

District Judge Richard A. Jones
Magistrate Judge Theresa L. Fricke

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DABONA TANG,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:25-cv-01473-RAJ-TLF

FEDERAL RESPONDENTS'
MOTION TO STRIKE PETITIONER'S
PRELIMINARY INJUNCTION
MOTION

Noted: September 19, 2025

The Court should strike Petitioner's preliminary injunction motion, Dkt. 16. This case is already set to be heard on September 22, 2025, and Petitioner's motion would only delay its consideration. Moreover, there is no reason for another round of briefing when Petitioner can raise arguments for his release in response to Federal Respondents' motion to dismiss.

PROCEDURAL BACKGROUND

Petitioner Dabona Tang filed a habeas corpus petition *pro se* on August 5, 2025, along with a motion to appoint counsel. Dkts. 1, 2. On August 7, the Court granted the motion, appointing the Federal Public Defender's Office to represent Petitioner. Dkt. 5. The same day, it ordered Federal Respondents to file a return to the habeas petition within 30 days. Dkt. 6.

1 Petitioner’s appointed counsel moved to shorten Federal Respondents’ time to file a
2 return, and the Court ordered a faster return. Dkts. 7, 8. In that motion, Petitioner argued that
3 Federal Respondents’ typical practice of moving to dismiss would unnecessarily delay the
4 proceedings, and therefore the Court should not allow a reply brief. Dkt. 7 at 3. In ruling on
5 Petitioner’s motion to expedite, the Court did not forbid Federal Respondents’ reply. *See* Dkt. 15.
6 That reply is due September 22, 2025, when Petitioner’s habeas petition will be fully briefed and
7 ready for adjudication. *See* Dkt. 12.

8 Despite receiving the expedited consideration he asked for, now Petitioner has filed a
9 preliminary injunction motion noted for September 26, 2025. Dkt. 16. The motion argues
10 Petitioner’s detention is unlawful and he should be released. *Id.* It also seeks an order barring any
11 future re-arrest without leave of Court. *Id.* at 1.

12 **STANDARD**

13 The Court may strike an improper filing pursuant to its inherent power “over the
14 administration of its business” and “to promulgate and enforce rules for the management of
15 litigation.” *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995). “[D]istrict courts have the
16 inherent authority to manage their dockets and courtrooms with a view toward the efficient and
17 expedient resolution of cases.” *Dietz v. Bouldin*, 579 U.S. 40, 47 (2016); *see Atchison, Topeka &*
18 *Santa Fe Ry. Co. v. Hercules Inc.*, 146 F.3d 1071, 1074 (9th Cir. 1998) (holding that the district
19 courts have the power to control their dockets).

20 “Included within this authority is the power to strike items from the docket.” *Thompson*
21 *v. Seattle Pub. Sch.*, No. 2:25-CV-00468-TL, 2025 WL 1736264, at *1 (W.D. Wash. June 23,
22 2025) (citing *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) and *Sharkey*
23 *v. Nevada*, No. C18-25, 2020 WL 2559920, at *1 (D. Nev. May 20, 2020)). Although Local Civil
24 Rule 7(g) bars motions to strike materials within motions or briefs, it does not bar motions to

1 strike filings. *See NM LLC v. Keller*, No. 3:24-CV-05181-TMC, 2024 WL 5661978, at *1 (W.D.
2 Wash. June 4, 2024) (granting motion to strike complaint in its entirety).

3 **ARGUMENT**

4 This Court should strike Petitioner’s preliminary injunction motion. Dkt. 16. There is no
5 reason for Petitioner to challenge the legality of his detention on two separate tracks: an already-
6 pending habeas corpus petition, and a new separate preliminary injunction motion. Petitioner’s
7 motion (1) is improper in this habeas proceeding, (2) contradicts his earlier request for expedited
8 consideration, and (3) would waste taxpayer resources.

9 First, Petitioner’s motion is improper for two reasons: it does not seek to maintain the
10 status quo, and it seeks relief not sought in the petition. Preliminary injunctions are meant to
11 preserve the status quo pending final judgment, not to obtain a preliminary adjudication on the
12 merits. *Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir. 1984). Here,
13 the motion not only seeks to upend the status quo but also goes beyond the pending petition (the
14 only petition or complaint in this case) by asking for an order “barring future arrest or detention”
15 absent leave of Court. Dkt. 16 at 1. The Supreme Court held in *Wilkinson v. Dotson* that a claim
16 seeking “an injunction barring *future* unconstitutional procedures did *not* fall within habeas’
17 exclusive domain.” 544 U.S. 74, 81 (2005) (emphasis in original); *see also Nelson v. Campbell*,
18 541 U.S. 637, 647 (2004) (“If a request for a permanent injunction does not sound in habeas, it
19 follows that the lesser included request for a temporary stay (or preliminary injunction) does not
20 either.”). If Petitioner wishes to seek relief that goes beyond what the habeas statute allows (i.e.,
21 release from custody), he must seek leave to file a complaint.

22 Second, the preliminary injunction motion contradicts Petitioner’s previous urgency.
23 Petitioner previously requested this Court shorten Federal Respondents’ response time and
24 prohibit a reply brief so that his habeas petition would be ready for adjudication as quickly as

1 possible. *See* Dkt. 7. After receiving the shortened response time he sought, he now seeks to
2 extend these proceedings. His preliminary injunction motion is noted for September 26—four
3 days after the current noting date of September 22. *See* Dkts. 12, 16. Petitioner should not be
4 allowed to have it both ways: shortening Federal Respondents’ response time and seeking to
5 prohibit additional briefing from them, while creating duplicative proceedings.

6 Third, the preliminary injunction motion is redundant and a waste of resources. Like the
7 habeas petition, the motion argues Petitioner’s detention is illegal, and he should be released. *See*
8 Dkt. 16. These arguments should be raised in response to Federal Respondents’ motion to dismiss,
9 not in a separate motion. Parallel briefing that only rehashes the same arguments wastes the
10 resources of the Court, the U.S. Attorney’s Office, and the Federal Public Defender’s Office.

11 **CONCLUSION**

12 For these reasons, Federal Respondents respectfully request that this Court exercise its
13 discretion to strike Petitioner’s preliminary injunction motion.

14 Dated August 29, 2025.

15 Respectfully submitted,

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23 I certify this memorandum contains 944 words,
24 in compliance with the Local Civil Rules.