online Detainee Locator System, as well as Mr. Nguyen himself, confirm his current location is the Alexandria Staging Facility in Alexandria, Louisiana.
7. The Alexandria Staging Facility is a known processing center for imminent removals from the United States.
8. This transfer occurred without the promised three-day notice. It occurred without *any* notice. This action was taken in secret and in direct contravention of the Government’s explicit statement filed with this Court less than one week ago.
9. Counsel has grave fears, based on the Government’s actions and the nature of the case, that this transfer is a prelude to removing Mr. Nguyen to a third country, such as South Sudan, where he will be beyond the reach of his family, his attorney, and this Court, and where he will likely be disappeared or persecuted. The Government's

knowing violation of its promise to this Court only heightens the fear that its motives are illicit and its actions are designed to thwart judicial review.

III. ARGUMENT AND AUTHORITIES

For a temporary restraining order to issue, a movant must show: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury if the injunction is not granted; (3) that the threatened injury outweighs the threatened harm the injunction may do to the opposing party; and (4) that the injunction will not disserve the public interest. *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987). This standard is more than met here.

A. Substantial Threat of Irreparable Injury

Mr. Nguyen faces the ultimate irreparable injury: removal from the United States. If removed, his pending petition will be rendered moot, and he will be deprived of any opportunity for judicial review. *See, e.g., Moore v. Nelson*, 270 F.3d 1075, 1076 (7th Cir. 2001) (per curiam). The Government has moved him to a "staging facility" outside this jurisdiction, signaling that removal is not just possible, but imminent. The harm is immediate and cannot be undone by any subsequent legal remedy.

B. Substantial Likelihood of Success on the Merits

The success on the merits of *this motion* is virtually certain. The evidence is documentary and undisputed. The Government filed a pleading with this Court (Ex. A) promising three days' notice. The Government then moved Mr. Nguyen out of the jurisdiction with zero days' notice. The Government has acted in bad faith and in direct violation of its representation. This Court has the inherent power to enforce its own orders

and to sanction parties who make false representations to the tribunal. There can be no serious dispute that the Government has violated its own promise.

C. The Balance of Harms and Public Interest Favor the Injunction

The harm to Mr. Nguyen—wrongful removal from the country, potential persecution, and the extinguishment of his legal rights—is catastrophic. The harm to the Government is minimal: the administrative inconvenience of returning a single detainee to the jurisdiction where his case is pending and abiding by the promises it makes to a federal court.

Furthermore, the public interest is overwhelmingly served by granting this injunction. The public has a profound interest in ensuring that the Government is not above the law, that it honors its commitments to the judiciary, and that individuals subject to removal have meaningful access to the courts as guaranteed by the Constitution. Allowing the Government to moot a case by violating its own promises would severely undermine the integrity of the judicial process.

IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner Tam Nguyen respectfully prays that this Court immediately:

1. **GRANT** this Emergency Motion;
2. **ISSUE** a Temporary Restraining Order immediately **ENJOINING** and **RESTRAINING** Respondents, their officers, agents, servants, employees, and all persons in active concert or participation with them, from removing Petitioner Tam

Nguyen from the United States, or from transferring him to any other facility pending further order of this Court;

3. **ORDER** Respondents to **IMMEDIATELY RETURN** Petitioner Tam Nguyen to a detention facility within the jurisdiction of the San Angelo Division of the Northern District of Texas forthwith;
4. **ORDER** Respondents to appear and show cause immediately as to why a Preliminary Injunction should not issue;
5. **Set an Emergency Hearing at the Court's Convenience;** and
6. **GRANT** Petitioner such other and further relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED,

/s/ Dan Gividen

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CERTIFICATE OF CONFERENCE

I hereby certify on July 14, 2025, I sought to confer with government counsel about the instant motion numerous times by repeatedly emailing, albeit, long after close of business, with no response as of the time of this filing. Accordingly, this is being filed without the government's position.

/s/ Dan Gividen
DAN GIVIDEN
Attorney for Petitioner