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

10 DUC VAN PHAM,

11 Petitioner,

12 v.

13 KRISTI NOEM, Secretary of the
Department of Homeland Security, *et al.*,

14 Respondents.
15

Case No. 25-cv-3373-JO-MMP

**RESPONDENTS' NOTICE OF
CLARIFICATION OF
PETITIONER'S CRIMINAL
HISTORY**

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17 On December 8, 2025, Respondents filed their response in opposition to
18 Petitioner's motion for a temporary restraining order and a return to the Petition. *See*
19 ECF No. 8. While ultimately not relevant to the Court's ability to render a decision in
20 this matter, Respondents file this notice to clarify Petitioner's criminal history, so the
21 Court has a proper factual background.

22 On October 1, 2002, Petitioner was arrested on the charge of lewd or lascivious
23 acts with a child under the age of 14. Declaration of Daniel Negrin ¶ 5. On March 31,
24 2010, Petitioner was arrested on charges of rape and assault with intent to rape. *Id.* ¶ 6.
25 ERO does not have a record of these convictions, and the final disposition of these cases
26 is unknown. *Id.* ¶¶ 5–6. On June 18, 2010, Petitioner was convicted of stalking under
27 California Penal Code § 646.9(a) and sentenced to 365 days in prison. *Id.* ¶ 7. The
28

1 stalking conviction was the basis for which Petitioner was issued a Notice to Appear on
2 July 8, 2010, placing him in removal proceedings. *Id.*

3 Dated: December 9, 2025

4 Respectfully submitted,

5 ADAM GORDON
6 United States Attorney

7 *s/ Kelly A. Reis*
8 KELLY A. REIS
9 Assistant United States Attorney

10 Attorneys for Respondents
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