

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

TRUC BA TRINH

A# [REDACTED]

Petitioner,

vs.

GEORGE STERLING, *Field Office Director of ICE*  
*Atlanta Field Office*, and  
TODD LYONS, *in his official capacity as Acting*  
*Director of Immigration and Customs Enforcement*, and  
KRISTI NOEM, *Secretary of Homeland Security*, and  
PAMELA BONDI, *U.S. Attorney General*

Respondents.

CASE NO.:

1:25-cv-06037-ELR-JEM

PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER  
AND/OR PRELIMINARY INJUNCTION

I. INTRODUCTION

COMES NOW Petitioner, Truc Ba TRINH (A# [REDACTED]), by and through counsel, and files this Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction. Petitioner hereby requests the Court to issue a Temporary Restraining Order and/or Preliminary Injunction, pursuant Fed. R. of Civ. P. 65, to "prevent irreparable injury so as to preserve the court's ability to render a meaningful decision on the merits," and "to insure that a remedy will be available." *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 24 (2008).

Petitioner seeks immediate judicial intervention to prevent irreparable harm resulting from the unlawful revocation of his Order of Supervision ("OSUP") and continued detention by Immigration and Customs Enforcement ("ICE") at an unknown location. *See also Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70 of Alameda Cnty.*, 415 U.S. 423, 439 (1974)). This emergency TRO is required to "prevent irreparable injury so as to preserve

the court's ability to render a meaningful decision on the merits," and "to insure that a remedy will be available." *U.S. v. State of Ala.*, 791 F.2d 1450, 1459 (11<sup>th</sup> Cir. 1986), *citing Corrigan Dispatch Co. v. Casa Guzman, S. A.*, 569 F.2d 300, 302 (5<sup>th</sup> Cir. 1978). The Eleventh Circuit also recognizes the principle of restoring the status quo ante as a form of equitable relief. *See Lewis v. Federal Prison Industries, Inc.*, 953 F.2d 1277, 1286 (11<sup>th</sup> Cir. 1992) (an employer's discriminatory acts disable an employee, he/she may seek equitable relief, including changes in working conditions, to restore the status quo ante).

Petitioner is a 52-year-old Vietnamese national who has resided in Clarkston, Georgia for the past several years. He has been living in the U.S. since 1992 and originally came to the U.S. with his family as refugees who later became Lawful Permanent Residents. He has been living together with his long-time U.S. citizen partner and they have two young U.S. citizen children ages 12 and 7. Petitioner also has an adult 28-year-old child from a prior relationship.

Based on information and belief, he was ordered deported in July 1999 by an Immigration Judge due to criminal conviction(s). *See* ECF 1-7, EOIR automated case information. Notwithstanding the removal order against him, Petitioner was granted a deferral of removal and was put on an Order of Supervision (OSUP) by ICE, which he has complied with dutifully since 1999-2000 timeframe until today, for approximately 25 years. *See* ECF 1-2 Reporting letter.

Petitioner was detained by ICE in Atlanta on October 17, 2025, following a routine check-in with ICE as he was complying with his OSUP. ICE detained him without notice or opportunity to be heard, on the decision of an individual without authority to do so, without findings required by law, and in violation of agency rules. Petitioner's current whereabouts are unknown at this time.

Because no administrative remedy exists to force Respondents to release Petitioner and return him to the situation of the status quo ante, under his prior OSUP before it was unlawfully

revoked, judicial intervention is necessary at this time to prevent irreparable harm. If unrestrained, Respondents will insulate their unlawful actions from judicial review, leaving Petitioner confined indefinitely without lawful basis to revoke his OSUP and unable to work, care for himself and be separated from his family.

Because ICE/DHS in the past few has already unlawfully violating Petitioner's constitutional and regulatory rights by unilaterally cancelling or revoking his OSUP and re-detaining him, this Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction is necessary, just, and of an imminent nature. In addition, there is no remedy at law that can adequately compensate Petitioner for the consequences of the re-detention, including separation from his U.S. citizen partner and two young children, deterioration of his physical and mental health, loss of employment eligibility, and interference with his ability to live a peaceful life. Every day that Petitioner remains detained causes irreparable harm, deprives him of liberty in violation of the Constitution, and frustrates the statutory framework that governs the supervision and revocation of the OSUP.

Through the instant Motion, Petitioner seeks to order for his immediate release, to restore his to the status quo ante before his OSUP was unlawfully revoked and restrain Respondents from revoking his OSUP or altering the status quo ante in any way while this Court considers the merits of this Writ of Habeas Corpus. Specifically, Petitioner asks this Court to order Respondents to immediately release him from detention under the terms of his prior OSUP before its unlawful revocation, to prevent any irreparable harm and continuous unlawful action by ICE/DHS from its unlawful revocation.

28 U.S.C. § 2243 requires that “The writ, or order to show cause . . . shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.” Since the Writ was filed on October 21, 2025, the time will shortly ripen for relief.

Petitioner faces imminent and irreparable harm absent injunctive relief, including deprivation of liberty, separation from his family, loss of employment eligibility, deterioration of health, and frustration of his reliance interests. These harms cannot be remedied by monetary damages or administrative proceedings and justify immediate judicial intervention.

This Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction is necessary, just, and of an imminent nature because DHS through ICE has altered Petitioner’s status contrary to law and the U.S. Constitution which already caused him significant hardships and harm. Petitioner’s continued detention is justifying the need for Court intervention to prevent further irreparable harm. In addition, there is no remedy at law that can adequately compensate Petitioner for the consequences of the continued detention and unlawful revocation and if continued could lead to irreversible impacts. Petitioner has unique medical needs that cannot be addressed in detention.

Immediate injunctive relief is essential because Petitioner has a substantial likelihood of success on the merits of the complaint; Petitioner will suffer irreparable harm in the absence of injunctive relief; there is no adequate remedy available at law; the balance of hardships favor Petitioner, and the requested injunctive relief will not harm the public interest. The facts and legal arguments supporting this motion are set forth in detail Petitioner’s Memorandum of Authorities in Support of Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction filed contemporaneously herewith.

Petitioner continues to suffer irreparable harms which include the loss of liberty itself, which gives rise to a Due Process claim, and injury to his fundamental interest in family unity, as well as loss of employment. These losses have already caused tremendous hardship to Petitioner and his family and frustrated the statutory scheme that entrusts detention of noncitizens and unilaterally revoking Order of Supervision. The basis for this Motion is set forth in the attached Memorandum of Authorities.

While undersigned counsel appreciates the current Federal government shutdown and furlough situation affecting the AUSA's in the civil division, this situation is of an emergency nature as ICE/DHS continue to detain people like Petitioner in full force and are unfazed by the shutdown. Other courts around the country where undersigned counsel has practiced and has current habeas cases pending are continuing with those habeas cases as normal (on a "rocket docket") notwithstanding the shutdown. *See* Exhibit 1 for an example for an order dealing with a similar situation from the U.S. District Court in Colorado.

WHEREFORE, for the reasons set forth in the accompanying brief, Petitioner respectfully prays that the Court grant his Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction through which he requests the Court issue the following orders:

1. Set the case for an emergency hearing on the instant Motion, preferably electronically for this week as undersigned counsel is managing a heavy habeas caseload in various courts all around the country;
2. Enjoin Respondents from detaining Petitioner during the pendency of this habeas action;

3. Enjoin Respondents from transferring or removing Petitioner during the pendency of this action or perform any action that would defeat or frustrate this Court's jurisdiction over the matter;
4. Restore and reinstate Petitioner's OSUP unlawfully and unilaterally revoked;
5. Enjoin Respondents from altering the conditions of Petitioner's OSUP without due process and compliance with all applicable regulations;
6. Enjoin Respondents from altering the conditions of Petitioner's OSUP, absent compliance with constitutional protections, which include, at a minimum, strict compliance with the requirements of 8 C.F.R. 241.8 and the form of notice and opportunity to be heard prescribed in 8 C.F.R. 241.4(l); and
7. Grant any such relief which the court deems equitable and just.

Respectfully Submitted,

This 22nd day of October, 2025.

/s/ Karen Weinstock  
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**CERTIFICATE OF SERVICE**

I certify that on October 22, 2025, I electronically filed the foregoing PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to Respondents' attorney(s) of record.

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