

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BAO NHAT DOAN THAI,

PETITIONER,

v.

KRISTI NOEM, et al.,

RESPONDENTS.

Case No. 3:25-CV-2221-X

**MOTION FOR LEAVE TO FILE RESPONSE TO
THE GOVERNMENT'S SUR-REPLY**

NOW COMES Petitioner, Bao Nhat Doan Thai, by and through undersigned counsel, and files this Motion for Leave to File a Response to the Government's Sur-Reply. For the reasons stated below, Mr. Thai respectfully requests that the Court grant this motion and allow the attached Response to the Government's Sur-Reply to be filed and considered in the above captioned proceedings.

On August 29, 2025, Mr. Thai filed a Reply Brief in Support of his Habeas Petition and Motion for an Emergency Injunction.¹ On September 3, 2025, the Court issued an Order that directed the government to file a Sur-Reply addressing (1) its procedural compliance with the regulations found at 8 C.F.R. § 241.13, and (2) the current status of

¹ (Doc. 12 and 13.)

requesting travel documents related to Thai specifically.² On September 6, 2025, the government filed a Sur-Reply and Appendix in Support.³

After having an opportunity to review and discuss the government's filings, Mr. Thai believes a brief response to the government's Sur-Reply is appropriate and would be helpful to the adjudication of issues in this matter. Accordingly, Mr. Thai has prepared a brief Response to the Government's Sur-Reply which is being attached to this motion as an exhibit. Because Mr. Thai has already prepared the response he seeks to file and has attached it to the instant motion, there should not be any delay in the adjudication of the issues currently before the Court.

Additionally, granting leave to file the attached response will not prejudice either party. Moreover, the motion is being made for good cause.

For the above stated reasons, Mr. Thai respectfully requests that the Court grant this motion and allow the attached Response to the Government's Sur-Reply to be filed and considered in the above captioned proceedings.

RESPECTFULLY SUBMITTED,

/s/ Dan Gividen

Dan Gividen

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² (Doc. 15.)

³ (Docs. 16 & 17.)

AND

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CERTIFICATE OF CONFERENCE

I hereby certify that late in the afternoon on Monday, September 8, 2025, undersigned counsel emailed Assistant U.S. Attorney Ann Haag regarding this motion. That email was not sent until later in the afternoon. As of the time of its filing, AUSA Haag has likely not had a chance to respond. Accordingly, the motion is being filed as opposed at this time.

RESPECTFULLY SUBMITTED,

/s/ Dan Gividen
Dan Gividen