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13 *Attorneys for Respondents*

14 **IN THE UNITED STATES DISTRICT COURT**

15 **FOR THE DISTRICT OF ARIZONA**

16 Vinh Van Phan,

No. CV-25-04316-PHX-DJH (JZB)

17 Petitioner,

**JOINT STATUS REPORT**

18 v.

19 David Rivas, *et al.*,

20 Respondents.

21 Pursuant to the Court's order of November 20, 2025 (Doc. 7), Respondents hereby  
22 file this Joint Status Report on Petitioner's Motion for Limited Discovery (Doc. 4). The  
23 Court ordered the parties to meet and confer regarding any objections that Respondents  
24 may have. The parties have largely resolved the issue of discovery, but Respondents wish  
25 to reserve the right to object to one aspect of the requested discovery. The parties provide  
26 the Court with the results of their discussions in this Joint Status Report.

27 In his Motion for Limited Discovery, Petitioner requested five categories of  
28 discovery, which are reproduced below:

1. Mr. Phan's entire A-file;
2. Any and all requests from ICE to any diplomatic representative of the Socialist Republic of Vietnam pertaining to travel documents that would "facilitate" Mr.

1 Phan's removal to Vietnam, and any responsive or related correspondence to or  
2 from those diplomatic representatives pertaining to these requests for travel  
3 documents;

4 3. A full and complete copy of the memorandum of understanding signed on  
5 November 21, 2020, between the governments of the United States and the  
6 Socialist Republic of Vietnam, a redacted copy of which was attached to the  
7 second amended petition filed in this matter.

8 4. Any and all documents relating to the periodic custody reviews described in 8  
9 C.F.R. § 241.4 for all periods of time that Mr. Phan has been in ICE custody; and

10 5. Any and all documents relating to any determination under 8 C.F.R. § 241.13 and  
11 8 C.F.R. § 241.14 regarding whether there is a significant likelihood of removing  
12 Mr. Phan in the reasonably foreseeable future.

13  
14 Doc. 4 at 2.

15 Counsel for Petitioner and counsel for Respondents agreed on a resolution for four  
16 of the five categories of requested production. The resolution is detailed below:

17 1. Petitioner agreed to narrow this request to "any and all documents, not otherwise  
18 specifically requested, in Petitioner's A-File that pertain to Respondents' ability to  
19 remove Mr. Phan in the reasonably foreseeable future, specifically including  
20 documents that relate to prior or current removal efforts." Respondents do not  
21 object to this request.

22 2. Respondents agreed to determine whether they have any communications that are  
23 responsive to this request. If any responsive documents exist, counsel for  
24 Respondents agreed that he will review them for privilege expeditiously and will  
25 confer again with counsel for Petitioner if he intends to assert any privilege.

26 3. The undersigned has requested that Respondents determine whether they have a  
27 copy of the unredacted MOU, and if so, that they provide it to him so that he can  
28 review it for privilege. Respondents anticipate that the redacted material may be

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privileged, and they are unwilling to waive privilege at this time.

4. Petitioner and Respondents agree that Respondents will produce any finalized periodic custody reviews.

5. Petitioner and Respondents agree that Respondents will produce any final, formal determinations that are responsive to this request.

Respondents note that the Court set a production deadline on December 19, and Respondents will endeavor to produce the requested documents as quickly as is practicable. The parties also anticipate filing a joint motion to permit Privacy Act disclosures and for a protective order in due course.

RESPECTFULLY SUBMITTED on December 2, 2025.

TIMOTHY COURCHAINE  
United States Attorney  
District of Arizona

*s/Brooks Chupp*  
BROOKS CHUPP  
Assistant United States Attorney  
*Attorneys for Respondents*

JON M. SANDS  
Federal Public Defender

*s/Keith J. Hilzendegeer (with permission)*  
KEITH J. HILZENDEGER  
Assistant Federal Public Defender  
*Attorney for Petitioner Phan*

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2025, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing.

s/M. Beickert  
United States Attorney's Office