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

Minh Khac Nguyen,

Petitioner,

v.

Fred Figueroa, Eloy Detention Center; John

Cantu, Field Office Director, Phoenix ICE;

Todd Lyons, Director, U.S. Immigration and

Customs Enforcement (ICE), Kristi Noem,

Secretary of Homeland Security; Pamela

Bondi, U.S. Attorney General,

Respondents.

**Case No:**

**NOTICE OF MOTION AND MOTION**

**TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on October 23, 2025, at 8:00 PM EST, or as soon thereafter as counsel may be heard, in Courtroom TBD of the United States District Court for the District of Arizona, Petitioner Minh Khac Nguyen will and hereby does move for a Temporary Restraining Order and Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65 and the All

Writs Act, 28 U.S.C. § 1651. Petitioner seeks an order (1) staying his removal from the United States; (2) prohibiting his transfer from the Eloy Detention Center (or out of this Court's jurisdiction) during the pendency of this action; (3) compelling Respondents to produce Petitioner's immigration records (including his A-File and any records relating to his nationality status); (4) waiving the security bond requirement of Rule 65(c); and (5) setting an expedited hearing on the requested preliminary injunction. This motion is brought on regular notice (not ex parte) in light of notice provided to Respondents' counsel. Petitioner respectfully requests that the Court schedule a hearing on this motion at the earliest possible time given the urgent and irreparable harm facing Petitioner.

This motion is based on the accompanying Memorandum of Points and Authorities, the pleadings and evidence on file (including Petitioner's Verified Habeas Petition and exhibits), and any argument or evidence presented at the hearing on this matter.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

#### **I. INTRODUCTION**

Petitioner Minh Khac Nguyen is in the extraordinary position of being a United States citizen who is nonetheless detained by immigration authorities and facing imminent deportation. Petitioner was born abroad, adopted as a child by a U.S. citizen mother, and became a lawful permanent resident under her care. When Petitioner was a minor, his adoptive mother naturalized (on July 3, 1979), at which time Petitioner automatically acquired U.S. citizenship by operation of then-existing law. Despite his U.S. citizenship, immigration authorities obtained a final removal order against Petitioner (in 1999, apparently treating him as an "alien"), and he is currently detained at Eloy Detention Center pending execution of that removal order. Petitioner

has filed a habeas corpus petition asserting his U.S. citizenship and the illegality of his detention and removal.

By this motion, Petitioner seeks a Temporary Restraining Order and Preliminary Injunction to prevent irreparable harm and preserve the Court's jurisdiction while his habeas petition is adjudicated. Specifically, Petitioner requests that the Court stay his removal and bar any transfer from the current detention facility so as to maintain the status quo and Petitioner's access to this Court. He also requests an order directing Respondents to produce his immigration records, which likely contain evidence of his citizenship status (such as records of his mother's naturalization and his derivative citizenship claim), so that the merits of his petition can be fully and promptly resolved. Petitioner further asks the Court to waive the Rule 65(c) bond requirement in light of his indigency and the public interest nature of this case, and to set an expedited hearing on the preliminary injunction. As shown below, Petitioner easily meets the criteria for interim injunctive relief: he is likely to succeed on the merits of his citizenship claim, he faces irreparable harm absent relief, the balance of equities tips sharply in his favor, and an injunction serves the public interest. Moreover, the All Writs Act provides additional authority for this Court to issue orders protecting its jurisdiction and preventing the unlawful removal or transfer of Petitioner before the case can be decided. Petitioner therefore respectfully urges the Court to grant the requested relief without delay.

## **II. FACTUAL BACKGROUND**

**Petitioner Derivatively Became a U.S. Citizen in 1979:** Petitioner Minh Khac Nguyen was born in Vietnam in 1961. As a young child, he was legally adopted by Larry J Clapp, a U.S. born citizen, and Lisa Net Clapp, a U.S. lawful permanent resident who later naturalized. Petitioner was admitted to the United States as a lawful permanent resident in 1975, when he was

about 13 years old, under the care of his adoptive mother. On July 3, 1979, Petitioner's mother took the oath of U.S. citizenship, becoming a naturalized U.S. citizen. Petitioner was under 18 years old at that time and was residing in the United States in the legal and physical custody of his mother as a lawful permanent resident. Under the nationality laws then in effect (former INA § 320, formerly codified at 8 U.S.C. § 1432, repealed 2000), a child born outside the United States automatically became a U.S. citizen upon the naturalization of a parent, so long as the following conditions were met: (1) at least one parent had become a U.S. citizen (by birth or naturalization); (2) the child was under 18 years of age; (3) the child was residing in the United States pursuant to a lawful permanent residency; and (4) the child was in the legal custody of the citizen parent. Petitioner satisfied each of these statutory requirements on July 3, 1979, the date of his mother's naturalization. Accordingly, by operation of law, Petitioner became a United States citizen as of that date. No further action (such as an application or certificate) was necessary to perfect his citizenship, which attached automatically. Petitioner has resided in the United States for decades since that time, genuinely believing and understanding himself to be a U.S. citizen.

**Erroneous Removal Order and Detention:** Unbeknownst to Petitioner, the Government at some point initiated removal (deportation) proceedings against him, apparently not recognizing his citizenship status. On April 20, 1999, an Immigration Judge entered a final order of removal against Petitioner, erroneously treating him as an alien. Petitioner—who lacked counsel and did not fully understand his legal status—did not appeal that order to the Board of Immigration Appeals. In 2000, following the order, Petitioner sought to reopen his case to raise his citizenship, but that motion was denied, leaving the removal order in place. Years passed without enforcement of the order. In recent weeks, however, Immigration and Customs

Enforcement (ICE) agents detained Petitioner pursuant to that old removal order. Petitioner is now held at Eloy Detention Center in Arizona (within this District) and faces imminent removal to Vietnam under the outstanding removal order. ICE could execute the removal at any time. Petitioner has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 in this Court, asserting that his detention and removal are unlawful because he is a U.S. citizen and not subject to deportation. That habeas petition (and accompanying evidence) details the facts of Petitioner's derivative citizenship and seeks relief from his unlawful detention and threatened removal.

Given the urgency of the situation, Petitioner now moves for a TRO and preliminary injunctive relief to maintain the status quo and prevent irreparable harm while the Court adjudicates his citizenship claim. Specifically, Petitioner asks the Court to forbid Respondents from deporting him or moving him out of Eloy (and out of this Court's jurisdiction) during the pendency of this case. He further requests an order requiring Respondents to promptly turn over his immigration records (including his "A-File" and any certificate of citizenship or related documentation), which are necessary to facilitate an accurate and expeditious resolution of the merits. Finally, Petitioner seeks a waiver of any bond under Rule 65(c) and an expedited schedule, in light of his detention and the fundamental rights at stake.

### **III. LEGAL STANDARD**

A preliminary injunction or temporary restraining order is an extraordinary equitable remedy issued to prevent irreparable harm and to preserve the Court's ability to render a meaningful decision on the merits. Federal Rule of Civil Procedure 65 governs such relief. A plaintiff seeking a preliminary injunction "must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v.*

*Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). In the Ninth Circuit, these factors are applied on a sliding scale; a particularly strong showing on one factor (e.g. likelihood of success or serious irreparable harm) can compensate for a lesser showing on another, and at minimum a petitioner must raise “serious questions” going to the merits and show the balance of hardships tips sharply in his favor. Regardless of formulation, the *Winter* factors must all be considered, and an injunction will not issue without a showing of imminent irreparable injury in the absence of relief.

In addition, the All Writs Act, 28 U.S.C. § 1651(a), confers broad authority on federal courts to issue orders necessary to protect their jurisdiction and the integrity of their proceedings. The Act provides that federal courts “may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). The Supreme Court has long recognized a court’s inherent power under the All Writs Act to “preserve the status quo by injunction pending review of an agency’s action” in order to prevent frustration of the court’s ultimate jurisdiction (quoting *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966)). Thus, even apart from the traditional preliminary injunction standard, a district court may issue injunctive orders to prevent a litigant’s transfer, removal, or other action that would undermine the court’s ability to adjudicate a pending case on its merits. In the immigration habeas context, courts routinely rely on Rule 65 and/or the All Writs Act to stay a petitioner’s removal and enjoin transfers during the litigation, recognizing that such interim relief is often essential to “achieve the ends of justice” and to guard against mooting the court’s jurisdiction.

As set forth below, Petitioner satisfies the requirements for a TRO/preliminary injunction under Rule 65. Moreover, the relief he seeks (preventing his removal or transfer) squarely fits

within this Court's All Writs Act authority to protect its jurisdiction over his habeas petition. The Court should therefore grant the requested injunction to maintain its ability to render a meaningful decision and to prevent irreparable injury.

#### **IV. ARGUMENT**

##### **A. Petitioner Is Likely to Succeed on the Merits of His Citizenship Claim**

Petitioner's underlying habeas claim has a strong likelihood of success on the merits. In fact, the evidence establishes that Petitioner is already a U.S. citizen as a matter of law, and has been one since 1979. The nationality statute in effect at the time of his mother's naturalization provided for derivative citizenship under the exact circumstances presented here. As noted above, former INA § 320 (8 U.S.C. § 1432(a) (1979)) dictated that a foreign-born child would "automatically" acquire U.S. citizenship upon the naturalization of a parent if the child was under 18, a lawful permanent resident, and in the custody of the naturalized parent. On July 3, 1979, Petitioner met each of these criteria: his adoptive mother became a naturalized U.S. citizen on that date; Petitioner was a minor (age 17) at the time; he was residing in the U.S. as a lawful permanent resident; and he was in the legal custody of his mother. Under the plain terms of the law, Petitioner's U.S. citizenship attached automatically on July 3, 1979 – no further action or discretion was required. From that date forward, Petitioner "became and remains a United States citizen" by operation of statute.

Federal courts have repeatedly recognized that individuals in Petitioner's position derive citizenship by law. For example, in *Flores-Torres v. Holder*, a case materially identical to this one, a U.S. district court found after trial that the petitioner "became and remains a United States citizen pursuant to former 8 U.S.C. § 1432(a) upon the naturalization of his mother." Numerous other decisions likewise confirm that children who satisfy the conditions of former INA

§ 320/321 automatically acquired citizenship by statute, even if they never obtained a formal certificate. In short, Petitioner's claim to citizenship is not only "colorable"; it is overwhelmingly supported by the undisputed facts and governing law. The Government's failure to recognize Petitioner's status was a legal error, and the removal order issued against him is ultra vires and void ab initio, as an "alien" cannot be lawfully removed if, in fact, he is a U.S. national. Petitioner is therefore likely to prevail in this habeas action, obtaining a declaration of U.S. citizenship and release from custody. At a minimum, Petitioner's nationality claim presents serious, substantial questions warranting full judicial review—thus easily satisfying the merits component of injunctive relief.

#### **B. Petitioner Faces Imminent and Irreparable Harm Absent Injunctive Relief**

Irreparable harm will occur absent immediate injunctive relief. If no stay is in place, ICE intends to execute the removal order against Petitioner and forcibly deport him from his own country. This would inflict an irreparable injury of the highest order. The Supreme Court has long held that deportation of a person with a colorable U.S. citizenship claim results in irreparable harm and a denial of due process unless and until a court adjudicates that claim. In *Ng Fung Ho v. White*, 259 U.S. 276 (1922), the Court recognized that "*to deport one who so claims to be a citizen obviously deprives him of liberty.... It may result also in loss of both property and life, or of all that makes life worth living.*" The Court further held that "against the danger of such deprivation without the sanction afforded by judicial proceedings, the Fifth Amendment affords protection." *Id.* at 284-85. Thus, removing an alleged U.S. citizen from the United States—thereby banishing him from the country to which he lawfully belongs—constitutes a quintessential irreparable harm. Once deported, a person may be separated from family, home, employment, and community; he may be barred from re-entry for years or forever; and he may

face persecution or hardship abroad with no easy recourse. No subsequent court order can fully undo the severe personal and legal consequences of an unlawful deportation. As the Supreme Court noted, such an act may exact a cost of “all that makes life worth living”, a loss which by definition cannot be remedied after the fact.

Here, the risk is not speculative: Respondents have scheduled Petitioner’s removal and could carry it out at any moment. Petitioner is detained on a final order of removal; absent a court-ordered stay, ICE has both the authority and stated intent to deport him imminently. Each day without relief is a day of intolerable uncertainty for Petitioner, as he could be put on a plane to Vietnam with little or no warning. Deportation under these circumstances would not only violate Petitioner’s constitutional rights, it would also moot or severely compromise this Court’s ability to accord him any effective relief on his habeas petition. Once removed, Petitioner would be outside this Court’s jurisdiction and potentially unable to return even if he later proves his citizenship. Courts have recognized that such a scenario—removal of a habeas petitioner before adjudication—would irrevocably undermine the court’s jurisdiction and ability to render justice, and therefore warrants injunctive intervention.

In addition to the threat of removal, transfer to a distant detention facility (or out of district) would also cause irreparable harm by impeding Petitioner’s access to counsel and the Court. If Petitioner were suddenly moved to a remote location or another jurisdiction, his ability to communicate with his Arizona-based counsel and to promptly litigate his habeas case would be severely diminished. Such transfer could be used to thwart Petitioner’s efforts to obtain timely relief (for example, by shuttling him around and making it difficult to file or for the Court to locate him). Courts routinely enjoin transfers of immigration detainees when such transfers might strip the Court of effective control or render the pending litigation futile. Here, a transfer

from Eloy Detention Center (within this District) to an out-of-district facility (or worse, to an ICE staging location for deportation) would pose exactly that risk. It could even create a jurisdictional dispute over which court may hear the habeas petition. The irreparable injury prong is therefore satisfied both by the prospect of wrongful removal and by the threat of an obstructive transfer. Petitioner will suffer grave and irremediable harm absent this Court's injunction to preserve the status quo.

**C. The Balance of Equities Tips Decisively in Petitioner's Favor**

The balance of hardships in this case is overwhelmingly in Petitioner's favor. If no injunction issues, Petitioner — a presumptive U.S. citizen — will suffer the catastrophic harms described above: loss of liberty, separation from his life in the U.S., violation of constitutional rights, and the potential permanent loss of the ability to live in his own country. On the other hand, if the Court grants the requested relief, Respondents will suffer no cognizable harm at all. Maintaining the status quo (keeping Petitioner in custody at Eloy and temporarily suspending his removal) simply preserves matters as they stand while the Court considers the case. This imposes minimal, if any, burden on the Government. Petitioner is already detained, and an order preventing his removal or transfer merely requires ICE to hold him in place (something that, in fact, aids judicial economy by ensuring Petitioner and his evidence remain available for these proceedings). The Government cannot claim any legitimate interest in expediting the removal of someone who may well be a U.S. citizen. There is no harm to the Government in delaying removal to allow careful judicial review; indeed, the only "harm" in not removing Petitioner is that Respondents must continue to abide by the law and Constitution — which is not a harm at all. Conversely, the harm of erroneously deporting a U.S. citizen is not only irreparable to Petitioner but also gravely damaging to the integrity of the law.

Courts have recognized that when the Government is “prevented from enforcing an illegal or unconstitutional action,” it suffers no substantial injury, whereas the individual’s injury from that action could be extreme. Here, enjoining Petitioner’s removal/transfer imposes at most a brief administrative inconvenience on ICE, whereas not enjoining it would risk forever depriving Petitioner of his rights and legal status. In addition, granting Petitioner access to his own immigration records (the A-File and related documents) poses no meaningful burden on Respondents — these are records the Government already maintains, and producing them is a routine obligation in many immigration proceedings. Any slight burden in copying or turning over those documents is negligible compared to Petitioner’s need for them to prove his citizenship. In sum, the equities tip decisively in favor of preventing an unlawful deportation and ensuring Petitioner’s case can be heard, as opposed to permitting a potentially tragic miscarriage of justice to occur. There is no equitable justification for denying interim relief in this scenario.

#### **D. An Injunction Serves the Public Interest**

The final factor, the public interest, strongly favors granting relief. It is axiomatic that “the public has an interest in ensuring that statutory and constitutional rights are upheld.” There is no public interest in the wrongful deportation or detention of U.S. citizens. To the contrary, the public interest is served by government agencies obeying the law and by courts preventing unlawful government action. As the Supreme Court observed in *Ng Fung Ho*, deporting a U.S. citizen is a profound injustice and offends the fundamental principles of due process. The public has a compelling interest in preventing the forcible exile of citizens, which would undermine public confidence in the fairness of our legal system and in the Executive’s adherence to the rule of law.

Moreover, the public interest favors the careful adjudication of citizenship claims. Citizenship is “man’s basic right for it is nothing less than the right to have rights” (Perez v. Brownell, 356 U.S. 44, 64 (1958) (Warren, C.J., dissenting)), and the judiciary plays a crucial role in safeguarding that right. By issuing a TRO and preliminary injunction here, the Court will ensure that Petitioner’s claim to U.S. citizenship is resolved correctly and definitively before any irrevocable step (like deportation) is taken. This not only protects Petitioner, but also serves the public’s interest in accurate enforcement of the immigration laws — i.e., not removing individuals who are not, in fact, removable. The public interest further encompasses the humane and fair treatment of those in government custody. Granting a short-term stay of removal and maintaining Petitioner at his current location so he can pursue legal remedies is aligned with basic fairness and due process, values that are at the heart of the American legal system.

Finally, to whatever extent the Government may invoke an interest in efficient execution of removal orders or in finality of immigration proceedings, such an interest cannot outweigh the far greater public interest in preventing an unlawful deportation of a citizen. Efficiency must yield to justice, especially where the stakes are this high. In short, “the balance of equities and consideration of the overall public interest tip strongly in favor” of the relief Petitioner seeks (to borrow the Supreme Court’s phrasing in *Winter*, 555 U.S. at 26). The Court’s intervention at this stage will promote the public’s faith that no person with a substantial claim to U.S. citizenship will be deported without a full and fair opportunity to be heard. This is manifestly in the public interest.

#### **E. The All Writs Act Authorizes Relief to Protect the Court’s Jurisdiction**

In addition to the Rule 65 factors above (all of which favor Petitioner), this Court has independent authority under the All Writs Act, 28 U.S.C. § 1651 to issue the requested

injunction to protect its jurisdiction and the integrity of these proceedings. Federal courts have not only the power but the duty to safeguard their ability to decide cases properly before them. Where an action by a litigant (or executive agency) threatens to moot the case or defeat the court's potential judgment, the court may issue orders under the All Writs Act to preserve the status quo. The Supreme Court in *Dean Foods* recognized this "limited judicial power to preserve the court's jurisdiction or maintain the status quo" via injunction while administrative actions are under review.

Here, absent court intervention, Respondents could effectively strip this Court of jurisdiction by removing Petitioner from the country (or transferring him outside of the District) before the Court can decide the habeas petition. Such actions would frustrate, if not entirely thwart, the Court's ultimate decision – a classic scenario for All Writs Act relief. Indeed, numerous courts considering habeas petitions by detainees have invoked § 1651 to stay removal or prevent transfers, recognizing that without such orders the "ends of justice" could not be achieved. For example, courts have enjoined ICE from removing habeas petitioners pending resolution of their claims, explicitly citing the All Writs Act as authority to issue "all writs necessary" to protect the court's jurisdiction (including writs in the nature of an injunction). Courts have similarly blocked transfers of detainees that would shift custody beyond the reach of the forum court. In short, the All Writs Act provides a powerful tool to ensure that this Court's consideration of Petitioner's citizenship claim is not rendered meaningless by premature executive action. Accordingly, even if the Court were to find any uncertainty under the traditional preliminary injunction test (and there is none here), it should still issue the requested relief "in aid of" its jurisdiction, to maintain the status quo until the case is resolved on the merits.

#### **F. Waiver of Rule 65(c) Security Bond is Warranted**

Federal Rule of Civil Procedure 65(c) provides that a court “may issue a preliminary injunction or temporary restraining order only if the movant gives security in an amount that the court considers proper” to cover costs and damages in the event the injunction is wrongful. The rule thus vests the Court with discretion to determine an appropriate security (bond) amount, and indeed to set no bond at all where circumstances warrant. Courts frequently waive the bond requirement in cases involving indigent or detained petitioners, or where the injunction carries no risk of financial harm to the adverse party. This is especially true in public-interest litigation or where the balance of equities overwhelmingly favors the movant. Here, Petitioner respectfully requests that the Court waive the Rule 65(c) bond or set a nominal bond, given that Petitioner is a detainee of limited means and, more importantly, Respondents will not incur any monetary damages from the requested injunction. As discussed, the relief sought is simply to maintain Petitioner in custody (rather than deport him) and to refrain from transferring him; granting that relief does not impose any appreciable cost on Respondents. Courts have recognized that “where the court is satisfied that there’s no danger that the opposing party will incur any damages from the injunction, the bond may be waived.” *Habitat Educ. Ctr. v. U.S. Forest Serv.*, 607 F.3d 453, 458 (7th Cir. 2010) (upholding waiver of bond). Here, the Government has not identified any harm that would result from maintaining the status quo (indeed, the Government benefits from avoiding the grave error of potentially deporting a citizen). Requiring a bond would therefore serve no purpose other than to put relief out of reach for Petitioner due to poverty. In the interests of justice, the Court should exercise its discretion to waive the security bond requirement in this case.

## V. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Petitioner Minh Khac Nguyen has demonstrated a clear entitlement to immediate injunctive relief. He has shown a likelihood of success on the merits of his claim that he is a U.S. citizen and not removable. He faces imminent, irreparable harm in the absence of a restraining order, as he could be unlawfully removed from the United States and effectively stripped of his rights before this Court can act. The balance of equities and public interest both emphatically favor protecting Petitioner's rights and the Court's jurisdiction rather than allowing an irreversible injustice to occur. Moreover, this Court has ample authority under Rule 65 and the All Writs Act to issue the requested relief to preserve the status quo and ensure the effective exercise of its habeas corpus jurisdiction.

Accordingly, Petitioner respectfully requests that this Court issue a Temporary Restraining Order and Preliminary Injunction providing the following relief:

1. **Stay of Removal:** Restraining and enjoining Respondents (and their officers, agents, servants, employees, and all persons acting in concert with them) from removing or deporting Petitioner from the United States during the pendency of this action, until further order of this Court.
2. **Prohibition on Transfer:** Restraining and enjoining Respondents (and their agents as described above) from transferring Petitioner from his current place of detention (Eloy Detention Center in Arizona) to any other detention facility outside of the District of Arizona, or otherwise removing him from the jurisdiction of this Court, during the pendency of this action, absent prior leave of Court.
3. **Production of Records:** Ordering Respondents to produce to Petitioner's counsel, within \_\_\_ days of the Court's order, copies of Petitioner's complete A-File and Alien

Registration File, including all records pertaining to Petitioner's immigration, naturalization, or citizenship status (such as records of Petitioner's entry as a lawful permanent resident, his adoption, his mother's naturalization, any prior applications or petitions, and any evidence of derivative citizenship). Respondents should also produce any certificate of citizenship or similar document in their files relating to Petitioner. This production is to ensure that all relevant evidence bearing on Petitioner's nationality claim is before the Court and to facilitate an expedited resolution of the merits.

4. **Bond Waiver:** Waiving the requirement of a Rule 65(c) security bond, or, in the alternative, setting a nominal bond, in light of Petitioner's indigency and the fact that Respondents will not suffer financial harm from the issuance of the requested injunction.
5. **Expedited Hearing:** Setting an expedited schedule for further proceedings on the preliminary injunction (and/or an early merits hearing on the habeas petition). Petitioner requests that the Court set a preliminary injunction hearing at the earliest practicable date and require Respondents to show cause why the preliminary injunction should not issue. In accordance with Rule 65(b)(3), any TRO granted should be followed by a prompt hearing on a preliminary injunction. Petitioner stands ready to proceed on an expedited basis to resolve his entitlement to final relief.

Petitioner further requests any other and further relief that the Court deems just and proper to protect Petitioner's rights and the Court's jurisdiction during the pendency of this case. Given the fundamental constitutional interests at stake – preventing the unlawful removal of a U.S. citizen – Petitioner submits that the requested relief is narrowly tailored, eminently reasonable, and necessary to ensure that justice is done in this case. Petitioner therefore prays

that the Court grant this motion in its entirety and issue the TRO/Preliminary Injunction as outlined above, maintaining the status quo until the merits can be determined.

Dated: October 23, 2025

Respectfully submitted,

*/s/Daniel M Huynh*

Daniel M Huynh, Esq.  
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