

1 “the last uncontested status which preceded the pending controversy.” *GoTo.com, Inc.*
2 *v. Walt Disney, Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000). That status is his release
3 before his unlawful arrest.

4 Mr. Tang agrees, however, that it would be ideal to address his unlawful arrest
5 and detention in a single hearing. But respondents opposed Mr. Tang’s request to
6 expedite consideration, dkt. 7, and the magistrate did not grant the relief Mr. Tang
7 sought.¹ Mr. Tang has no alternative but to request emergency relief.

8 Courts have heard preliminary injunctions in different ways. In *E.A. T.-B. v.*
9 *Wamsley*, No. C25-1192-KKE, 2025 WL 2402130 (August 19, 2025), Judge Evanson
10 expedited consideration of the habeas petition, rather than holding a separate hearing on
11 the request for a preliminary injunction. By contrast, in *Nguyen* 2025 WL 2419288, at
12 *13, Judge Cartwright ordered the petitioner’s release after the preliminary injunction
13 hearing and issued an Order to Show Cause why the final Petition should not be
14 granted. Either approach would resolve Respondents concern about proceeding on two
15 tracks. But so far as counsel can determine, no court has accepted respondents’ view
16 that victims of unlawful arrest should remain imprisoned for extra months because
17 considering their claims earlier would “waste taxpayer resources.” Dkt 17 at 3.

18 The Court therefore should deny Respondents’ motion to strike, schedule such
19 argument as would be helpful to the Court in the coming week, and order Mr. Tang’s
20 immediate release.

21 DATED this 29th day of August 2025.

22 Respectfully submitted,

23 s/ *Gregory Murphy*
24 Attorney for Dabona Tang
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26 ¹ Mr. Tang asked for his case to be heard within five days. The Magistrate Judge
shortened the time for consideration to seven weeks.

1 I certify this document contains 433 words in compliance with the Local Civil Rules.

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