

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:25-cv-02926-PJS-SGE

TOU PAO LEE,

Petitioner,

v.

PAMELA BONDI et al.,

Respondents.

**FEDERAL RESPONDENTS'
SECOND SUPPLEMENTAL
RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS AND
OPPOSITION TO MOTION FOR
TEMPORARY RESTRAINING
ORDER**

Respondents Pamela Bondi, Kristi Noem, and Todd M. Lyons (collectively, the “Federal Respondents”) submit this second supplemental response to provide the Court with new information regarding the status of Petitioner Tou Pao Lee’s removal.

On July 23, 2025, Lee asked for an emergency order blocking his transfer outside the state of Minnesota. Dkt. 17. That was ostensibly in response to the briefing schedule that the Court set for Lee’s motion for a temporary restraining order—Lee was worried he would be removed before briefing on the motion was complete. Dkt. 15. The Court granted Lee’s request. Dkt. 18. But the Court later vacated that order, Dkt. 25, and cleared the way for U.S. Immigrations and Customs Enforcement (“ICE”) to transfer Lee to Louisiana for staging ahead of a chartered flight to return him to Laos. Declaration of John D. Ligon dated August 18, 2025 (“Third Ligon Decl.”) ¶ 6.

The chartered flight was scheduled to fly from Texas to Louisiana, and then from Louisiana to Laos on August 12, 2025. Third Ligon Decl. ¶ 7. However, the flight from Texas to Louisiana was delayed. Third Ligon Decl. ¶ 7. The delay resulted in Lee missing the ultimate flight to Laos. Third Ligon Decl. ¶ 7. Because the Court previously ordered

that Lee be returned to Minnesota if he was not removed by August 18, 2025, ICE arranged for him to return via a commercial flight. Third Ligon Decl. ¶ 8. Lee is scheduled to land at the Minneapolis-St. Paul International Airport just after 5:00 pm today, on Delta Airlines flight 2981. Third Ligon Decl. ¶ 8.

The travel document previously issued for Lee is still valid. Third Ligon Decl. ¶ 9. ICE personnel are therefore coordinating a commercial flight to remove him to Laos. Third Ligon Decl. ¶ 10. This will require obtaining visas for the officers who must escort Lee, as well as providing necessary country notifications. Third Ligon Decl. ¶ 10. ICE anticipates that Lee's removal will occur in approximately two weeks. Third Ligon Decl. ¶ 10. Respondents shared this information with Lee's counsel, who indicated that Lee will move the Court to order his immediate return to Minnesota and his immediate release from detention. Neither request should be granted.

First, Lee is already on the way back to Minnesota, as outlined above. Absent delays due to weather or other unforeseen circumstances, he will be in Minnesota around 5:00 pm, in compliance with the Court's order.

Second, Lee already conceded that his *Zadvydas* claim lacks merit now that ICE has obtained a travel document. In Lee's own words,

if ICE does have travel documents for him from Laos then Petitioner's argument based on *Zadvydas v. Davis*, 533 U.S. 678 (2001) is no longer sufficient to warrant his release as ICE would have a justifiable reason to hold Petitioner if his removal is indeed imminent.

Dkt. 24, at 1. The dispositive facts have not changed: ICE has a valid travel document for Lee, the agency is actively arranging a flight to Laos, and Lee is going to be removed from

the United States in the imminent future. Indeed, since ICE obtained a travel document, the main obstacle to removal has been Lee himself. *He* sought the initial order that blocked ICE from moving him to Louisiana for staging. Dkt. 17. *He* refused to voluntarily dismiss his habeas petition or ask the Court to vacate the transfer-blocking order, even after Respondents notified his counsel on August 1, 2025, that they had obtained a travel document. And *he* waited until the close of business on August 8, 2025, to file a one-page reply conceding the merits of his petition, despite learning days earlier that ICE needed to transfer him out of Minnesota for staging purposes. Dkt. 24.

* * *

Minor delays outside of ICE's control do not revive Lee's *Zadvydas* claims in this case. And his detention continues to serve an important purpose by "assuring [his] presence at the moment of removal." *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001). Accordingly, respondents renew their request that the Court deny Lee's habeas petition outright, as well as his accompanying motion for a temporary restraining order. For the reasons described in Respondents' initial response and supplemental filings, Lee simply is not entitled to habeas relief or an emergency injunction.

If the Court is inclined to keep this case open until Lee is removed from the country, then Respondents respectfully request that the Court: (1) set a September 8, 2025, deadline for the parties to submit a joint status update; and (2) deny any forthcoming motion from Lee seeking to block his removal from the United States, block his transfer to a different facility for staging or other purposes, or secure his release from detention.

Dated: August 18, 2025

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