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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HAI KIM THAI,

Petitioner,

v.

PAMELA JO BONDI, *Attorney General of the United States*; TODD M. LYONS, *Acting Director U.S Immigration Customs Enforcement*; JESUS ROCHA, *Acting Field Office Director, San Diego Field Office*; CHRISTOPHER LAROSE, *Warden at Otay Mesa Detention Center*,

Respondents.

Case No.: 25-cv-02436-RBM-MMP

**RESPONDENTS' OPPOSITION
TO PETITIONERS' HABEAS
PETITION AND APPLICATION
FOR TEMPORARY
RESTRAINING ORDER**

I. Introduction

Petitioner has filed a habeas petition and an emergency motion for temporary restraining order. For the reasons set forth below, the Court should deny Petitioner's request for interim relief and dismiss the petition.

II. Factual and Procedural Background

Petitioner is a citizen of Vietnam who came to the United States as a child in 1979. Petitioner was a lawful permanent resident who avoided removal after an initial criminal conviction for domestic violence in 2022, but was ordered removed after violating a restraining order and drug conviction in 2009. Thai Decl. at ¶¶ 1-3. On September 22, 2009, an immigration judge ordered Petitioner removed to Vietnam. *See*

1 Jason Cole Decl. at ¶ 4 (Sept. 25, 2025). Petitioner was subsequently released from
2 immigration custody on an Order of Supervision. *See* Ex. 1, I-213.¹ On August 25, 2025,
3 Immigration and Customs Enforcement (ICE) re-detained Petitioner to effect his
4 removal to Vietnam. Cole Decl. at ¶ 6. ICE is currently preparing a travel document
5 (TD) request in order to effectuate Petitioner’s removal. *Id.* at ¶¶ 8-9. ICE is routinely
6 obtaining TDs from Vietnam and is able to arrange travel itineraries to execute final
7 orders of removal for Vietnamese citizens. *Id.* at ¶¶ 11-14. Once Petitioner’s TD is
8 obtained, ICE will arrange for his removal to Vietnam. *Id.* at ¶ 15. ICE is not seeking
9 to remove Petitioner to a third country and has agreed to keep Petitioner in this district
10 during the pendency of this habeas matter. *Id.* at ¶ 7.

11 **III. Argument**

12 **A. Petitioner’s Claims Regarding Transfer and Third Countries Present No** 13 **Case or Controversy**

14 The Constitution limits federal judicial power to designated “cases” and
15 “controversies.” U.S. Const., Art. III, § 2; *SEC v. Medical Committee for Human Rights*,
16 404 U.S. 403, 407 (1972) (federal courts may only entertain matters that present a
17 “case” or “controversy” within the meaning of Article III). “Absent a real and
18 immediate threat of future injury there can be no case or controversy, and thus no Article
19 III standing for a party seeking injunctive relief.” *Wilson v. Brown*, No. 05-cv-1774-
20 BAS-MDD, 2015 WL 8515412, at *3 (S.D. Cal. Dec. 11, 2015) (citing *Friends of the*
21 *Earth, Inc. v. Laidlow Env’t Servs., Inc.*, 528 U.S. 167, 190 (2000) (“[I]n a lawsuit
22 brought to force compliance, it is the plaintiff’s burden to establish standing by
23 demonstrating that, if unchecked by the litigation, the defendant’s allegedly wrongful
24 behavior will likely occur or continue, and that the threatened injury if certainly
25 impending.”). At the “irreducible constitutional minimum,” standing requires that
26 Plaintiff demonstrate the following: (1) an injury in fact (2) that is fairly traceable to the
27

28 ¹ The attached exhibits are true copies, with redactions of private information, of documents obtained from ICE counsel.

1 challenged action of the United States and (3) likely to be redressed by a favorable
2 decision. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992).

3 Here, Respondents are not seeking to remove Petitioner to a third country. *See*
4 Cole Decl. at ¶ 7. As such, there is no controversy concerning transfer and third country
5 resettlement for the Court to resolve. Federal courts do not have jurisdiction “to give
6 opinion upon moot questions or abstract propositions, or to declare principles or rules
7 of law which cannot affect the matter in issue in the case before it.” *Church of*
8 *Scientology of Cal. v. United States*, 506 U.S. 9, 12 (1992). “A claim is moot if it has
9 lost its character as a present, live controversy.” *Rosemere Neighborhood Ass’n v. U.S.*
10 *Env’t Prot. Agency*, 581 F.3d 1169, 1172-73 (9th Cir. 2009). The Court therefore lacks
11 jurisdiction over Petitioner’s claims concerning transfer and third country resettlement
12 because there is no live case or controversy. *See Powell v. McCormack*, 395 U.S. 486,
13 496 (1969); *see also Murphy v. Hunt*, 455 U.S. 478, 481 (1982).

14 **B. Petitioner’s Claims and Requests are Barred by 8 U.S.C. § 1252**

15 Petitioner bears the burden of establishing that this Court has subject matter
16 jurisdiction over his claims. *See Ass’n of Am. Med. Coll. v. United States*, 217 F.3d 770,
17 778-79 (9th Cir. 2000); *Finley v. United States*, 490 U.S. 545, 547-48 (1989). As a
18 threshold matter, Petitioner’s claims are jurisdictionally barred under 8 U.S.C.
19 § 1252(g). Courts lack jurisdiction over any claim or cause of action arising from any
20 decision to commence or adjudicate removal proceedings or execute removal orders.
21 *See* 8 U.S.C. § 1252(g) (“Except as provided in this section and *notwithstanding any*
22 *other provision of law* (statutory or nonstatutory), *including section 2241 of Title 28, or*
23 *any other habeas corpus provision*, and sections 1361 and 1651 of such title, no court
24 shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising
25 from the decision or action by the Attorney General to commence proceedings,
26 adjudicate cases, or *execute removal orders* against any alien under this chapter.”)
27 (emphasis added); *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483
28 (1999) (“There was good reason for Congress to focus special attention upon, and make

1 special provision for, judicial review of the Attorney General’s discrete acts of
2 “commenc[ing] proceedings, adjudicat[ing] cases, [and] execut[ing] removal orders”—
3 which represent the initiation or prosecution of various stages in the deportation
4 process.”). Section 1252(g) removes district court jurisdiction over “three discrete
5 actions that the Attorney may take: [his] ‘decision or action’ to ‘commence proceedings,
6 adjudicate cases, or execute removal orders.’” *Reno*, 525 U.S. at 482 (emphasis
7 removed). Petitioner’s claims necessarily arise “from the decision or action by the
8 Attorney General to . . . execute removal orders,” over which Congress has explicitly
9 foreclosed district court jurisdiction. 8 U.S.C. § 1252(g). The Court should deny the
10 pending motion and dismiss this matter for lack of jurisdiction under 8 U.S.C. § 1252.

11 **C. Petitioner Fails to Establish Entitlement to Interim Injunctive Relief**

12 Alternatively, Petitioner’s motion should be denied because he has not
13 established that he is entitled to interim injunctive relief. Petitioner cannot establish that
14 he is likely to succeed on the underlying merits, there is no showing of irreparable harm,
15 and the equities do not weigh in his favor. In general, the showing required for a
16 temporary restraining order is the same as that required for a preliminary injunction.
17 *See Stuhlbarg Int’l Sales Co., Inc. v. John D. Brush & Co., Inc.*, 240 F.3d 832, 839 (9th
18 Cir. 2001). To prevail on a motion for a temporary restraining order, a plaintiff must
19 “establish that he is likely to succeed on the merits, that he is likely to suffer irreparable
20 harm in the absence of preliminary relief, that the balance of equities tips in his favor,
21 and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*,
22 555 U.S. 7, 20 (2008); *see Nken v. Holder*, 556 U.S. 418, 426 (2009). Plaintiffs must
23 demonstrate a “substantial case for relief on the merits.” *Leiva-Perez v. Holder*, 640
24 F.3d 962, 967-68 (9th Cir. 2011). When “a plaintiff has failed to show the likelihood of
25 success on the merits, we need not consider the remaining three [*Winter* factors].”
26 *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015).

27 The final two factors required for preliminary injunctive relief—balancing of the
28 harm to the opposing party and the public interest—merge when the Government is the

opposing party. *See Nken*, 556 U.S. at 435. The Supreme Court has specifically acknowledged that “[f]ew interests can be more compelling than a nation’s need to ensure its own security.” *Wayte v. United States*, 470 U.S. 598, 611 (1985); *see also United States v. Brignoni-Ponce*, 422 U.S. 873, 878-79 (1975); *New Motor Vehicle Bd. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1351 (1977); *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1220-21 (D.C. Cir. 1981); *Maharaj v. Ashcroft*, 295 F.3d 963, 966 (9th Cir. 2002) (movant seeking injunctive relief “must show either (1) a probability of success on the merits and the possibility of irreparable harm, or (2) that serious legal questions are raised and the balance of hardships tips sharply in the moving party’s favor.”) (quoting *Andreiu v. Ashcroft*, 253 F.3d 477, 483 (9th Cir. 2001)). Petitioner has a history of convictions, including for cruelty toward his wife, property damage, counterfeiting, theft, drug possession, and a valid Order of removal. *See* Ex. 1. He offers no rationale that would outweigh the Government’s interest in effectuating his removal.

1. No Likelihood of Success on the Merits

Likelihood of success on the merits is a threshold issue. *See Garcia*, 786 F.3d at 740. Petitioner cannot establish that he is likely to succeed on the underlying merits of his claims because he is properly detained under 8 U.S.C. § 1231(a).

ICE’s authority to detain, release, and re-detain noncitizens who are subject to a final order of removal is governed by 8 U.S.C. § 1231(a), which provides that “the Attorney General shall remove the alien from the United States within a period of 90 days,” and “[i]f the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General.” 8 U.S.C. §§ 1231(a)(1)(A), 1231(a)(3); *see also* 8 U.S.C. § 1231(a)(6). An Order of Supervision may be issued under 8 C.F.R. § 241.4, and the order may be revoked under section 241.4(l)(2)(iii) where “appropriate to enforce a removal order or to commence removal proceedings against an alien.” *See also* 8 C.F.R. § 241.5 (Conditions of release after removal period). It is also provided in 8 C.F.R. § 241.13(i)(2) that the Order of Supervision may be revoked to effect a removal due to

1 changed circumstances, particularly where ICE has determined that there is a significant
2 likelihood of removal in the reasonably foreseeable future.

3 Here, ICE revoked Petitioner's Order of Supervision for the purpose of executing
4 his final order of removal. *See* Exhibit 1; Cole Decl. at ¶¶ 5-6. Moreover, Respondents
5 are working expeditiously to acquire the necessary travel document in order to
6 effectuate Petitioner's removal to Vietnam. Petitioner has not met his burden of
7 rebutting the presumptively reasonable period of detention.

8 An alien ordered removed must be detained for 90 days pending the
9 government's efforts to secure the alien's removal through negotiations with foreign
10 governments. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General "shall detain" the alien
11 during the 90-day removal period); *see also Zadvydas v. Davis*, 533 U.S. 678, 683
12 (2001). The statute "limits an alien's post-removal detention to a period reasonably
13 necessary to bring about the alien's removal from the United States" and does not permit
14 "indefinite detention." *Zadvydas*, 533 U.S. at 689. The Supreme Court has held that a
15 six-month period of post-removal detention constitutes a "presumptively reasonable
16 period of detention." *Id.* at 683; *see also Clark v. Martinez*, 543 U.S. 371, 377 (2005)
17 ("[T]he presumptive period during which the detention of an alien is reasonably
18 necessary to effectuate his removal is six months..."); *Lema v. INS*, 341 F.3d 853, 856
19 (9th Cir. 2003). Release is not mandated after the expiration of the six-month period
20 unless "there is no significant likelihood of removal in the reasonably foreseeable
21 future." *Zadvydas*, 533 U.S. at 701; *see also Clark*, 543 U.S. at 377.

22 In *Zadvydas*, the Supreme Court held that "the habeas court must ask whether the
23 detention in question exceeds a period reasonably necessary to secure removal. It should
24 measure reasonableness primarily in terms of the statute's basic purpose, namely,
25 *assuring the alien's presence at the moment of removal.*" *Zadvydas v. Davis*, 533 U.S.
26 at 699 (emphasis added). The Court in *Zadvydas* therefore recognized that detention is
27 presumptively reasonable pending efforts to obtain travel documents, because the
28 noncitizen's assistance is needed to obtain the travel documents, and a noncitizen who

1 is subject to an imminent, executable warrant of removal becomes a significant flight
2 risk, especially if he or she is aware that it is imminent.

3 The Court in *Zadvydas* also held that the detention could exceed six months:
4 “This 6-month presumption, of course, does not mean that every alien not removed must
5 be released after six months. To the contrary, an alien may be held in confinement until
6 it has been determined that there is no significant likelihood of removal in the
7 reasonably foreseeable future.” *Id.* at 701. “After this 6-month period, once the alien
8 provides good reason to believe that there is no significant likelihood of removal in the
9 reasonably foreseeable future, the Government must respond with evidence sufficient
10 to rebut that showing and that the noncitizen has the initial burden of proving that
11 removal is not significantly likely.” *Id.*

12 In recent cases involving re-detention to effect removal, courts have recognized
13 that ICE has a presumptively reasonable period of six months to obtain travel
14 documents. *See Ghamelian v. Baker*, No. SAG-25-02106, 2025 WL 2049981, at *4 (D.
15 Md. July 22, 2025) (“The government is entitled to its six-month presumptive period
16 before Petitioner’s continued § 1231(a)(6) detention poses a constitutional issue”);
17 *Guerra-Castro v. Parra*, No. 25-cv-22487-GAYLES, 2025 WL 1984300, at *4 (S.D.
18 Fla. July 17, 2025) (“The Court finds that the Petition is premature because Petitioner
19 has not been detained for more than six months. Petitioner has been in detention since
20 May 29, 2025; therefore, his two-month detention is lawful under *Zadvydas*.”);
21 *Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 1895479, at *8 (S.D. Fla. July
22 8, 2025) (“Because Grigorian has been in custody for fifteen days, his detention does
23 not violate the implicit six-month period read into the post-removal-period detention
24 statute under *Zadvydas*.”). *Cf. Nhean v. Brott*, No. CV 17-28 (PAM/FLN), 2017 WL
25 2437268, at *2 (D. Minn. May 2, 2017), *report and recommendation adopted*, No. CV
26 17-28 (PAM/FLN), 2017 WL 2437246 (D. Minn. June 5, 2017) (“Nhean’s 90-day
27 removal period began to run on October 12, 2010, when his removal order became final,
28 and he was released after 91 days of custody to supervised release on January 11, 2011.

1 Nhean was transferred back into ICE custody on August 26, 2016. Nhean's detention
2 was presumptively reasonable for an additional 90 days (six months in total)"), *cited in*
3 *Sied v. Nielsen*, No. 17-CV-06785-LB, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19,
4 2018); *Farah v. INS*, No. Civ. 02-4725(DSD/RLE), 2003 WL 221809, at *5 (D. Minn.
5 Jan. 29, 2013) (holding that when the government releases a noncitizen and then revokes
6 the release based on changed circumstances, "the revocation would merely restart the
7 90-day removal period, not necessarily the presumptively reasonable six-month
8 detention period under *Zadvydas*").

9 Apart from the fact that the period of presumptive reasonableness has not yet
10 elapsed, Petitioner cannot show that there is no significant likelihood of removal in the
11 reasonably foreseeable future. ICE has been able to receive travel documentation on
12 behalf of aliens from Vietnam and there are flights there every month. Decl. at ¶ 14. On
13 August 29, 2025, ICE located a copy of petitioner's Vietnamese birth certificate and
14 criminal history and forwarded the birth certificate for translation. Decl. at ¶ 10. On
15 September 8, 2025, ICE submitted a travel documentation request and are awaiting
16 documentation. Once ICE receives the TD, it will begin efforts to secure a flight
17 itinerary for Petitioner. ICE's confidence in effecting Petitioner's removal to Vietnam
18 is based on their current ability to do so. [Cole Declaration at ¶¶ 8-10, 15.]. Last fiscal
19 year, ICE removed 58 Vietnamese citizens to Vietnam. *See ICE Fiscal Year 2024*
20 *Annual Report*, at 102 <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf>
21 (ICE removed 58 Vietnamese citizens in FY 2024). In contrast, this fiscal year (as of
22 September 18, 2025), ICE has removed 587 Vietnamese citizens to Vietnam, with a
23 flight going to the country every month. [Cole Declaration at ¶¶ 14.]

24 Further, Petitioner's case does not implicate the impossibility of repatriation in
25 *Zadvydas*. *Zadvydas* was stateless, and both countries to which he could have been
26 deported (the country where he was born and the country of which his parents were
27 citizens) refused to accept him because he was not a citizen. *See id.*, at 684. The
28 deportation of the other petitioner in *Zadvydas*, Ma, was prevented, because there was

1 no repatriation agreement at that time between the United States and Cambodia. *Id.* at
2 685. Here, Petitioner is a Vietnamese citizen, ICE is able to obtain travel documents
3 from Vietnam and is also able to remove Vietnamese citizens. ICE is actively working
4 to effect Petitioner's removal and his detention is not unconstitutionally indefinite.

5 On this record, Petitioner cannot sustain his burden, and it would be premature
6 to reach that conclusion before permitting ICE an opportunity to complete its diligent
7 efforts to effectuate his removal. "[E]vidence of progress, albeit slow progress, in
8 negotiating a petitioner's repatriation will satisfy *Zadvydas* until the petitioner's
9 detention grows unreasonably lengthy." *Kim v. Ashcroft*, Case No. 02cv1524-J (LAB)
10 slip op., at 7 (S.D. Cal. June 2, 2003) (finding that petitioner's one-year and four-month
11 detention does not violate *Zadvydas* given respondent's production of evidence showing
12 governments' negotiations are in progress and there is reason to believe that removal is
13 likely in the foreseeable future) [Exs. 26-34.]; *see also Sereke v. DHS*, Case No.
14 19cv1250 WQH AGS, ECF No. 5 at *5 (S.D. Cal. Aug. 15, 2019) ("the record at this
15 stage in the litigation does not support a finding that there is no significant likelihood
16 of Petitioner's removal in the reasonably foreseeable future.") [Exs. 35-39.]; *Marquez*
17 *v. Wolf*, Case No. 20-cv-1769-WQH-BLM, 2020 WL 6044080 at *3 (denying petition
18 because "Respondents have set forth evidence that demonstrates progress and the
19 reasons for the delay in Petitioner's removal"). Accordingly, Petitioner cannot show
20 entitlement to relief.

21 **2. Irreparable Harm Has Not Been Shown**

22 To prevail on his request for interim injunctive relief, Petitioner must demonstrate
23 "immediate threatened injury." *Caribbean Marine Services Co., Inc. v. Baldrige*, 844
24 F.2d 668, 674 (9th Cir. 1988) (citing *Los Angeles Memorial Coliseum Commission v.*
25 *National Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980)). Merely showing a
26 "possibility" of irreparable harm is insufficient. *See Winter*, 555 U.S. at 22. And
27 detention alone is not an irreparable injury. *See Reyes v. Wolf*, No. C20-0377JLR, 2021
28 WL 662659, at *3 (W.D. Wash. Feb. 19, 2021), *aff'd sub nom. Diaz Reyes v. Mayorkas*,

1 No. 21-35142, 2021 WL 3082403 (9th Cir. July 21, 2021). Further, “[i]ssuing a
2 preliminary injunction based only on a possibility of irreparable harm is inconsistent
3 with [the Supreme Court’s] characterization of injunctive relief as an extraordinary
4 remedy that may only be awarded upon a clear showing that the plaintiff is entitled to
5 such relief.” *Winter*, 555 U.S. at 22. Here, because Petitioner’s alleged harm “is
6 essentially inherent in detention, the Court cannot weigh this strongly in favor of”
7 Petitioner. *Lopez Reyes v. Bonnar*, No 18-cv-07429-SK, 2018 WL 747861 at *10 (N.D.
8 Cal. Dec. 24, 2018).

9 **3. Balance of Equities Does Not Tip in Petitioners’ Favor**

10 It is well settled that the public interest in enforcement of the United States’
11 immigration laws is significant. *See, e.g., United States v. Martinez-Fuerte*, 428 U.S.
12 543, 551-58 (1976); *Blackie’s House of Beef*, 659 F.2d at 1221 (“The Supreme Court
13 has recognized that the public interest in enforcement of the immigration laws is
14 significant.”) (citing cases); *see also Nken*, 556 U.S. at 435 (“There is always a public
15 interest in prompt execution of removal orders: The continued presence of an alien
16 lawfully deemed removable undermines the streamlined removal proceedings IIRIRA
17 established, and permits and prolongs a continuing violation of United States law.”)
18 (internal quotation omitted). Moreover, “[u]ltimately the balance of the relative equities
19 ‘may depend to a large extent upon the determination of the [movant’s] prospects of
20 success.’” *Tiznado-Reyna v. Kane*, Case No. CV 12-1159-PHX-SRB (SPL), 2012 WL
21 12882387, at * 4 (D. Ariz. Dec. 13, 2012) (quoting *Hilton v. Braunskill*, 481 U.S. 770,
22 778 (1987)). Here, as explained above, Petitioner cannot succeed on the merits of his
23 claims. The balancing of equities and the public interest weigh heavily against granting
24 Petitioner equitable relief.

25 **V. CONCLUSION**

26 For the foregoing reasons, Respondents respectfully request that the Court deny
27 the application for a temporary restraining order and dismiss this action for lack of a
28 basis for the habeas claims.

1
2 DATED: September 25, 2025

Respectfully submitted,

3 ADAM GORDON
4 United States Attorney

5 s/Juliet M. Keene
6 JULIET M. KEENE
7 Assistant United States Attorney
8 Attorney for Respondents
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Customs Enforcement*; JESUS ROCHA,
*Acting Field Office Director, San Diego
Field Office*; CHRISTOPHER LAROSE,
Warden at Otay Mesa Detention Center,

Respondents.

Case No.: 25-cv-02436-RBM-MMP

**DECLARATION OF JASON COLE IN
SUPPORT OF RESPONDENTS'
RESPONSE TO PETITIONER'S
MOTION FOR TEMPORARY
RESTRAINING ORDER**

I, Jason Cole, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following statements are true and correct, to the best of my knowledge, information, and belief:

1. I am currently employed by the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), as a Deportation Officer (DO) assigned to the Otay Mesa suboffice of the ICE ERO San Diego Field Office.

1 2. I have been employed by ICE as a law enforcement officer since September
2 28, 2020, serving as a Deportation Officer since September 28, 2020. I currently remain
3 serving in that position. As a DO, my responsibilities include case management of
4 individuals detained by ICE at the Otay Mesa Detention Center in Otay Mesa, California.

5 3. This declaration is based upon my personal knowledge and experience as a law
6 enforcement officer and information provided to me in my official capacity as a DO in the
7 Otay Mesa suboffice of the ICE ERO San Diego Field Office, as well as my review of
8 government databases and documentation relating to Petitioner Hai Kim Thai (Petitioner).

9 4. On September 22, 2009, Petitioner was ordered removed to Vietnam.

10 5. Petitioner was released from ICE custody under an Order of Supervision
11 because ICE was unable to obtain a travel document.

12 6. On August 25, 2025, ICE re-detained Petitioner to execute his removal order
13 to Vietnam.

14 7. ICE is not seeking to remove Petitioner to a third country.

15 8. To effectuate Petitioner's removal to Vietnam, ERO must acquire a travel
16 document and schedule a flight for Petitioner. Since Petitioner's re-detention, ERO has
17 worked expeditiously to effectuate Petitioner's removal to Vietnam. These removal efforts
18 remain ongoing.

19 9. ERO has been diligently preparing a travel document (TD) request to send to
20 the Vietnam embassy, which requires a TD application in Vietnamese.

21 10. ERO has obtained Petitioner's Vietnamese birth certificate and has sent the
22 documents necessary for the TD request to be translated to Vietnamese. The translation
23 process takes approximately a week. Once received, ERO can submit the TD request that
24 same day. The TD packet will then be forwarded to the Vietnam embassy, at which point
25 Vietnam has thirty days to issue the travel document.

26 11. Based on my experience and having reviewed the progress of Petitioner's TD
27 request, there is a high likelihood of removal to Vietnam in the near future. I am aware of
28 no barrier to the consulate's issuance of a travel document for Petitioner.

1 12. ICE has been routinely obtaining travel documents for Vietnamese citizens,
2 including those who, like Petitioner, entered the United States before 1995.

3 13. Compared to fiscal year 2024, where ICE removed 58 Vietnamese citizens,
4 ICE has removed 587 Vietnamese citizens to Vietnam this fiscal year (as of September 18,
5 2025).

6 14. ICE has flights to Vietnam scheduled every month, including one next month.

7 15. Once a travel document is issued for Petitioner, his removal can be effected
8 promptly.

9
10 I declare under penalty of perjury of the laws of the United States of America that the
11 foregoing is true and correct.

12
13 Executed this 25th day of September 2025.

14 JASON
15 N COLE

Digitally signed by
JASON N COLE
Date: 2025.09.25
15:49:40 -07'00'

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17 Jason Cole
18 Deportation Officer
19 San Diego Field Office
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