

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'
OPPOSITION TO PETITIONER'S
MOTION FOR AN ORDER TO
SHOW CAUSE PURSUANT TO
28 U.S.C. § 2243**

Petitioner Tou Pao Lee's "Motion for an Order to Show Cause," Dkt. 28, misunderstands the posture of this case. The Court already entered an order to show cause. Dkt. 8. Respondents Pamela Bondi, Kristi Noem, and Todd M. Lyons (collectively, the "Federal Respondents") filed a response to Lee's petition, Dkt. 19, and he filed a reply brief, Dkt. 24. The matter is now under advisement. By asking for a do-over on substantive briefing, Lee's motion serves only to move this case backwards.

More to the point, Lee is crying foul because an unforeseen delay caused him to miss a chartered flight to Laos last week. That was the first attempt to remove Lee from the country—there has hardly been a pattern of "extension requests [that] continue to pile on creating an indefinite period of detention." Dkt. 28, at 2. And the attempt to remove Lee was unnecessarily hindered by his own refusal to timely cooperate with asking this Court to lift the order prohibiting his transfer for pre-removal staging. Regardless, ICE is now arranging for Lee to fly on a commercial flight to Laos. *See generally* Dkt. 27. The Court should therefore deny Lee's request for an order to show cause and deny the request to once again block his removal from Minnesota.

ARGUMENT

Lee's request lacks merit, and the Court should deny his motion for two reasons.

First, the Court already issued a show cause order. That was on July 21, 2025, when the Court directed the Federal Respondents to file an answer to the petition "certifying the true cause and proper duration of Petitioner's confinement and showing cause why the writ should not be granted in this case." Dkt. 8, at 1. The Federal Respondents complied, filing a brief and a supporting declaration to show that Lee's habeas petition fails because there is a significant likelihood of his removal in the foreseeable future. Dkt. 19, at 12-17. Lee conceded the point in his reply brief, acknowledging that his claims lack merit because ICE officials obtained a travel document to secure his return to Laos. Dkt. 24.¹

Issuing a new order to show cause and setting a new briefing schedule on Lee's petition would be a make-work exercise. The Federal Respondents' fundamental argument is not going to change: ICE has a travel document for Lee, he is about to be removed from the country, and his *Zadvydas* challenge therefore fails. If what Lee really wants is leave to file a sur-reply in support of his petition, then he should simply ask for permission to file one. The Federal Respondents would not oppose that request. Or, if what Lee really wants is an expedited ruling on his already-briefed petition and already-briefed motion for a temporary restraining order, then he should say so. The Federal Respondents would take

¹ Lee complains that the Federal Respondents have not given him or the Court a copy of the travel document. Dkt. 28, at 2. That is due to security concerns. A federal Deportation Officer has sworn under penalty of perjury—twice—that ICE obtained and still has a valid travel document for Lee's removal to Laos. Dkt. 23 and Dkt. 27. Indeed, ICE would not be engaged in efforts to arrange chartered and commercial flights to Laos if the agency were still waiting for a valid travel document.

no position on that request, deferring to the Court to manage its own docket and issue decisions in due course. Taking this case back to square one with a new order to show cause and a three-day briefing schedule is unnecessary and counterproductive.

Second, Lee's motion is an attempt to once again gum up the works for his removal. The strategy started in immigration court, where Lee unsuccessfully tried three times in June and July 2025 to re-open removal proceedings (that concluded 20 years ago) and to secure a stay of removal. *See* Dkt. 19, at 3-6. When those efforts failed, he turned to this Court. Just three days apart, Lee filed two inherently contradictory pleadings: (1) a habeas petition arguing that his removal was not occurring quickly enough; and (2) an emergency motion to block his imminent removal. After the Court set a two-week briefing schedule on Lee's motion for a temporary restraining order without entering an interim injunction, Lee demanded an order prohibiting his removal from Minnesota (and thus, the United States).

Lee's latest filing is more of the same. He seeks "a TRO barring Respondent's² removal from Minnesota until the completion of the requested hearing be put in place." Dkt. 28, at 2. The Court should deny that request and instruct Lee to stop seeking any further "mini-TROs" until there is a ruling on his already-briefed motion for a temporary restraining order. ICE is arranging for Lee to return to Laos on a commercial flight in approximately two weeks. Entering another order barring ICE from moving Lee will frustrate that process, including because the Federal Respondents will have to file another

² This is likely a typo—Lee is the petitioner in this case, not the respondent.

request to dissolve the order before putting Lee on a plane to Laos. The better approach is to allow ICE to carry out its planned removal and direct the parties to file a status update on September 8, 2025, or once Lee's removal is complete.

CONCLUSION

Lee's continued efforts to prevent his removal are antithetical to the *Zadvydas* claims that are at issue in this habeas action. The Federal Respondents have demonstrated that there is a significant likelihood of Lee's removal in the foreseeable future. Thus, his detention does not violate the Fifth Amendment, and his habeas petition fails on the merits. The Federal Respondents respectfully request that the Court deny Lee's Motion for an Order to Show Cause so that ICE can remove him from the United States.

Dated: August 19, 2025

JOSEPH H. THOMPSON
Acting United States Attorney

s/ Trevor Brown

BY: TREVOR C. BROWN
Assistant United States Attorney
Attorney ID Number 396820
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 664-5600
trevor.brown@usdoj.gov