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Counsel for Petitioner  
Osoth Manivong

UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

Osoth Manivong, Alien # 

Petitioner,  
v.

Case No. 2:25-cv-06747-

JFW-KES

PAMELA BONDI, in her official capacity as  
Attorney General,

KRISTI NOEM, in her official capacity as  
Secretary of the Department of Homeland  
Security,

U.S. DEPARTMENT OF HOMELAND  
SECURITY,

F. SEMAIA, in his official capacity as Warden of  
Adelanto Detention Facility,

ERNESTO SANTACRUZ, JR., in his official  
capacity as Acting ICE Field Office Director,  
Respondents.

**PETITIONER'S MOTION  
FOR A TEMPORARY  
RESTRAINING ORDER**

1           Petitioner, by and through his undersigned counsel, hereby files this motion  
2 for a temporary restraining order pursuant to Fed. R. Civ. P. 65(d). Petitioner seeks  
3 an order to preserve the status quo and to enjoin Respondents from transferring him  
4 out of this judicial district during the pendency of his Petition for a Writ of Habeas  
5 Corpus or ordering them to return him if he has already been transferred.

6           The TRO sought by Petitioner is an order barring Respondents from  
7 transferring him out of this judicial district or removing him to a third country  
8 without notice and an opportunity to be heard on any fear of persecution or torture  
9 he has in that third country. Petitioner also requests that the Court order him  
10 immediately released on an Order of Supervision, until such time as his removal is  
11 reasonably foreseeable. Petitioner also requests the Court schedule oral argument  
12 as soon as the Court's calendar allows and the parties are available, should it be  
13 necessary to resolve this motion.

14           WHEREFORE, for the reasons set forth in the accompanying memorandum  
15 of points and authorities, Petitioner respectfully requests this Court to grant the  
16 Temporary Restraining Order and set the case for further briefing.

17 **RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of August, 2025**

18 /s/ Sabrina Damast

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Counsel for Petitioner  
Osoth Manivong

UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

Osoth Manivong, Alien #027-821-667,

Petitioner,  
v.

PAMELA BONDI, in her official capacity as  
Attorney General,

KRISTI NOEM, in her official capacity as  
Secretary of the Department of Homeland  
Security,

U.S. DEPARTMENT OF HOMELAND  
SECURITY,

F. SEMAIA, in his official capacity as Warden of  
Adelanto Detention Facility,

ERNESTO SANTACRUZ, JR., in his official  
capacity as Acting ICE Field Office Director,  
Respondents.

Case No. 2:25-cv-06747-

JFW-KES

**MEMORANDUM OF  
POINTS AND  
AUTHORITIES IN  
SUPPORT OF MOTION  
FOR TEMPORARY  
RESTRAINING ORDER**

**HEARING REQUESTED**



1  
2  
3 **I. INTRODUCTION**

4 On July 20, 2025, Osoth Manivong (Petitioner), filed a petition for a writ of  
5 habeas corpus challenging the unlawful revocation of his release on an order of  
6 supervision (OSUP) and his continued detention without belief that his removal  
7 from the United States is reasonably foreseeable.

8 **II. NOTICE TO RESPONDENTS**

9 Undersigned counsel Sabrina Damast contacted the U.S. Attorney's Office  
10 for the Central District of California to meet and confer regarding this Motion on  
11 August 26, 2025. *See* Exhibit D (emails to counsel for Respondents). Counsel for  
12 Respondents, Jill Casselman, indicated to me that Respondents will oppose the  
13 motion.

14 **III. FACTUAL BACKGROUND**

15 Petitioner entered the United States as a refugee on June 17, 1986, at the age  
16 of four years old, and was subsequently accorded lawful permanent residence status  
17 retroactively to his date of entry. He graduated Savanna High School in Anaheim,  
18 California in June 2000.

1           On December 28, 2001, he was convicted of a violation of California Health  
2 and Safety Code section 11378 (possession for sale of a controlled substance).

3  
4           Petitioner was detained by Immigration and Customs Enforcement (ICE) on  
5 or about February 4, 2009, under section 236 of the Immigration and Nationality  
6 Act. He was served with a Notice to Appear on that same date, charging him with  
7 deportability for having been convicted of an aggravated felony.

8           On April 1, 2009, an Immigration Judge ordered Petitioner deported to Laos.

9           On July 7, 2009, ICE issued a Decision of Post Order Custody Review,  
10 noting that it had been “unable to remove” Petitioner from the United States, and as  
11 such, was releasing him from custody.

12           On July 9, 2009, ICE released Petitioner on an OSUP. The OSUP required  
13 Petitioner to check in with ICE periodically, beginning on August 4, 2009. He has  
14 complied with the check in requirements for the last 16 years.

15  
16           Petitioner’s parents, Thongmy Manivong and Phouang Manivong,  
17 naturalized as U.S. citizens on June 27, 2012. Petitioner also has one U.S.-citizen  
18 sibling.

19           Petitioner married his long-time U.S.-citizen partner, Angela Ann Boutdara,  
20 on December 11, 2021. *See* Exhibit E. The couple have two U.S.-citizen children,  
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1 Leory Oso Manivong (born on February 25, 2017) and Leann Manivong (born on  
2 October 15, 2012). *Id.*

3  
4 Prior to his re-detention, Petitioner was gainfully employed by Custom  
5 Ingredients in San Clemente, California. He has worked for that employer for 15  
6 years.

7 Petitioner has had incurred no new criminal convictions since the time of his  
8 release on an OSUP.

9 In June 2024, Petitioner filed a motion to vacate his drug conviction under  
10 California Penal Code section 1473.7.

11  
12 On July 7, 2025, Petitioner attended his regularly scheduled check in with  
13 ICE in Santa Ana, CA. He was detained at that time and transported to downtown  
14 Los Angeles by ICE. At the time of his detention, his attorney, Rocio La Rosa,  
15 informed the arresting officers that he had a pending motion to vacate his drug  
16 conviction. *See* Exhibit B (previously filed with habeas petition). Nonetheless,  
17 ICE took him into custody.

18 Shortly after Petitioner was taken into ICE custody, his attorney, Rocio La  
19 Rosa, inquired of the arresting officer whether he would be deported to Laos or a  
20 third country. *See* Exhibit B. The officer responded that she did not know because  
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1 that determination would be made by a deportation officer who would be assigned  
2 when Petitioner was eventually transferred to an ICE detention center. *Id.* The  
3 officer did not know at which detention center Petitioner would be detained. *Id.*

4  
5 Petitioner's conviction was vacated on August 1, 2025. *See* Exhibit F.

6 To date, the United States does not have a repatriation agreement with Laos.  
7 *See* Asian Law Caucus, "Resources for Southeast Asian Refugees Facing  
8 Deportation," available at [https://www.asianlawcaucus.org/news-resources/guides-](https://www.asianlawcaucus.org/news-resources/guides-reports/resources-southeast-asian-refugees-facing-deportation)  
9 [reports/resources-southeast-asian-refugees-facing-deportation](https://www.asianlawcaucus.org/news-resources/guides-reports/resources-southeast-asian-refugees-facing-deportation) (accessed on July 9,  
10 2025). On information and belief, ICE has no particularized evidence that  
11 Petitioner can be repatriated to Laos. On information and belief, Petitioner has not  
12 received an individualized hearing before a neutral decisionmaker to assess whether  
13 his recent re-detention is warranted due to danger or flight risk.

14 **IV. ARGUMENT**

15 A temporary restraining order is governed by a four-factor test. Courts must  
16 consider whether Petitioner has shown: (1) a likelihood of success on the merits, (2)  
17 that he is likely to suffer irreparable harm in the absence of such relief, (3) that the  
18 balance of equities tips in his favor, and (4) that an injunction is in the public  
19 interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008); *see also Friends*  
20 *of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th Cir. 2014). If Petitioner can  
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1 demonstrate serious questions going to the merits of his claim – a lesser showing  
2 than a likelihood of success on the merits – and the balance of hardship tips sharply  
3 in his favor, an injunction may be issued, assuming the other two Winter factors  
4 have been met. *Friends of the Wild Swan*, 767 F.3d at 942.

5  
6 A temporary restraining order preserves the *status quo ante litem*, which  
7 refers to the “last uncontested status which preceded the pending controversy.”  
8 *Flathead-Lolo-Bitterroot Citizen Task Force v. Montana*, 98 F.4th 1180, 1191 (9th  
9 Cir. 2024); *Shilling v. United States*, No. 25-CV-241-BHS, 2025 WL 926866, at  
10 \*11 (W.D. Wash. Mar. 27, 2025) (granting preliminary injunction).

11 Here, Petitioner meets both the irreparable harm and likelihood of success  
12 prongs, and the requested relief is not overly burdensome on Respondents.  
13 Accordingly, Petitioner merits issuance of a TRO.

14 **A. Petitioner Has Shown He is Likely to Succeed on the Merits of his Claim.**

15 Petitioner’s ongoing detention violates his Fifth Amendment right to due  
16 process, the Immigration and Nationality Act, and 8 U.S.C. § 1231(a)(6) and its  
17 implementing regulations. Petitioner is likely to succeed on the merits of his  
18 Petition as the United States has no repatriation agreement with Laos (his country  
19 of citizenship), and his continued detention beyond six months is unconstitutional.  
20 *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001).

1           8 U.S.C. § 1231(a) governs the detention of individuals who have been  
2 ordered removed. The statute directs ICE to detain such individuals for 90 days  
3 while carrying out a removal order. *See* 8 U.S.C. § 1231(a)(2). This 90-day  
4 removal period begins when the removal order becomes final. Absent an  
5 applicable exception, if ICE cannot remove a person within the 90-day removal  
6 period, they are released from custody subject to supervision. 8 U.S.C.  
7 § 1231(a)(3).

8           The regulations permit release of a non-citizen subject to a removal order  
9 after the 90-day removal period has elapsed if ICE determines that the non-citizen  
10 “would not pose a danger to the public or a risk of flight, without regard to the  
11 likelihood of the [non-citizen’s] removal in the reasonably foreseeable future.” 8  
12 C.F.R. § 241.13(b)(1). These released individuals are typically subject to an  
13 OSUP, as Petitioner was prior to being re-detained. *See* 8 C.F.R. § 241.4(j); 8  
14 C.F.R. § 241.13(h).

15           ICE may withdraw its approval for the release of a non-citizen if it can  
16 effectuate the individual’s removal from the United States “in the reasonably  
17 foreseeable future” or if the individual fails to comply with the conditions of  
18 release. 8 C.F.R. § 241.13(h)(4). ICE may only revoke a non-citizen’s release if  
19 “there is a significant likelihood that the [non-citizen] may be removed in the  
20 reasonably foreseeable future.” *Id.* at § 241.13(i)(2). “Upon revocation, the [non-  
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1 citizen] will be notified of the reasons for revocation of his [ ] release.” *Id.* at  
2 § 241.13(i)(3).

3 While 8 U.S.C. § 1231(a)(6) permits detention beyond the normal 90-day  
4 removal period, even these exceptions do not authorize indefinite detention. *See*  
5 *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001) (limiting ICE’s detention authority to  
6 a period “reasonably necessary” to carry out removal and deeming detention  
7 impermissible when removal is not “reasonably foreseeable”). This is so because a  
8 “statute permitting indefinite detention of an alien would raise a serious  
9 constitutional problem” because the “Fifth Amendment’s Due Process Clause  
10 forbids the government to ‘depriv[e]’ any ‘person....of....liberty without due  
11 process of law.’” *Id.* at 690. Whether a noncitizen’s detention is within, or beyond,  
12 a period reasonably necessary to secure removal” determines whether the detention  
13 is statutorily lawful. *Id.* at 699.

14 The Supreme Court directs that the habeas court must ask whether the  
15 detention in question exceeds a period reasonably necessary to secure removal. “It  
16 should measure reasonableness primarily in terms of the statute’s basic purpose,  
17 namely, assuring the alien’s presence at the moment of removal. Thus, if removal  
18 is not reasonably foreseeable, the court should hold continued detention  
19 unreasonable and no longer authorized by statute. In that case, of course, the alien’s  
20 release may and should be conditioned on any of the various forms of supervised  
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1 release that are appropriate in the circumstances, and the alien may no doubt be  
2 returned to custody upon a violation of those conditions.” *Id.* at 699-700 (internal  
3 citation omitted). “And if removal is reasonably foreseeable, the habeas court  
4 should consider the risk of the alien's committing further crimes as a factor  
5 potentially justifying confinement within that reasonable removal period.” *Id.* at  
6 700 (internal citation omitted).

7       Accordingly, even if the removal is reasonably foreseeable following the  
8 expiration of the removal period, the habeas court may order the noncitizen’s  
9 release under OSUP pending the removal. And if the noncitizen provides good  
10 reason to believe that “there is no significant likelihood of removal in the  
11 foreseeable future, the Government must provide evidence sufficient to rebut that  
12 showing.” *Id.* at 701.

13       In this case, there is no significant likelihood of Petitioner’s removal in the  
14 reasonably foreseeable future. Petitioner was ordered removed to Laos, a country  
15 with which the United States has no repatriation process. Indeed, Respondents  
16 released Petitioner on an OSUP more than 16 years ago precisely because they had  
17 no ability to effectuate his deportation to Laos. Since Petitioner has now been  
18 detained beyond the 180-day post-removal period, the government must respond  
19 with evidence sufficient to rebut Petitioner’s showing, and sufficient evidence to  
20 establish that Petitioner’s removal is reasonably foreseeable. It cannot do so, as  
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1 evidenced by the statements of ICE Officer Lopez, who informed Attorney Rocio  
2 La Rosa at the time of Mr. Manivong's re-detention that no determination had been  
3 yet as to what country ICE would seek to deport Petitioner. *See* Exhibit B  
4 (Declaration of Rocio La Rosa, Esq.) (filed with habeas petition).

5 Respondents may remove a non-citizen to a third country (i.e., a country in  
6 which the non-citizen does not hold citizenship) if removal to their country of  
7 citizenship is impractical, inadvisable or impossible. *See* 8 U.S.C.  
8 § 1231(b)(2)(E)(ii). However, DHS is barred from removing a non-citizen to a  
9 country where the non-citizen's life or freedom would be threatened because of five  
10 protected grounds. *Id.* at § 1231(b)(3)(A). In addition, DHS is barred from  
11 deporting a non-citizen to a country where they face a threat of torture. *See* 8  
12 C.F.R. §§ 208.16-208.18.

13 Notwithstanding the statutory and regulatory prohibitions on removing non-  
14 citizens to countries where they face potential persecution or torture, on March 30,  
15 2025, Respondent Noem issued a memo entitled, "Guidance Regarding Third  
16 Country Removals." Exhibit G. This memo states that if the United States has  
17 received "diplomatic assurances" from a third country that non-citizens removed to  
18 that country will not be persecuted or tortured, DHS may remove that non-citizen  
19 "without the need for further procedures." *Id.*

1           The procedure laid out in this memo violates the statutory and regulatory  
2 provisions requiring Respondents to provide a non-citizen with a forum to  
3 demonstrate an individualized risk of torture or persecution in a specific country.  
4 The memo purports to rely on blanket assurances from third countries that non-  
5 citizens generally will not be tortured or persecuted to circumvent the obligation to  
6 determine if an individual non-citizen faces a risk of torture or persecution.

7           Thus, to the extent that Respondents are detaining Petitioner with the intent  
8 to remove him to a third country without notice or the opportunity to demonstrate  
9 that he is at a particularized risk of torture or persecution in that third country, the  
10 detention is unlawful.

11           Petitioner should be ordered released on OSUP. He was previously on  
12 OSUP for 16 years. He incurred no additional criminal convictions after his  
13 release, and his deportable offense was vacated by the state court for prejudicial  
14 error. *See* Exhibit F. Accordingly, Respondents revoked Petitioner's OSUP in  
15 violation of the notice procedures at 8 C.F.R. § 241.13(i)(3), without any showing  
16 that his removal is reasonably foreseeable.

17 **B. Petitioner will Suffer Irreparable Harm Absent Issuance of a Temporary**  
18 **Restraining Order.**

19           In the absence of a TRO, Petitioner is a risk of transfer outside of this judicial  
20 district and continued unlawful detention, as well as removal to an undesignated  
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1 third country without notice and an opportunity to be heard. Each of these events  
2 would cause Petitioner irreparable harm.

3 Petitioner's allegations of constitutional violations - namely his Due Process  
4 right not to be subject to indefinite detention - permits a *per se* finding of  
5 irreparable harm. The "deprivation of constitutional rights 'unquestionably  
6 constitutes irreparable injury.'" *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir.  
7 2017), (quoting *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)). Any  
8 transfer of Petitioner outside of this judicial district before the Court adjudicates his  
9 habeas petition will interfere with Petitioner's access to counsel, who is located in  
10 Los Angeles, California.

11 Finally, any removal of Petitioner to a third country without notice will  
12 likewise cause Petitioner irreparable harm as he will be unable to be heard on any  
13 fear-based claim he may have with respect to that country. When the government  
14 is unable to remove a noncitizen to the country identified in the order of removal,  
15 the government may still remove the individual to any "country whose government  
16 will accept the alien into that country." 8 U.S.C. § 1231(b)(2)(E)(vii) ("third  
17 country removals"). However, a specific carve-out in the statute prohibits removal  
18 to countries where the noncitizen would face persecution or torture. 8 U.S.C.  
19 § 1231(b)(3)(A). Similarly, Congress codified protections established by the  
20 Convention Against Torture such that a noncitizen may not be removed to any  
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1 country where he would be tortured. *See* [28 C.F.R. § 200.1](#); [8 C.F.R. § 1208.16-18](#),  
2 [1208.16-18](#). “In other words, third-country removals are subject to the same  
3 mandatory protections that exist in removal or withholding-only proceedings.”  
4 *D.V.D.*, [2025 WL 1453640](#), at \*3 (D. Mass. May 21, 2025).

5 If Petitioner is removed unlawfully and without notice, he may never be  
6 returned. *See Trump v. J.G.G.*, 604 U.S. ----, [145 S.Ct. 1003, 1101](#) (2025)  
7 (Sotomayor, J., dissenting) (noting government’s position that “even when it makes  
8 a mistake, it cannot retrieve individuals from the Salvadoran prisons to which it has  
9 sent them”); *Abrego Garcia v. Noem*, No. 25-1404, [2025 WL 1135112](#), at \*2 (4th  
10 Cir. Apr. 17, 2025) (“both the United States and the El Salvadoran governments  
11 disclaim any authority and/or responsibility to return” unlawfully removed  
12 noncitizen); *Arguelles v. U.S. Att’y Gen.*, [661 F. App’x 694, 716](#) (11th Cir. Nov. 23,  
13 2016) (“[I]n *Nken[ v. Holder]*, [55 U.S. 418](#) (2009)], the Supreme Court told us  
14 removal from the United States [after entry of a removal order] is not categorically  
15 irreparable because removed petitioners ‘who prevail [in a petition for review] can  
16 be afforded effective relief by facilitation of their return.’ [556 U.S. 418, 435](#). But . .  
17 . it is implicit in this rule that removal *does* constitute irreparable harm when  
18 facilitation of a removed petitioner’s return will *not* be possible.” (emphasis in  
19 original)); *D.V.D.*, [2025 WL 1453640](#), at \*23 (D. Mass. May 21, 2025) (“The  
20 irreparable harm factor likewise weighs in Plaintiffs’ favor. Here, the threatened  
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1 harm is clear and simple: persecution, torture, and death. It is hard to imagine harm  
2 more irreparable.”). Until the Habeas Petition is finally adjudicated, Petitioner’s  
3 transfer or removal to a third country without notice should be restrained.<sup>1</sup>

4 **C. The Balance of Equities Tip in Petitioner’s Favor and the Public Interest**  
5 **Favors Issuance of a Temporary Restraining Order.**

6 The balance of equities and public interest merge in cases against the  
7 government. *See Nken v. Holder*, 556 U.S. 418, 436 (2009). Here, the balance  
8 favors Petitioner.

9 Petitioner does not contest Respondents’ ability to prosecute criminal  
10 offenses, detain noncitizens, and remove noncitizens under the immigration laws.  
11 Here, the likelihood of Petitioner’s success on the merits, combined with the  
12 established constitutional framework that requires the government to proceed  
13 lawfully when effectuating removal, strongly tips the balance of equities in  
14 Petitioner’s favor. “There is generally no public interest in the perpetuation of  
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16 <sup>1</sup> Justice Kavanaugh’s concurrence in *J.G.G.* made clear that federal courts,  
17 reviewing habeas petitions, have the authority to block the transfer of a detainee.  
18 *See J.G.G.*, 145 S.Ct. at 1007 (J.Kavanaugh, concurring) (recognizing that “all nine  
19 Members of the Court agree that judicial review is available” of a detainee’s  
20 challenge to his transfer by federal immigration authorities). “I add only that the  
21 use of habeas for transfer claims is not novel.” *Id.* “That general rule holds true for  
claims under the Alien Enemies Act, the statute under which the Government is  
seeking to remove these detainees. And going back to the English Habeas Corpus  
Act of 1679, if not earlier, habeas corpus has been the proper vehicle for detainees  
to bring claims seeking to bar their transfers.” *Id.* (internal citation omitted).

1 unlawful agency action. To the contrary, there is a substantial public interest in  
2 having governmental agencies abide by the federal laws that govern their existence  
3 and operations.” *See League of Women Voters of United States v. Newby*, 838  
4 F.3d 1, 12 (D.C. Cir. 2016) (internal quotation marks and citations omitted).

5         Petitioner’s constitutional right to be free of unlawful detention weighs  
6 heavily in the public interest. And the public has a critical interest in preventing  
7 wrongful removals, “particularly to countries where they are likely to face  
8 substantial harm.” *Nken*, 556 U.S. at 436. As Petitioner’s continued detention  
9 without imminent removal cannot be lawful, there can be no public interest in  
10 prolonging that circumstance. *See e.g., Washington v. DeVos*, 481 F.Supp.3d 1184,  
11 1197 (W.D. Wash. 2020).

12         Respondents cannot show here how the government’s interests overcome the  
13 irreparable injury to Petitioner. As noted above, the hardship for Petitioner is  
14 concrete and severe. He has lived in the United States for nearly 40 years, he is  
15 married to a U.S. citizen, and he has two minor U.S.-citizen children. *See* Exhibit  
16 E. His family was granted refugee status in the United States, demonstrating a  
17 finding that they suffered persecution in Laos. *See* 8 U.S.C. § 1101(a)(42). These  
18 equities weigh sharply in favor of granting the requested TRO.

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V. **THE COURT SHOULD NOT REQUIRE PETITIONER TO  
PROVIDE SECURITY**

The Court should not require a bond under Fed. R. Civ. P. Rule 65(c). This rule permits a court to grant preliminary injunctive relief “only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” ERCP 65(c). But it is well established that Rule 65(c) does not impose a mandatory requirement for a bond, but rather “invests the district court ‘with discretion as to the amount of security required, *if any*.’” *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003) (quoting *Barahona-Gomez v. Reno*, 167 F.3d 1228, 1237 (9th Cir. 1999)). In particular, “[t]he district court may dispense with the filing of a bond when it concludes there is no realistic likelihood of harm to the defendant from enjoining his or her conduct.” *Johnson v. Courturier*, 572 F.3d 1067, 1086 (9th Cir. 2009). Here, there is no realistic likelihood of harm to Respondents if the Court grants the requested TRO, and it would pose a significant hardship on Petitioner who is incarcerated to have a bond imposed. The Court should exercise its discretion and waive the requirement to post a bond under Rule 65(c).

VI. **CONCLUSION**

For the foregoing reasons, Petitioner respectfully submits that he has met the criteria for a temporary restraining order. He asks the Court to enjoin Respondents



1 from transferring him out of this judicial district – or, if he has been transferred, to  
2 order his return to the district - and from removing him to a third country without  
3 proper notice and opportunity to be heard during the pendency of his habeas  
4 proceedings. He also asks the Court to order him immediately released on an  
5 OSUP until such time as deportation is reasonably foreseeable

6 **RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of August, 2025**

7 **/s/ Sabrina Damast**

Sabrina Damast, CA Bar # 305710, NY Bar # 5005251

8 Amy Lenhert, CA SBN #227717

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13 **TABLE OF EXHIBITS**

14 **Exhibit A:** Order of Supervision Documents (previously filed with habeas  
petition)

15 **Exhibit B:** Declaration of Rocio La Rosa, Esq. (previously filed with habeas  
16 petition)

17 **Exhibit C:** Declaration of Sabrina Damast, Esq. (previously filed with  
habeas petition)

18 **Exhibit D:** Emails to Counsel for Respondents

19 **Exhibit E:** Proof of Family Ties

- 20 • State of Nevada Marriage Certificate for Defendant and Angela Ann  
21 Boutdara-Manivong



- U.S. Birth Certificate of Angela Ann Boutdara-Manivong (Petitioner's wife)
- U.S. Birth Certificate of Leann Manivong (Petitioner's daughter)
- U.S. Birth Certificate of Leroy Oso Manivong (Petitioner's son)
- U.S. Naturalization Certificate of Thongmy Manivong (Petitioner's mother)
- U.S. Naturalization Certificate of Phouang Manivong (Petitioner's father)
- U.S. Naturalization Certificate of Outhong Manivong (Petitioner's brother)

**Exhibit F:** Order Granting Vacatur of Petitioner's Conviction

**Exhibit G:** Guidance Regarding Third Country Removals," (March 30, 2025) (previously filed with habeas)



Law Office of Sabrina Damast <sabrina@sabrinadamast.com>

## 2:25-cv-06747-JFW-KES - Manivong v. Bondi

3 messages

Law Office of Sabrina Damast <sabrina@sabrinadamast.com>

Tue, Aug 26, 2025 at 7:51 AM

To: jill.casselman@usdoj.gov, daniel.beck@usdoj.gov

Cc: Amy Lenhert <amy@sabrinadamast.com>, Rocio La Rosa <rocio@sabrinadamast.com>

Good morning counsel -

This habeas is currently pending before Magistrate Karen Scott. My client called his wife a few hours and indicated he's being moved from Adelanto. I'm trying to reach out to ICE to get an update (the detention facility currently has me on hold), as there is a motion to reopen and motion for stay pending with an immigration judge.

However, in light of the sudden change in circumstances, I intend to file a TRO request today with the District Court, asking for an order preventing ICE from transferring him out of the district and blocking his deportation to any third country without notice and the opportunity to assert a fear claim.

Please let me know your position on the TRO.

Thank you,

Sabrina Damast  
Law Office of Sabrina Damast  
510 West 6th Street, Suite 330  
Los Angeles, CA 90014  
(323) 475-8716  
[sabrina@sabrinadamast.com](mailto:sabrina@sabrinadamast.com)  
[www.sabrinadamast.com](http://www.sabrinadamast.com)

If you need to send us a document or form, please use our secure file sharing system: <https://lawofficeofsabrinadamastinc.sharefile.com/r-r428807a6d8c48dab>

Law Office of Sabrina Damast <sabrina@sabrinadamast.com>

Tue, Aug 26, 2025 at 8:39 AM

To: jill.casselman@usdoj.gov, daniel.beck@usdoj.gov

Cc: Amy Lenhert <amy@sabrinadamast.com>, Rocio La Rosa <rocio@sabrinadamast.com>

Counsel -

Here is a draft of the TRO request. I'm also requesting immediate release on an OSUP.

On Tue, Aug 26, 2025 at 7:51 AM Law Office of Sabrina Damast <sabrina@sabrinadamast.com> wrote:

Good morning counsel -

This habeas is currently pending before Magistrate Karen Scott. My client called his wife a few hours and indicated he's being moved from Adelanto. I'm trying to reach out to ICE to get an update (the detention facility currently has me on hold), as there is a motion to reopen and motion for stay pending with an immigration judge.

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Thank you,

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Los Angeles, CA 90014  
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www.sabrinadamast.com




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3 attachments

-  Memo of P&A in support of motion for TRO.pdf  
250K
-  MOTION FOR TRO.pdf  
104K
-  Proposed order on TRO.pdf  
88K

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Law Office of Sabrina Damast <sabrina@sabrinadamast.com>  
To: jill.casselman@usdoj.gov, daniel.beck@usdoj.gov  
Cc: Amy Lenhert <amy@sabrinadamast.com>, Rocio La Rosa <rocio@sabrinadamast.com>

Tue, Aug 26, 2025 at 8:47 AM

Counsel-

Apologies for the inbox flood. I did just leave Ms. Casselman a voicemail as well. One update from my initial email - my staff called the immigration court and the clerk reports the motion to reopen was denied, though we do not yet have the actual decision in hand to confirm this.

Best,  
Sabrina

On Tue, Aug 26, 2025 at 8:39AM Law Office of Sabrina Damast <sabrina@sabrinadamast.com> wrote:  
Counsel -

Here is a draft of the TRO request. I'm also requesting immediate release on an OSUP.

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However, in light of the sudden change in circumstances, I intend to file a TRO request today with the District Court, asking for an order preventing ICE from transferring him out of the district and blocking his deportation to any third country without notice and the opportunity to assert a fear claim.

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Thank you,

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CERTIFICATION OF VITAL RECORDS	
	
<b>STATE OF NEVADA MARRIAGE CERTIFICATE</b> No: 202108090047103	
<b>MC</b> #: 202112114072012 Fees: \$0.00 12/11/2021 07:47:38 PM Receipt #: 1372007 Filed By: PRUSZKOWSKI LYNN MARIE GOYA CLARK COUNTY CLERK	
STATE OF NEVADA } COUNTY OF CLARK }	SS:
This is to certify that the undersigned, <u>Minister Charles Petersen</u> (print name of official performing marriage)	
did on the <u>11</u> day of the month of <u>DECEMBER</u> of the year 20 <u>21</u> <u>The Little White Wedding Chapel 1301 S. Las Vegas Blvd.</u>	
at _____ (name and address of location where marriage performed)	
(city) <u>LAS VEGAS</u> , Nevada, with their mutual consent and witnessed in the	
presence of <u>Autumn Beaman</u> , join in lawful wedlock (print name of witness or witnesses)	
ANGELA ANN BOUTDARA of FULLERTON, CALIFORNIA born 07/29/1986, who wishes to use the name ANGELA ANN BOUTDARA-MANIVONG after marriage, and	
OSOTH MANIVONG of ANAHEIM, CALIFORNIA born 12/15/1981.	
	<b>MINISTER CHARLES PETERSEN</b> 5201 S. TORREY PINES DR. LAS VEGAS NV 89118 201611012033211 
Signature of Official Performing Marriage (Black Ink Only)	
Print Name and Title of Official	
Address of Official Performing Marriage	
City, State and Zip Code	
Nevada Certificate of Permission Officiant ID Number	
Couple's Mailing Address: 1807 W MAXZIM AVE, FULLERTON, CALIFORNIA 92833	
This Certificate must be typewritten or printed in black ink and delivered within ten (10) calendar days by the Marriage Officiant to the Clark County Clerk's Office, 500 S. Grand Central Parkway, 1st Floor, Las Vegas, Nevada 89155	
1663348 CERTIFIED COPY DOCUMENT ATTACHED IS A TRUE AND CORRECT COPY OF THE DOCUMENT OR DATA ON FILE MINUS ANY REDACTED PORTIONS	
Dec 30 2021  CLERK	
C2634221 TouchSafe® KEEP DOCUMENT IN A SAFE PLACE ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE	



CERTIFICATION OF VITAL RECORD									
COUNTY OF ORANGE									
SANTA ANA, CALIFORNIA									
104 -		CERTIFICATE OF LIVE BIRTH				1-86-30-021346			
STATE BIRTH CERTIFICATE NUMBER									
1A. NAME OF CHILD—FIRST		1B. MIDDLE		1C. LAST		LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER			
ANGELA		ANN		BOUDARA					
2. SEX		3A. THIS BIRTH SHOULD TWELVE, IF SPURIOUS, THIS CHILD		4A. DATE OF BIRTH—MONTH, DAY, YEAR		4B. HOUR—24 HOUR CLOCK TIME			
Female		Single		July 29, 1986		2022			
5A. PLACE OF BIRTH—NAME OF HOSPITAL OR FACILITY		5B. STREET ADDRESS (STREET, NUMBER, OR LOCATION)							
Santa Ana Hospital Medical Center		1901 North Fairview Street							
6C. CITY OR TOWN		6D. COUNTY							
Santa Ana		Orange							
7A. NAME OF FATHER—FIRST		7B. MIDDLE		7C. LAST		7D. STATE OF BIRTH		7E. AGE OF FATHER	
PHETSAMONE		BENG		BOUDARA		Laos		26	
8A. NAME OF MOTHER—FIRST		8B. MIDDLE		8C. LAST (BIRTH NAME)		8D. STATE OF BIRTH		8E. AGE OF MOTHER	
PHETSAVANH		NNN		SARADETH		Laos		19	
9. CERTIFICATION		12A. I CERTIFY THAT I HAVE REVIEWED THE STATED INFORMATION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE				12B. RELATIONSHIP TO CHILD		12C. DATE SIGNED	
		x <i>[Signature]</i>				Mother		7-30-86	
10. ATTENDANT'S CERTIFICATION		13A. I CERTIFY THAT I ATTENDED THIS BIRTH AND THAT THE CHILD WAS BORN ALIVE AT THE HOUR, DATE AND PLACE STATED				13B. PHYSICIAN OR OTHER ATTENDANT—SIGNATURE—DEGREE OR TITLE		13C. DATE SIGNED	
						A-3395		7-28-86	
14. LOCAL REGISTRAR		15. TYPED NAME AND ADDRESS				16. LOCAL REGISTRAR—SIGNATURE		17. DATE ACCEPTED FOR REGISTRATION	
		H. KRATTIS 1901 North Fairview Street, Santa Ana, Ca.				<i>[Signature]</i>		AUG 6 1986	
		18. DEATH—ENTER DATE OF DEATH				19. DATE ACCEPTED FOR REGISTRATION			

004581

CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }  
DATE ISSUED JAN 27 1989

This is a true and exact reproduction of the document officially registered and placed on file in the office of the Orange County Recorder.

*[Signature]*  
LEE A. BRANCH, Recorder  
ORANGE COUNTY, CALIFORNIA

This copy not valid unless prepared on engraved border displaying seal and signature of Recorder.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



STATE OF CALIFORNIA CERTIFICATION OF VITAL RECORD									
COUNTY OF ORANGE HEALTH CARE AGENCY 1200 N. MAIN STREET, SUITE 100-A SANTA ANA, CA 92701									
<b>CERTIFICATE OF LIVE BIRTH</b> STATE OF CALIFORNIA USE BLACK INK ONLY					<b>1201230032331</b> LOCAL REGISTRATION NUMBER				
STATE FILE NUMBER									
THIS CHILD	1A. NAME OF CHILD - FIRST <b>LEANN</b>		1B. MIDDLE -		1C. LAST <b>MANIVONG</b>		1D. SEX <b>FEMALE</b>		
	2. SEX <b>SINGLE</b>		3A. THIS BIRTH, SINGLE, TWIN, ETC.		3B. IF MULTIPLE, THIS CHILD'S SEX, AND ETC.		4A. DATE OF BIRTH - MM/DD/YYYY <b>10/15/2012</b>		
PLACE OF BIRTH	5A. PLACE OF BIRTH - NAME OF HOSPITAL OR FACILITY <b>COASTAL COMMUNITIES HOSPITAL</b>				5B. STREET ADDRESS - STREET AND NUMBER, OR LOCATION <b>2701 S BRISTOL ST</b>				
	5C. CITY <b>SANTA ANA</b>				5D. COUNTY <b>ORANGE</b>				
FATHER	6A. NAME OF FATHER - FIRST <b>OSOTH</b>		6B. MIDDLE -		6C. LAST <b>MANIVONG</b>		7. BIRTHPLACE - STATE/COUNTRY <b>LAOS</b>		8. DATE OF BIRTH - MM/DD/YYYY <b>12/15/1981</b>
	9A. NAME OF MOTHER - FIRST <b>ANGELA</b>		9B. MIDDLE <b>ANN</b>		9C. LAST <b>BOUDDARJ</b>		10. BIRTHPLACE - STATE/COUNTRY <b>CA</b>		11. DATE OF BIRTH - MM/DD/YYYY <b>07/29/1986</b>
REGISTRAR AND BIRTH CLERK	12A. CERTIFY THAT I HAVE REVIEWED THE STATED INFORMATION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.				12B. SIGNATURE OF REGISTRAR <i>[Signature]</i>		13. RELATIONSHIP TO CHILD <b>MOTHER</b>		14. DATE SIGNED - MM/DD/YYYY <b>10/17/2012</b>
	15. CERTIFY THAT THE CHILD WAS BORN ALIVE AT THE DATE, HOUR, AND PLACE STATED.				16A. ATTENDANT/CERTIFIER - SIGNATURE AND DESIGN OR TITLE <i>[Signature]</i> <b>Birth Clerk</b>		16B. LICENSE NUMBER <b>AS2876</b>		16C. DATE SIGNED - MM/DD/YYYY <b>10/17/2012</b>
17. PRINTED NAME, TITLE AND MAILING ADDRESS OF ATTENDANT <b>ALAN DANG, MD, 724 S HARBOR BLVD, SANTA ANA</b>									
18A. DATE OF BIRTH - MM/DD/YYYY <b>10/15/2012</b>					18B. LOCAL REGISTRATION - SIGNATURE <b>ERIC G. HANDLER, MD</b>				
19. DATE OF BIRTH - MM/DD/YYYY <b>10/15/2012</b>					20. DATE OF BIRTH - MM/DD/YYYY <b>10/18/2012</b>				

CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA } SS  
COUNTY OF ORANGE

This is a true and exact reproduction of the document officially registered and placed on file in the office of the VITAL RECORDS SECTION, ORANGE COUNTY HEALTH CARE AGENCY.

DATE ISSUED **NOV 15 2012**

*[Signature]* **Eric G. Handler, M.D.**  
HEALTH OFFICER  
ORANGE COUNTY, CALIFORNIA

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE.

STATE OF CALIFORNIA CERTIFICATION OF VITAL RECORD									
COUNTY OF ORANGE									
CLERK-RECORDER CERTIFICATE OF LIVE BIRTH STATE OF CALIFORNIA USE BLACK INK ONLY									
1201730005821									
STATE FILE NUMBER									
LOCAL REGISTRATION NUMBER									
THIS CHILD									
1A. NAME OF CHILD - FIRST LEROY									
1B. MIDDLE OSO									
1C. LAST MANIVONG									
2. SEX MALE									
3A. THIS BIRTH, SINGLE, TWIN, ETC. SINGLE									
3B. IF MULTIPLE, THIS CHILD 1ST, 2ND, ETC. -									
4A. DATE OF BIRTH - MM/DD/YYYY 02/25/2017									
4B. HOUR - 24 HOUR CLOCK TIME 1700									
5A. PLACE OF BIRTH - NAME OF HOSPITAL OR FACILITY ORANGE COAST MEMORIAL MED CTR									
5B. STREET ADDRESS - STREET AND NUMBER, OR LOCATION 9920 TALBERT AVENUE									
6A. CITY FOUNTAIN VALLEY									
6B. COUNTY ORANGE									
7A. NAME OF FATHER - FIRST OSOTH									
7B. MIDDLE -									
7C. LAST - BIRTH NAME MANIVONG									
7D. BIRTHPLACE - BIRTH COUNTRY LAOS									
7E. DATE OF BIRTH 12/15/1981									
8A. NAME OF MOTHER - FIRST ANGELA									
8B. MIDDLE ANN									
8C. LAST - BIRTH NAME BOUDARA									
8D. BIRTHPLACE - BIRTH COUNTRY CA									
8E. DATE OF BIRTH 07/29/1986									
9. I CERTIFY THAT I HAVE REVIEWED THE STATED INFORMATION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.									
10A. SIGNATURE OF FATHER OR OTHER ATTENDANT - SIGNATURE <i>[Signature]</i>									
10B. SIGNATURE OF MOTHER OR OTHER ATTENDANT - SIGNATURE <i>[Signature]</i>									
10C. SIGNATURE OF CLERK <i>[Signature]</i>									
10D. SIGNATURE OF CLERK <i>[Signature]</i>									
10E. SIGNATURE OF CLERK <i>[Signature]</i>									
10F. SIGNATURE OF CLERK <i>[Signature]</i>									
10G. SIGNATURE OF CLERK <i>[Signature]</i>									
10H. SIGNATURE OF CLERK <i>[Signature]</i>									
10I. SIGNATURE OF CLERK <i>[Signature]</i>									
10J. SIGNATURE OF CLERK <i>[Signature]</i>									
10K. SIGNATURE OF CLERK <i>[Signature]</i>									
10L. SIGNATURE OF CLERK <i>[Signature]</i>									
10M. SIGNATURE OF CLERK <i>[Signature]</i>									
10N. SIGNATURE OF CLERK <i>[Signature]</i>									
10O. SIGNATURE OF CLERK <i>[Signature]</i>									
10P. SIGNATURE OF CLERK <i>[Signature]</i>									
10Q. SIGNATURE OF CLERK <i>[Signature]</i>									
10R. SIGNATURE OF CLERK <i>[Signature]</i>									
10S. SIGNATURE OF CLERK <i>[Signature]</i>									
10T. SIGNATURE OF CLERK <i>[Signature]</i>									
10U. SIGNATURE OF CLERK <i>[Signature]</i>									
10V. SIGNATURE OF CLERK <i>[Signature]</i>									
10W. SIGNATURE OF CLERK <i>[Signature]</i>									
10X. SIGNATURE OF CLERK <i>[Signature]</i>									
10Y. SIGNATURE OF CLERK <i>[Signature]</i>									
10Z. SIGNATURE OF CLERK <i>[Signature]</i>									
11. TYPED NAME, TITLE AND SAILING ADDRESS OF ATTENDANT HIEP TRUONG, MD, 724 HARBOR BLVD, SANTA ANA									
12. TYPED NAME AND TITLE OF CLERK OR OTHER THAN ATTENDANT EILEEN CEREZO, BIRTH CLERK									
13. DATE OF DEATH - MM/DD/YYYY									
14. STATE FILE NO. - STATE USE ONLY									
15. LOCAL REGISTRATION - SIGNATURE ERIC G. HANDLER, MD <i>[Signature]</i>									
16. DATE ACCEPTED FOR REGISTRATION - MM/DD/YYYY 03/01/2017									

033080

CERTIFIED COPY OF VITAL RECORD  
STATE OF CALIFORNIA, COUNTY OF ORANGE

This is a true and exact reproduction of the document officially registered and placed on file in the office of the Orange County Clerk-Recorder.

DATE ISSUED MAR 15 2017

This copy is not valid unless prepared on an engraved border displaying the date, seal and signature of the Clerk-Recorder.

ANY ALTERATION OR ERASURE VOID THIS CERTIFICATE

000536586

*[Signature]*  
JUDITH HENDERSON  
COUNTY CLERK-RECORDER

COUNTY OF ORANGE  
CALIFORNIA



THE UNITED STATES OF AMERICA	
	
No. 35153996	
CERTIFICATE OF NATURALIZATION	
<i>Personal description of holder as of date of naturalization:</i>	USCIS Registration No. A027821664
<i>Date of birth:</i> OCTOBER 10, 1952	<i>I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.</i>
<i>Sex:</i> FEMALE	<hr/> <i>(Complete and true signature of holder)</i>
<i>Height:</i> 5 feet 3 inches	<i>Be it known that, pursuant to an application filed with the Secretary of Homeland Security</i>
<i>Marital status:</i> MARRIED	<i>at:</i> SANTA ANA, CALIFORNIA
<i>Country of former nationality:</i> LAOS	<i>The Secretary having found that:</i> <b>THONGMY MANIVONG</b> <i>residing at:</i> ANAHEIM, CALIFORNIA
	<i>having complied in all respects with all of the applicable provisions of the naturalization laws of the United States, being entitled to be admitted as a citizen of the United States, and having taken the oath of allegiance at a ceremony conducted by</i> <b>US DISTRICT COURT CENTRAL DISTRICT</b>
	<i>at:</i> LOS ANGELES, CALIFORNIA <i>on:</i> JUNE 27, 2012
	<i>such person is admitted as a citizen of the United States of America.</i> <b>Alpino N. Mayolas</b> , Director <i>U. S. Citizenship and Immigration Services</i>
DEPARTMENT OF HOMELAND SECURITY	



THE UNITED STATES OF AMERICA	
	
No. 35154411	
<b>CERTIFICATE OF NATURALIZATION</b>	
<i>Personal description of holder as of date of naturalization:</i>	<i>USCIS Registration No. A027821663</i>
<i>Date of birth:</i> MAY 14, 1947	<i>I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.</i>
<i>Sex:</i> MALE	 <i>(Complete and true signature of holder)</i>
<i>Height:</i> 5 feet 6 inches	<i>Be it known that, pursuant to an application filed with the Secretary of Homeland Security</i>
<i>Marital status:</i> MARRIED	<i>at: SANTA ANA, CALIFORNIA</i>
<i>Country of former nationality:</i> LAOS	<i>The Secretary having found that:</i> <b>PHOUANG MANIVONG</b> <i>residing at: ANAHEIM, CALIFORNIA</i>
	<i>having complied in all respects with all of the applicable provisions of the naturalization laws of the United States, being entitled to be admitted as a citizen of the United States, and having taken the oath of allegiance at a ceremony conducted by</i> <b>US DISTRICT COURT CENTRAL DISTRICT</b> <i>at: LOS ANGELES, CALIFORNIA on: JUNE 27, 2012</i>
	<i>such person is admitted as a citizen of the United States of America.</i>  <i>Alejandro N. Mejias, Director</i> <i>U. S. Citizenship and Immigration Services</i>
<b>DEPARTMENT OF HOMELAND SECURITY</b>	

**DEPARTMENT OF JUSTICE**  
**CERTIFICATE OF NATURALIZATION**

No. 22923902

*Personal description of holder as of date of naturalization:*  
*Date of birth:* AUGUST 13, 1972  
*Sex:* MALE  
*Height:* 5 feet 09 inches  
*Marital status:* SINGLE  
*Country of former nationality:* LAOS

*I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.*

*Outthong M.*  
(Complete and true signature of holder)

*Be it known that, pursuant to an application filed with the Attorney General at:* LOS ANGELES, CA  
*The Attorney General having found that:*  
OUTHONG MANIVONG  
*then residing in the United States, intends to reside in the United States when so required by the Naturalization Laws of the United States, and had in all other respects complied with the applicable provisions of such naturalization laws and was entitled to be admitted to citizenship, such person having taken the oath of allegiance in a ceremony conducted by the*  
U.S. DISTRICT COURT  
FOR THE CENTRAL DIST. OF CALIFORNIA  
*at:* LOS ANGELES, CA *on:* AUGUST 9, 1996  
*that such person is admitted as a citizen of the United States of America.*

*It is punishable by U. S. LAW to COPY, PRINT OR PHOTOGRAPH THIS CERTIFICATE, WITHOUT LAWFUL AUTHORITY.*

*Doris Meisner*  
Commissioner of Immigration and Naturalization

**DEPARTMENT OF JUSTICE**

FORM N-330 (REV. 8-92)



ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Sabrina Damast, Esq. FIRM NAME: Law Office of Sabrina Damast, Inc. STREET ADDRESS: 510 West 6th Street, Suite 330 CITY: Los Angeles TELEPHONE NO.: (323)475-8716 EMAIL ADDRESS: rocio@sabrinadamast.com ATTORNEY FOR (name): Osoth Manivong		STATE BAR NUMBER: 305710 STATE: CA ZIP CODE: 90014 FAX NO.:	FOR COURT USE ONLY <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE  AUG 01 2025  DAVID H. YAMASAKI, Clerk of the Court  BY: <u>M. NEESSEN</u> DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center			
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: Osoth Manivong		DATE OF BIRTH: 12/15/1981	CASE NUMBER: 01WF2825
ORDER ON MOTION TO VACATE CONVICTION OR SENTENCE <input type="checkbox"/> Pen. Code, § 1016.5 <input checked="" type="checkbox"/> Pen. Code, § 1473.7(a)(1) <input type="checkbox"/> Pen. Code, § 1473.7(a)(2) <input type="checkbox"/> Pen. Code, § 1473.7(a)(3)			FOR COURT USE ONLY DATE: July 18, 2025 TIME: 8:30 A.M. DEPARTMENT: C42

1. FOR APPOINTMENT OF COUNSEL

- a. ☐ The court grants the request for appointment of counsel.
- b. ☐ The court denies the request for appointment of counsel because the Moving Party has not shown (choose all that apply)  
☐ a prima facie case    ☐ indigency.

2. FOR PENAL CODE SECTION 1016.5 RELIEF

- a. ☐ The court grants the Moving Party's request to vacate the judgment and to permit the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.
- b. ☐ The court denies the Moving Party's request to vacate the judgment and to permit the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.

3. FOR PENAL CODE SECTION 1473.7(a)(1) RELIEF

- a. Request to Waive Personal Appearance (if applicable)
- (1) ☒ The court finds good cause to grant the request that the court hold the hearing without the personal presence of the Moving Party.
- (2) ☐ The court denies the request that the court hold the hearing without the personal presence of the Moving Party.
- b. Timeliness
- (1) ☒ The court deems the motion timely because the Moving Party did not receive, or acted with reasonable diligence after receiving, notice from immigration authorities.
- (2) ☐ The court exercises its discretion to deem the motion timely.
- (3) ☐ The court deems the motion untimely and dismisses the motion after a hearing (*People v. Alatorre* (2021) 70 Cal.App.5th 747).
- c. Vacatur of Conviction or Sentence
- (1) ☒ The court grants the Moving Party's request to vacate the conviction or sentence on the basis that the conviction or sentence is legally invalid due to a prejudicial error damaging the Moving Party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence.
- ☐ The court permits the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.
- (2) ☐ The court denies the Moving Party's request to vacate the conviction or sentence on the basis that the conviction or sentence is legally invalid due to a prejudicial error damaging the Moving Party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence.



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4. FOR PENAL CODE SECTION 1473.7(a)(2) RELIEF

a. Request to Waive Personal Appearance (if applicable)

- (1) ☐ The court finds good cause to grant the request that the court hold the hearing without the personal presence of the Moving Party.
- (2) ☐ The court denies the request that the court hold the hearing without the personal presence of the Moving Party.

b. Undue Delay

- (1) ☐ The court finds that the Moving Party filed without undue delay from the date the Moving Party discovered, or could have discovered through the exercise of due diligence, the evidence of actual innocence.
- (2) ☐ The court finds that the Moving Party failed to file the motion without undue delay from the date the Moving Party discovered, or could have discovered through the exercise of due diligence, the evidence of actual innocence, and dismisses the motion after a hearing.

c. Vacatur of Conviction or Sentence

- (1) ☐ The court grants the Moving Party's request to vacate the conviction or sentence based on newly discovered evidence of actual innocence.  
☐ The court permits the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.
- (2) ☐ The court denies the Moving Party's request to vacate the conviction or sentence based on newly discovered evidence of actual innocence.
- (3) The court's basis for the ruling:

5. FOR PENAL CODE SECTION 1473.7(a)(3) RELIEF

a. Request to Waive Personal Appearance (if applicable)

- (1) ☐ The court finds good cause to grant the request that the court hold the hearing without the personal presence of the Moving Party.
- (2) ☐ The court denies the request that the court hold the hearing without the personal presence of the Moving Party.

b. Time Frames

- (1) ☐ The court finds that the motion was filed in accordance with the time frames in Penal Code section 745(j).
- (2) ☐ The court finds that the motion was filed prematurely under the time frames in Penal Code section 745(j) and dismisses the motion after a hearing.

c. Undue Delay

- (1) ☐ The court finds that the Moving Party filed without undue delay from the date the Moving Party discovered, or could have discovered through the exercise of due diligence, the evidence that provides a basis for relief under Penal Code section 745(a).
- (2) ☐ The court finds that the Moving Party failed to file the motion without undue delay from the date the Moving Party discovered, or could have discovered through the exercise of due diligence, the evidence that provides a basis for relief under Penal Code section 745(a), and dismisses the motion after a hearing.

d. Motion for Disclosure

- (1) ☐ The court grants the Moving Party's request for the following records or information relevant to a potential Penal Code section 745(a) violation:
- (2) ☐ The court denies the Moving Party's request for disclosure of records or information.

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5. e. Vacatur of Conviction or Sentence

(1) The court finds the following violations of section 745(a) occurred (check all that apply):

- (a) ☐ The judge, an attorney, a law enforcement officer, an expert, or a juror in the case exhibited bias or animus toward the Moving Party because of the Moving Party's race, ethnicity, or national origin.
- (b) ☐ During in-court trial proceedings, the judge, an attorney, a law enforcement officer, an expert, or a juror used racially discriminatory language about the Moving Party's race, ethnicity, or national origin. (Racially discriminatory language does not include relaying language used by someone else that is relevant to the case, or giving a racially neutral and unbiased physical description of the suspect.)
- (c) ☐ The Moving Party was charged with or convicted of a more serious offense than defendants of other races, ethnicities, or national origin who have engaged in similar conduct and are similarly situated, and the prosecution more frequently sought or obtained convictions for more serious offenses against people who share the Moving Party's race, ethnicity, or national origin in the county where the convictions were sought or obtained.
- (d) ☐ The Moving Party received a longer or more severe sentence compared to similarly situated individuals convicted of the same offense and:
  - (i) ☐ longer or more severe sentences were more frequently imposed for the same offense on people who share the Moving Party's race, ethnicity, or national origin than on others in the county; and/or.
  - (ii) ☐ longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in that county.

(2) ☐ The court grants the Moving Party's request to vacate the conviction and sentence based on a violation of Penal Code section 745(a) and finds the conviction and sentence legally invalid.

(a) ☐ Refer to the court minute order from (date): \_\_\_\_\_

OR (check all that apply):

(b) ☐ The court orders the following new proceedings consistent with Penal Code section 745(a):

(c) ☐ The court finds a violation of Penal Code section 745(a)(3) and modifies the judgment to the following lesser included or lesser related offense:

(d) ☐ The court permits the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.

(e) ☐ The court grants the following remedies:

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5. e. (3) ☐ The court grants the Moving Party's request to vacate the sentence based on a violation of Penal Code section 745(a) and finds the sentence was legally invalid.
- (a) ☐ Refer to the court minute order from (date): \_\_\_\_\_
- OR (check all that apply):
- (b) ☐ The court imposes the following new sentence:
- (c) ☐ The court grants the following remedies:
- (4) ☐ The court denies the Moving Party's request to vacate the conviction or sentence based on a violation of Penal Code section 745(a).
- (5) The court's basis for the ruling:

Date:

8.1.25

  
(JUDICIAL OFFICER)  
**KEVIN HASKINS**

I hereby certify the foregoing instrument consisting of 4 page(s)  
is a true and correct copy of the original on file in this court.



ATTEST: (DATE) AUG 1 2025  
DAVID H. YAMASAKI, EXECUTIVE OFFICER AND CLERK OF THE  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

BY AMM, DEPUTY



Office of the Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

March 30, 2025

MEMORANDUM FOR: Kika Scott  
Senior Official Performing the Duties of the Director  
U.S. Citizenship and Immigration Services

Pete R. Flores  
Senior Official Performing the Duties of the Commissioner  
U.S. Customs and Border Protection

Todd Lyons  
Acting Director  
U.S. Immigration and Customs Enforcement

FROM: Kristi Noem  
Secretary of Homeland Security 

SUBJECT: **Guidance Regarding Third Country Removals**

**Purpose**

This memorandum clarifies DHS policy regarding the removal of aliens with final orders of removal pursuant to sections 240, 241(a)(5), or 238(b) of the Immigration and Nationality Act (INA) to countries other than those designated for removal in those removal orders (third country removals).<sup>1</sup> DHS has used similar processes before, including with respect to Title 42 expulsions and the Migrant Protection Protocols.

**Process Regarding Third Country Removals<sup>2</sup>**

*Written Notice to the Alien & Fear Screening*

Prior to the alien's removal to a country that had not previously been designated as the country of removal, DHS must determine whether that country has provided diplomatic assurances that aliens removed from the United States will not be persecuted or tortured. If the United States has received such assurances, and if the Department of State believes those assurances to be credible, the alien

<sup>1</sup> This memorandum does not address expedited removals pursuant to INA § 235(b)(1).

<sup>2</sup> These procedures only apply to aliens who have no ongoing proceeding in which to raise a claim under INA § 241(b)(3) or the Convention Against Torture. For aliens who have such proceedings, DHS will follow existing procedures.

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may be removed without the need for further procedures. If the United States has not received those assurances, or if the Department of State does not believe them to be credible, DHS must follow the procedures below.

DHS will first inform the alien of removal to that country. Immigration officers will not affirmatively ask whether the alien is afraid of being removed to that country. DHS is taking this approach in line with its determination in mid-2024 that such questioning may be suggestive and that asking them leads to false claims rendering the immigration system as a whole less efficient. *Securing the Border*, 89 Fed. Reg. 48710, 48743 (June 7, 2024) (noting that aliens are “more likely to respond in the affirmative, even if they do not in fact have a fear of return or intention of seeking asylum” when asked affirmative fear questions); *Securing the Border*, 89 Fed. Reg. 81156, 81235 (Oct. 7, 2024). The allegation that a foreign country’s government will torture an alien or allow an alien to be persecuted, particularly a government with which the United States has a diplomatic relationship, is a serious one. It is not unreasonable for an alien in that circumstance to be expected to affirmatively express a fear of persecution or torture.

Immigration officers will refer any alien who affirmatively states a fear of removal to U.S. Citizenship and Immigration Services (USCIS) for a screening for eligibility for protection under INA § 241(b)(3) and the Convention Against Torture (CAT) for the country of removal.

*Where the Alien Affirmatively States a Fear*

In cases where the alien affirmatively states a fear, USCIS will generally screen the alien within 24 hours of referral from the immigration officer. This screening may be done remotely. USCIS will determine whether the alien would more likely than not be persecuted on a statutorily protected ground or tortured in the country of removal. If USCIS determines that the alien has not met this standard, the alien will be removed.

If USCIS determines that the alien has met this standard and the alien was not previously in proceedings before the Immigration Court, USCIS will refer the matter to the Immigration Court in the first instance. In cases where the alien was previously in proceedings before the Immigration Court, USCIS will notify the referring immigration officer of its finding, and the immigration officer will inform U.S. Immigration and Customs Enforcement (ICE). ICE OPLA may file a motion to reopen with the Immigration Court or the Board of Immigration Appeals, as appropriate, for further proceedings for the sole purpose of determining eligibility for protection under INA § 241(b)(3) and CAT for the country of removal. Alternatively, ICE may choose to designate another country for removal.

**DECLARATION OF SABRINA DAMAST**

1. My name is Sabrina Damast. My law firm represents Osoth Manivong in his pending habeas petition.
2. On August 26, 2026, Mr. Manivong contacted his family at approximately 4 am to inform them he was being transferred out of the detention center.
3. At 7:45 am, I called the Adelanto Detention Center and asked to speak to my client's ICE officer, to ascertain where he was being taken. The detention center official who answered the call informed me that one was answering the ICE line, and she asked me to call back in one hour.
4. At 8:47 am, 8:48 am, and 9:01 am, I called the detention center again. Each of these calls resulted in a recorded message informing me that I had reached the Adelanto Detention Center and telling me to wait on hold for someone to pick up my call. Each of those three times, the call was disconnected without anyone answering

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

/s/ Sabrina Damast

Sabrina Damast, Esq.

8/26/25

Date



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Counsel for Petitioner  
Osoth Manivong

UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

Osoth Manivong, Alien #027-821-667,

Petitioner,  
v.

PAMELA BONDI, in her official capacity as  
Attorney General,

KRISTI NOEM, in her official capacity as  
Secretary of the Department of Homeland  
Security,

U.S. DEPARTMENT OF HOMELAND  
SECURITY,

F. SEMAIA, in his official capacity as Warden of  
Adelanto Detention Facility,

ERNESTO SANTACRUZ, JR., in his official  
capacity as Acting ICE Field Office Director,  
Respondents.

Case No. 2:25-cv-06747-

JFW-KES

**PETITIONER'S PROPOSED**  
**ORDER ON MOTION FOR**  
**A TEMPORARY**  
**RESTRAINING ORDER**

**ORDER ON APPLICATION FOR TEMPORARY RESTRAINING ORDER**

Having reviewed the Application of Petitioner Osoth Manivong for a temporary restraining, the Court temporarily Respondents from transferring Petitioner outside the Central District of California during the pendency of his Petition for Writ of Habeas Corpus. If Respondents have transferred Petitioner outside the Central District, they are ordered to return him to the Central District immediately.

The Court also temporarily restrains Respondents from removing Petitioner to a third country without written notice to both Petitioner and Petitioner's counsel. Following notice, Petitioner must be given a meaningful opportunity, and a minimum of 10 days, to raise a fear-based claim for withholding of removal or protection under the Convention Against Torture prior to removal.

If Petitioner demonstrates a "reasonable fear" of removal to a third country, Respondents must move to reopen Petitioner's removal proceedings. If Petitioner is not found to have demonstrated a "reasonable fear" of removal to the third country, Respondents must provide a meaningful opportunity, and a minimum 15 days, for Petitioner to seek reopening of his immigration proceedings.

1 Finally, the Court orders Petitioner's immediate release on an Order of  
2 Supervision, until such time as Respondents present sufficient evidence to the  
3 Court that Petitioner's removal from the United States is reasonably foreseeable.

4  
5 IT IS SO ORDERED.

6  
7 DATED: \_\_\_\_\_

8 \_\_\_\_\_  
United States District Judge