

1 ADAM GORDON  
United States Attorney  
2 KELLY A. REIS  
Assistant U.S. Attorney  
3 California Bar No. 334496  
Office of the U.S. Attorney  
4 880 Front Street, Room 6293  
San Diego, CA 92101-8893  
5 Telephone: (619) 546-8767  
Facsimile: (619) 546-7751  
6 Email: kelly.reis@usdoj.gov

7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 TAI TRUONG,  
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Petitioner,

v.

KRISTI NOEM, Secretary of the U.S.  
Department of Homeland Security, in  
her official capacity; et al.,

Respondents.

Case No.: 25-cv-2597-JES-MMP

**RESPONDENTS' RESPONSE IN  
OPPOSITION TO PETITIONER'S  
HABEAS PETITION AND  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER**

Date: October 10, 2025

Time: 2:00 p.m.

Judge: Hon. James E. Simmons Jr.

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**I. INTRODUCTION**

1  
2 Petitioner seeks habeas relief and a temporary restraining order to stay his  
3 removal pending adjudication of his state court motion to vacate a California conviction.  
4 But the state court denied Petitioner’s motion to vacate the conviction on October 2,  
5 2025. Moreover, the Ninth Circuit has unequivocally held that judicial review over  
6 Petitioner’s exact request is barred by 8 U.S.C. § 1252(g). Apart from the Court’s lack  
7 of jurisdiction over Petitioner’s claims, his petition should be denied because his  
8 concern about being removed to a third country is conjectural and hypothetical and is  
9 thus not justiciable, and because Petitioner is lawfully detained while Immigration and  
10 Customs Enforcement (ICE) finalizes his removal to Laos. For these reasons, the Court  
11 must deny his request for interim relief and dismiss the petition.

**II. FACTUAL AND PROCEDURAL BACKGROUND**

12  
13 Petitioner is a citizen and national of Laos. ECF No. 1 at 2; *see also* Ex. 1 at 3.<sup>1</sup>  
14 In 1979, Petitioner arrived in the United States as a refugee and subsequently adjusted  
15 his status to that of a lawful permanent resident. ECF No. 1 at 2. In 1996, he was  
16 convicted of forced oral copulation in violation of California law and sentenced to  
17 15 years to life in prison. Ex. 1 at 3; Declaration of Jason Cole (“Cole Decl.”) ¶ 5.

18 On October 7, 2015, the Department of Homeland Security (DHS) served  
19 Petitioner with a Notice to Appear, charging him with inadmissibility under section  
20 237(a)(2)(A)(iii) of the Immigration and Nationality Act (INA), 8 U.S.C.  
21 § 1227(a)(2)(A)(iii), as an alien convicted of an aggravated felony. Ex. 1 at 1. On  
22 December 1, 2015, an Immigration Judge found Petitioner removable as charged and  
23 ordered him removed to Laos. Ex. 2 at 1. On March 4, 2016, Petitioner was released  
24 from ICE custody under an order of supervision pending removal to Laos. Cole Decl.  
25 ¶ 7. As a condition for his release, Petitioner agreed to surrender for removal from the  
26

27 <sup>1</sup> The attached exhibits are true copies of documents obtained from ICE counsel, with  
28 limited redactions made to protect against unauthorized disclosures of personally  
identifiable information that federal agencies under the Privacy Act, 5 U.S.C. § 552a.

1 United States if so ordered. Cole Decl. ¶ 7. On July 12, 2025, ICE re-detained Petitioner  
2 for purposes of executing his final order of removal to Laos. Cole Decl. ¶ 8; *see also*  
3 Ex. 3. On October 7, 2025, ICE served Petitioner with a Notice of Revocation of  
4 Release. Ex. 4.

5 In September 2025, Petitioner filed a motion to vacate his state court aggravated  
6 felony conviction. *See* ECF No. 1 at 2. On October 2, the Superior Court of California,  
7 County of San Diego denied Petitioner’s motion to vacate his conviction. Ex. 5.

8 ICE is not seeking to remove Petitioner to a third country. Cole Decl. ¶ 11. To  
9 effectuate Petitioner’s removal to Laos, ICE Enforcement and Removal Operations  
10 (ERO) must acquire a travel document and schedule a flight for Petitioner. Since  
11 Petitioner was re-detained, ERO has worked expeditiously to effectuate Petitioner’s  
12 removal to Laos. Cole Decl. ¶ 12. ERO has obtained a travel document to remove  
13 Petitioner to Laos, and Petitioner is nominated for an upcoming charter flight. Cole  
14 Decl. ¶ 13. ERO anticipates Petitioner will be removed no later than November 1, 2025.  
15 Cole Decl. ¶ 13.

16 On October 1, 2025, Petitioner filed an emergency application for a temporary  
17 restraining order and a habeas petition seeking an order from this court: (1) preventing  
18 his removal while he litigates a state court motion to vacate his criminal conviction and  
19 a motion to reopen his removal proceedings; (2) requiring the government to release  
20 him due to ICE’s alleged failure to comply with agency regulations governing re-  
21 detention; and (3) prohibiting the government from removing him to a third country  
22 without notice and an opportunity to be heard. *See* ECF No. 1 at 1; ECF No. 3 at 1. The  
23 Court ordered Respondents to file a response to Petitioner’s petition and request for  
24 interim relief. *See* ECF No. 4.

### 25 III. ARGUMENT

26 By seeking the Court’s exercise of jurisdiction over his habeas petition, Petitioner  
27 invites reversible error. Even if the Court assumed jurisdiction, his concern about being  
28 removed to a third country is moot and he is lawfully detained. Further, Petitioner

1 cannot show a likelihood of success on the merits of his petition because his claims and  
2 requests for relief are unequivocally foreclosed by Ninth Circuit precedent. Thus, the  
3 Court must deny Petitioner’s request for interim relief and dismiss his habeas petition.

4 **A. Petitioner’s claim regarding third countries is not justiciable.**

5 “Pursuant to Article III of the U.S. Constitution, federal courts can only  
6 adjudicate live cases or controversies.” *Bishop Paiute Tribe v. Inyo Cnty.*, 863 F.3d  
7 1144, 1153 (9th Cir. 2017) (citation omitted). Relevant here, “[r]ipeness is an Article III  
8 doctrine designed to ensure that courts adjudicate live cases or controversies and do not  
9 issue advisory opinions or declare rights in hypothetical cases.” *Id.* (simplified). A case  
10 is ripe if it presents “issues that are ‘definite and concrete, not hypothetical or abstract.’”  
11 *Id.* (quoting *Thomas v. Anchorage Equal Rights Comm’n*, 220 F.3d 1134, 1138  
12 (9th Cir. 2000)). “The constitutional component of the ripeness inquiry is often treated  
13 under the rubric of standing and, in many cases, ripeness coincides squarely with  
14 standing’s injury in fact prong.” *Thomas*, 220 F.3d at 1138. To meet standing’s injury-  
15 in-fact prong, the petitioner “must demonstrate ‘an invasion of a legally protected  
16 interest which is (a) concrete and particularized and (b) actual or imminent, not  
17 conjectural or hypothetical.’” *Bishop Paiute Tribe*, 863 F.3d at 1153 (quoting *Lujan v.*  
18 *Defenders of Wildlife*, 504 U.S. 555, 560 (1992)).

19 Here, Respondents are not seeking to remove Petitioner to a third country. *See*  
20 *Cole Decl.* ¶ 11. There being no actual threat of third country removal to Petitioner, the  
21 issues raised in his petition concerning third countries (*see* ECF No. 1 at 10–12) are  
22 conjectural and hypothetical—not definite or concrete. Whether considering  
23 constitutional ripeness or standing, the analysis and conclusion here is the same: there  
24 is no live case or controversy or injury-in-fact concerning third country resettlement for  
25 the Court to resolve. *See Thomas*, 220 F.3d at 1140 (finding the case not ripe for judicial  
26 review and that plaintiff lacked standing where the record was “devoid of any threat—  
27 generalized or specific—directed toward [the plaintiffs]” and only a theoretical  
28 possibility of enforcement existed); *Bishop Paiute Tribe*, 863 F.3d at 1154

1 (“[G]eneralized threats of prosecution do not confer constitutional ripeness.”). Because  
2 there is no live case or controversy or injury in fact concerning third country  
3 resettlement, the Court lacks authority to adjudicate the issue here. *See Thomas*,  
4 220 F.3d at 1138 (“Our role is neither to issue advisory opinions nor to declare rights  
5 in hypothetical cases, but to adjudicate live cases or controversies consistent with the  
6 powers granted the judiciary in Article III of the Constitution.”) (citing U.S. Const.  
7 art. III).

8 **B. Petitioner’s claims arise from the decision to execute his removal order**  
9 **and are thus barred by 8 U.S.C. § 1252(g).**

10 Petitioner bears the burden of establishing that this Court has subject matter  
11 jurisdiction over his claims. *See Kokkonen v. Guardian Life Ins. Co. of Am.*,  
12 511 U.S. 375, 377 (1994) (“Federal courts are courts of limited jurisdiction. . . . It is to  
13 be presumed that a cause lies outside this limited jurisdiction, and the burden of  
14 establishing the contrary rests upon the party asserting jurisdiction.”). Petitioner cannot  
15 overcome the jurisdiction-stripping provision of 8 U.S.C. § 1252(g).

16 Section 1252(g) bars judicial review over any claim or cause of action arising  
17 from any decision to commence or adjudicate removal proceedings or execute removal  
18 orders. *See* 8 U.S.C. § 1252(g). These three actions “represent the initiation or  
19 prosecution of various stages in the deportation process” and there was “good reason  
20 for Congress to focus special attention upon, and make special provision for” them.  
21 *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999).  
22 Section 1252(g) was directed against a particular evil: attempts to impose judicial  
23 constraints upon prosecutorial discretion.” *Id.* at 485 n.9.

24 As mentioned above, Petitioner’s habeas petition and motion for temporary  
25 restraining order seek an order “preventing ICE from removing Mr. Truong while his  
26 motions to vacate and reopen are pending.” ECF No. 3 at 1; *see* ECF No. 1 at 1. But his  
27 motion to vacate was denied by the state court, *see* Ex. 5, and reopening his removal  
28 proceedings was contingent on the state court granting such a motion. *See* ECF No. 1

1 at 2 (“[I]f his conviction is vacated, Mr. Truong will immediately file a motion to reopen  
2 his immigration case . . . .”). Petitioner has no basis to reopen his immigration case.  
3 Even if he did have reason to reopen his immigration case, the petition itself makes  
4 clear that the claims arise from DHS’s decision to immediately execute his removal  
5 order. *See* ECF No. 1 at 5–7. Because Petitioner’s claims plainly challenge the decision  
6 to execute his removal order, § 1252(g) bars his claim. *See* 8 U.S.C. § 1252(g) (“[N]o  
7 court shall have jurisdiction to hear any cause or claim by or on behalf of any alien  
8 arising from the decision or action by the Attorney General to . . . execute removal  
9 orders.”).

10 Petitioner attempts to avoid § 1252(g)’s bar by focusing on his motion to vacate  
11 the California conviction and the yet-to-be-filed motion to reopen his immigration  
12 proceedings. But the Ninth Circuit has already spoken on this issue. The Ninth Circuit  
13 in *Rauda v. Jennings* rejected the petitioner’s request to stay his removal pending the  
14 resolution of his motion to reopen, holding that § 1252(g) precludes judicial review over  
15 the claim. *See* 55 F.4th 773, 776–78 (9th Cir. 2022). The *Rauda* court explained that  
16 § 1252(g) “does not include temporal caveats” and “the discretion to decide *whether* to  
17 execute a removal order under includes the discretion to decide when to do it”—both  
18 of which are covered by the statute. *Id.* at 777 (emphasis in original) (internal quotation  
19 marks and citation omitted). Petitioner points to a district court case that predates the  
20 Ninth Circuit’s binding decision in *Rauda* as a reason to grant him relief. *See* ECF No 1.  
21 at 6 (citing *Chhoeun v. Mann*, 306 F. Supp.3d 1147 (C.D. Cal. 2018)). But Petitioner  
22 has failed to acknowledge, let alone distinguish, clearly controlling case law in either  
23 his petition or motion for temporary restraining order.

24 Because *Rauda* controls and dictates that § 1252(g) deprives courts of  
25 jurisdiction over claims seeking a stay of removal while a motion to reopen is  
26 contemplated, the Court lacks jurisdiction over, and must dismiss, the petition and  
27 request for interim relief. *See id.* at 778 (“No matter how [petitioner] frames it, his  
28 challenge is to the Attorney General’s exercise of his discretion to execute [his] removal

1 order, which we have no jurisdiction to review.”); *accord Ibarra-Perez v. United States*,  
2 --- F.4th ---, 2025 WL 2461663, at \*8 (9th Cir. Aug. 7, 2025) (noting with approval  
3 *Rauda’s* holding that § 1252(g) bars challenges to ICE’s discretionary authority about  
4 “when” and “whether” to remove a noncitizen subject to a final, executable order of  
5 removal).

6 **C. Petitioner is lawfully detained.**

7 Furthermore, Petitioner’s petition should be denied because he is properly  
8 detained under 8 U.S.C. § 1231(a). Petitioner claims that his detention is unlawful  
9 because the agency failed to comply with its regulations for re-detaining him. ECF No.  
10 1 at 7–9. But there is no basis for claiming that, “before” revoking an individual’s  
11 release from immigration custody, ICE must provide notice of the reasons for the  
12 revocation, pursuant to 8 C.F.R. § 214.4(l). The regulation clearly provides:

13 *Upon revocation*, the alien will be notified of the reasons for revocation of  
14 his or her release or parole. The alien will be afforded an initial informal  
15 interview promptly *after* his or her return to Service custody to afford the  
16 alien an opportunity to respond to the reasons for revocation stated in the  
notification.

17 *Id.* (emphasis added). ICE provided Petitioner with notice of his revocation on  
18 October 7, 2025. *See* Ex. 4. There is therefore no legal basis for Petitioner’s claim that  
19 he was entitled under the regulation to prior notice of revocation and re-detention.<sup>2</sup>

20 Moreover, even assuming the agency’s compliance with the regulations fell  
21 short, Petitioner has not established substantial prejudice. *See Carnation Co. v. Sec’y of*  
22 *Lab.*, 641 F.2d 801, 804 n.4 (9th Cir. 1981) (adopting prejudice standard to determine  
23 whether regulatory violation violated due process); *Cnty. Legal Servs. in E. Palo Alto*

24 \_\_\_\_\_  
25 <sup>2</sup> There are also obvious law enforcement reasons for not providing prior notice of a re-  
26 detention to execute a warrant of removal, just as there is no requirement to provide  
27 prior notice of execution of an arrest warrant. Providing such notice “creates a risk that  
28 the alien will leave town before the delivery or deportation date.” *United States v.*  
*Gonzales & Gonzales Bonds & Ins. Agency, Inc.*, 103 F. Supp. 3d 1121, 1137 (N.D.  
Cal. 2015).

1 *v. United States Dep't of Health & Hum. Servs.*, 780 F. Supp. 3d 897, 921 (N.D. Cal.  
2 2025) (the *Accardi* doctrine, which generally requires federal agencies to comply with  
3 their own regulations, requires plaintiffs to “show both that (1) the Government violated  
4 its own regulations, and (2) Plaintiffs suffer substantial prejudice as a result of that  
5 violation.”) (citing *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268)  
6 (1954); *Al Otro Lado, Inc. v. Mayorkas*, No. 23-cv-1367-AGS-BLM, 2024 WL  
7 4370577, at \*8–9 (S.D. Cal. Sept. 30, 2024)).

8 At the time of his re-detention, Petitioner knew he was subject to a final order of  
9 removal to Laos. *See* Decl. of Tai Truong, ECF No. 1 at 17–19, at ¶¶ 2–3. And because  
10 Respondents had, and continue to have, an evidentiary basis to determine there is a  
11 significant likelihood that Petitioner will be removed to Laos in the reasonably  
12 foreseeable future, *see* Cole Decl. ¶ 13, any challenge that Petitioner would have raised  
13 under the regulations would have failed. Because Petitioner cannot show prejudice  
14 under these circumstances, the alleged violation of agency regulations does not warrant  
15 release here. *See, e.g., Carnation Co.*, 641 F.2d at 804 n.4 (“[V]iolations of procedural  
16 regulations should be upheld if there is no significant possibility that the violation  
17 affected the ultimate outcome of the agency’s action.” (citation omitted)); *United States*  
18 *v. Hernandez-Rojas*, 617 F.2d 533, 535 (9th Cir. 1980) (INS’ failure to follow  
19 regulations requiring that an arrested alien be advised of his right to speak to his consul  
20 was not prejudicial and thus not a ground for challenging the conviction); *United States*  
21 *v. Barraza-Leon*, 575 F.2d 218, 221–22 (9th Cir. 1978) (holding that even assuming  
22 that the judge had violated the rule by failing to inquire into the alien’s background, any  
23 error was harmless because there was no showing that the petitioner was qualified for  
24 relief from deportation).

25 Moreover, Petitioner’s detention is proper under 8 U.S.C. § 1231(a) as  
26 Respondents are working expeditiously to effectuate Petitioner’s removal to Laos. As  
27 Respondents have acquired the necessary travel document for Petitioner and he is  
28

1 scheduled to be removed by the end of this month, there is a significant likelihood of  
2 removal in the reasonably foreseeable future.

3 An alien ordered removed must be detained for 90 days pending the  
4 government's efforts to secure the alien's removal through negotiations with foreign  
5 governments. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General "shall detain" the alien  
6 during the 90-day removal period); *see also Zadvydas v. Davis*, 533 U.S. 678, 683  
7 (2001). The statute "limits an alien's post-removal detention to a period reasonably  
8 necessary to bring about the alien's removal from the United States" and does not permit  
9 "indefinite detention." *Zadvydas*, 533 U.S. at 689. The Supreme Court has held that a  
10 six-month period of post-removal detention constitutes a "presumptively reasonable  
11 period of detention." *Id.* at 683; *see also Clark v. Martinez*, 543 U.S. 371, 377 (2005)  
12 ("[T]he presumptive period during which the detention of an alien is reasonably  
13 necessary to effectuate his removal is six months . . ."); *Lema v. INS*, 341 F.3d 853, 856  
14 (9th Cir. 2003). Release is not mandated after the expiration of the six-month period  
15 unless "there is no significant likelihood of removal in the reasonably foreseeable  
16 future." *Zadvydas*, 533 U.S. at 701; *see also Clark*, 543 U.S. at 377.

17 In *Zadvydas*, the Supreme Court held that "the habeas court must ask whether the  
18 detention in question exceeds a period reasonably necessary to secure removal. It should  
19 measure reasonableness primarily in terms of the statute's basic purpose, namely,  
20 *assuring the alien's presence at the moment of removal.*" *Zadvydas v. Davis*, 533 U.S.  
21 at 699 (emphasis added). The Court in *Zadvydas* therefore recognized that detention is  
22 presumptively reasonable pending efforts to obtain travel documents, because the  
23 noncitizen's assistance is needed to obtain the travel documents, and a noncitizen who  
24 is subject to an imminent, executable warrant of removal becomes a significant flight  
25 risk, especially if he or she is aware that it is imminent. Here, there is a significant  
26 likelihood of removal in the immediate future.

27  
28

1           **D. Petitioner has not met the standard for a temporary restraining order.**

2           Alternatively, Petitioner’s motion for a temporary restraining order should be  
3 denied because he cannot establish that he is likely to succeed on the underlying merits,  
4 there is no showing of irreparable harm, and the equities do not weigh in his favor.

5           In general, the showing required for a temporary restraining order is the same as  
6 that required for a preliminary injunction. *See Stuhlberg Int’l Sales Co., Inc. v. John D.*  
7 *Brush & Co., Inc.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). To prevail on a motion for a  
8 temporary restraining order, a plaintiff must “establish that he is likely to succeed on  
9 the merits, that he is likely to suffer irreparable harm in the absence of preliminary  
10 relief, that the balance of equities tips in his favor, and that an injunction is in the public  
11 interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Plaintiffs must  
12 demonstrate a “substantial case for relief on the merits.” *Leiva-Perez v. Holder*, 640  
13 F.3d 962, 968 (9th Cir. 2011). The likely success on the merits “is the most important”  
14 *Winter* factor. *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). So, when a  
15 plaintiff has failed to show the likelihood of success on the merits, the court need not  
16 consider the remaining factors. *Id.*

17           The final two factors required for interim injunctive relief—balancing of the  
18 harm to the opposing party and the public interest—merge when the Government is the  
19 opposing party. *See Nken v. Holder*, 556 U.S. 418, 435 (2009). “Few interests can be  
20 more compelling than a nation’s need to ensure its own security.” *Wayte v. United*  
21 *States*, 470 U.S. 598, 611 (1985).

22           **1. Petitioner has no likelihood of success on the merits.**

23           Likelihood of success on the merits is a threshold issue. *See Garcia*, 786 F.3d  
24 at 740. As discussed in detail above, the Court lacks jurisdiction over Petitioner’s  
25 habeas petition because (1) Petitioner fails to allege a justiciable claim regarding his  
26 concern of being removed to a third country because ICE is seeking to remove him to  
27 Laos, not to a third country; (2) § 1252(g) indisputably bars review over his claim and  
28 requests for relief; and (3) Petitioner is lawfully detained while ICE finalizes his

1 removal to Laos, and any alleged regulatory noncompliance did not prejudice  
2 Petitioner. As such, Petitioner cannot show entitlement to habeas relief and has thus  
3 failed to demonstrate a likelihood of success on the underlying merits.

4 **2. *Petitioner has not shown irreparable harm.***

5 To prevail on his request for interim injunctive relief, Petitioner must demonstrate  
6 “immediate threatened injury.” *Caribbean Marine Services Co., Inc. v. Baldrige*,  
7 844 F.2d 668, 674 (9th Cir. 1988). Merely showing a “possibility” of irreparable harm  
8 is insufficient. *See Winter*, 555 U.S. at 22. “Issuing a preliminary injunction based only  
9 on a possibility of irreparable harm is inconsistent with [the Supreme Court’s]  
10 characterization of injunctive relief as an extraordinary remedy that may only be  
11 awarded upon a clear showing that the plaintiff is entitled to such relief.” *Id.*

12 Here, because Petitioner’s alleged harm “is essentially inherent in detention, the  
13 Court cannot weigh this strongly in favor of Petitioner.” *Lopez Reyes v. Bonnar*, No.  
14 18-CV-07429-SK, 2018 WL 7474861, at \*10 (N.D. Cal. Dec. 24, 2018); *see Reyes v.*  
15 *Wolf*, No. C20-0377JLR, 2021 WL 662659, at \*3 (W.D. Wash. Feb. 19, 2021) (finding  
16 that detention alone is not an irreparable injury). Petitioner has not shown irreparable  
17 harm.

18 **3. *The balance of equities does not tip in Petitioner’s favor.***

19 It is well settled that “the public interest in enforcement of the immigration laws  
20 is significant.” *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir.  
21 1981) (collecting cases); *see Nken*, 556 U.S. at 436 (“There is always a public interest  
22 in prompt execution of removal orders: The continued presence of an alien lawfully  
23 deemed removable undermines the streamlined removal proceedings IIRIRA  
24 established, and permits and prolongs a continuing violation of United States law.”)  
25 (simplified). And ultimately, “the balance of the relative equities ‘may depend to a large  
26 extent upon the determination of the [movant’s] prospects of success.’” *Tiznado-Reyna*  
27 *v. Kane*, Case No. C 12-1159-PHX-SRB (SPL), 2012 WL 12882387, at \* 4 (D. Ariz.  
28 Dec. 13, 2012) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 778 (1987)).

1 Here, as explained above, Petitioner cannot succeed on the merits of his claims  
2 because the Court lacks jurisdiction over them, and the public interest in the prompt  
3 execution of removal orders is significant. The balancing of equities and the public  
4 interest thus weigh heavily against granting equitable relief in this case.

5 **E. There is no need for an evidentiary hearing.**

6 Because the record shows that Petitioner is not entitled to habeas relief, there is  
7 no need for an evidentiary hearing in this matter. *See Schriro v. Landrigan*, 550 U.S.  
8 465, 474 (2007) (“[I]f the record refutes the applicant’s factual allegations or otherwise  
9 precludes habeas relief, a district court is not required to hold an evidentiary hearing.”).

10 **IV. CONCLUSION**

11 For the reasons stated herein, Respondents respectfully request that the Court  
12 deny Petitioner’s application for a temporary restraining order and dismiss Petitioner’s  
13 habeas petition.

14 DATED: October 8, 2025

ADAM GORDON  
United States Attorney

16 s/ Kelly A. Reis

17 KELLY A. REIS  
18 Assistant United States Attorney

19 Attorneys for Respondents

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