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7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF ARIZONA**

9 Tai Quoc Dang,

10 Petitioner,

11 vs.

12 David R. Rivas, Warden, et al.,

13 Respondents.  
14

No.

**Motion for a Preliminary Injunction and  
for a Temporary Restraining Order**

15 Along with his petition for a writ of habeas corpus under 28 U.S.C. § 2241, Mr. Dang is  
16 filing this motion for a preliminary injunction and a temporary restraining order. In his petition,  
17 he asserts that he cannot be removed to Vietnam, such that his continued detention by  
18 immigration officials violates the Fifth Amendment's Due Process Clause. He also asserts that  
19 his detention is illegal because he has not received notice and an opportunity to seek relief from  
20 removal to a country other than Vietnam. Because he is almost certain to prevail on at least one of  
21 these claims, he respectfully asks the Court to order his immediate release from custody while  
22 this case is litigated.

23 "A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on  
24 the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the  
25 balance of equities tips in his favor, and that an injunction is in the public interest." *Planned*  
26 *Parenthood Great Northwest v. Labrador*, 122 F.4th 825, 843-44 (9th Cir. 2024) (quoting *Alliance*  
27 *for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011)). "Alternatively, a preliminary  
28

1 injunction may issue where serious questions going to the merits were raised and the balance of  
2 hardships tips sharply in plaintiff's favor if the plaintiff also shows that there is a likelihood of  
3 irreparable injury and that the injunction is in the public interest." *Id.* at 844 (quoting *Alliance for*  
4 *the Wild Rockies*, 632 F.3d at 1135). The standards for granting a temporary restraining order are  
5 the same as the standards for granting a preliminary injunction. *See O.M. ex rel. Moultrie v. Nat'l*  
6 *Women's Soccer League, LLC*, 541 F. Supp. 3d 1171, 1177 (D. Or. 2021). Here, Mr. Dang can make  
7 all four of these showings.

8 First, he is almost certain to succeed on the merits of his habeas petition. His continued,  
9 indefinite detention in immigration custody violates the Due Process Clause of the Fifth  
10 Amendment because there is no significant likelihood that he can be removed to Vietnam in the  
11 reasonably foreseeable future. Indeed, ICE released him from detention two years ago for this  
12 very reason, and he fully complied with an order of supervision until he was abruptly re-arrested  
13 on or about July 30, 2025. Second, illegal confinement is quintessentially irreparable harm,  
14 because "the deprivation of constitutional rights unquestionably constitutes irreparable injury."  
15 *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Third, and finally, when the government  
16 is a party, as it is here, "the balance of equities and public interest factors merge." *Pimentel-*  
17 *Estrada v. Barr*, 464 F. Supp. 3d 1225, 1237 (W.D. Wash. 2020) (citing *Drakes Bay Oyster Co. v.*  
18 *Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)). The risk of harm to Mr. Dang far outweighs the  
19 government's interest in illegally detaining him, for it is "always in the public interest to prevent  
20 the violation of a party's constitutional rights." *Melendres*, 695 F.3d at 1002.

21 For the foregoing reasons, Mr. Dang respectfully asks the Court to grant a preliminary  
22 injunction and order his immediate release from custody.

23 Respectfully submitted:

October 5, 2025.

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