IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHANDA ROEUN,

Petitioner,

v.

WARDEN of the Prairieland Detention Center; JOSHUA JOHNSON, Acting Dallas Field Office Director of ICE; TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; and PAMELA BONDI, Attorney General of the United States,

Respondents.

Civil Action No. 3:25-CV-03361-E

SUPPLEMENTAL MEMORANDUM IN SUPPORT FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Petitioner CHANDA ROEUN ("Roeun" or "Petitioner"), pursuant to Fed. R. Civ. P. 65(a) and this Court's order of December 8, 2025 (ECF No. 4), hereby files this Supplemental Memorandum in Support for Temporary Restraining Order and Preliminary Injunction (the "Supplemental Motion"), and respectfully shows the Court as follows:

SUMMARY

1. For the reasons set forth below, Roeun requests that Respondents immediately release him from custody pursuant to Federal Rule of Civil Procedure 65(b). As demonstrated here and in Petitioner's Emergency Motion and Memorandum in Support for Temporary Retraining Order and Preliminary Injunction (ECF No. 2), and accompanying Petition for Writ of Habeas Corpus (ECF No. 1), Petitioner's circumstances warrant the requested relief due to his substantial liberty interest under the Fourth, Fifth, and Fourteenth Amendments, and ICE's violations of 8 U.S.C. § 1231(a), 5 U.S.C. § 706(2), 8 C.F.R. § 241.13(i)(2)-(3), and the *Accardi* doctrine. Both the balance of the equities and the public interest concerning the provisional relief sought by Petitioner tilt sharply in his favor.

2. Accordingly, Roeun, through undersigned counsel, hereby files this Supplemental Motion to enjoin his continued detention, and prevent subsequent re-arrest unless and until Roeun is afforded notice and a hearing before a neutral decisionmaker on the question of whether his release should be revoked, and from removing him to any third country without first providing constitutionally compliant procedures.

INTRODUCTION

3. Petitioner, Chanda Roeun, a 45-year-old man, husband, and father born in a Thailand refugee camp from parents who fled Cambodia during the Khmer Rouge regime,[1] is currently being detained by Immigration and Customs Enforcement (ICE) at Prairieland Detention Center. Roeun has lived in the United States since June 1984, when he was just 4-years old. Roeun was first detained by ICE in 2004, after which he was released under an administrative order of supervision (OSUP) in 2005. Since then, Roeun has built a life, family, and community in the United States.

4. Roeun has diligently reported to each of his ICE check-ins over the years, was never re-detained, and travel documents were never requested or sought after by ICE.

5. On October 8, 2025, at a follow-up to his annual check-in in accordance with ICE's instructions, Rouen informed the officers that he had a trip to Las Vegas planned with his family to visit his wife's side of the family. In response, ICE immediately detained him and provided him with a piece of paper indicating that his OSUP was being revoked because he failed to obtain his travel documents to Cambodia. At the same time, ICE failed to provide any new evidence that Roeun's removal to Cambodia was likely in the reasonably foreseeable future, or allege that Petitioner had violated any terms of his release.

6. Rouen has never violated any of the terms of his OSUP. He has complied with all terms, including appearing for every check-in and never being arrested by police. No ICE officer

---

[1] Only upon information and belief is the fact that Roeun's parents are Cambodian nationals based on what his parents told him growing up. Appx. at 7 (Ex. A). While his marriage certificate lists his country of birth as Cambodia, the Notice to Appear from 2004 actually listed his country of birth and citizenship as Thailand. Appx. at 15 (Ex. C). Being that his country of birth is not definite and Roeun has no travel documents to either country (and was not required to obtain them), he is not a citizen of either country and is thus, not removable to either country in the reasonably foreseeable future.

has ever told Rouen that he needed to seek his own travel documents. Indeed, for the past 20 years, ICE officers have told Roeun that they were requesting documents for him and that the Cambodian consulate had yet to provide them. Rouen does not know anything about the process for obtaining travel documents to Cambodia, does not speak the language, and has no family or friends there. In fact, Rouen has never even set foot in Cambodia.

7. ICE's re-detention of Roeun without any new evidence or a hearing before a neutral adjudicator violates his Fifth Amendment Due Process rights, as well as ICE's own binding statutory and regulatory authorities. ICE failed to follow its own procedures when it failed to demonstrate changed circumstances that would justify Roeun's re-detention, or provide him an opportunity to contest the reasons for his re-detention.

8. Petitioner Roeun therefore asks this Court to find that his statutory, regulatory, and constitutional rights have been violated and issue a TRO and PI requiring Respondents to immediately release him thereby reestablishing the status quo.

STATEMENT OF FACTS[2]

I. PETITIONER HAS LIVED IN THE UNITED STATES SINCE HE ARRIVED IN 1984 AS A REFUGEE, AND HAS COMPLIED WITH ALL CONDITIONS OF HIS ORDER OF SUPERVISION FOR OVER 20 YEARS.

9. Petitioner, Chanda Rouen, was born in 1980 in a refugee camp in Thailand, to Cambodian parents who fled the Khmer Rouge regime shortly before he was born. (Dkt. No. 2-1 ("Appx.") at 7). Rouen has no birth certificate, but believes he was born in [redacted] of 1980. *Id.* In June of 1984, when he was only four years old, he and his family entered the United States as refugees, and eventually settled down in Los Angeles, California. *Id.*

---

[2] Petitioner incorporates the facts stated in his Verified Petition for Writ of Habeas Corpus to the present motion.

10. In 1999, when he was still only a teenager, Rouen agreed to plead guilty to second-degree robbery in Los Angeles[3] and was sentenced to six years in prison, after which he was transferred directly to immigration custody. *Id.* In 2004, an Immigration Judge (IJ) ordered Roeun to be removed to Cambodia – even though Roeun has never even set foot in the country. *Id.* In fact, Rouen's initial Notice to Appear from 2004 indicates that he is "a native of Thailand and a citizen of Thailand." *Id.* at 15 (Ex. C).

11. After over six months in immigration detention, the INS determined Roeun was unable to be removed, and in January of 2005, released Roeun under an order of supervision (OSUP). Appx. at 7 (Ex. A) and 21 (Ex. E).

12. Shortly after his release, Roeun met his wife, a United States citizen, to whom he has now been happily married for two decades. *Id.* at 7 (Ex. A). They have three children together, currently aged fourteen, nine, and six, and Roeun manages all of their care while his wife works as an employee of the federal judiciary. *Id.* Roeun is particularly active in his youngest child's life as the primary caretaker due to the fact that the child has autism and requires substantial individualized care. *Id.* & 35-37 (Ex. H).

13. For the past 20 years, Roeun has been required to attend INS and ICE check-ins once or twice a year. *Id.* at 8 (Ex. A). He has never missed a check-in. *Id.*

II. ICE VIOLATED PETITIONER'S STATUTORY, REGULATORY, AND CONSTITUTIONAL RIGHTS WHEN IT RE-DETAINED PETITIONER.

14. This year, Roeun's annual check-in took place on July 31, 2025. *Id.* Roeun was surprised at this check-in to be given another reporting date just a few months later, in September. *Id.* When he appeared for this second check-in, on September 11, 2025, ICE placed Roeun on an

---

[3] A motion to vacate Roeun's criminal conviction was filed in November 2025, remains pending, and is expected to be heard sometime in December 2025.

ankle monitor and informed him that he would be detained at his next check-in, which was scheduled for September 30, 2025. *Id.*

15. Roeun appeared on September 30, 2025 for his check-in, but was informed by an ICE officer at that time that his "travel documents were not ready." *Id.* The officer told Roeun to return on December 2, 2025, and in the interim to inform ICE if he planned on traveling outside the state of California. *Id.*

16. In accordance with ICE's instructions, Roeun went back to the ICE office on October 8, 2025 to inform the officers that he had a trip to Las Vegas planned with his family. *Id.* In response, ICE detained him and provided him with a piece of paper indicating that his OSUP was being revoked because he failed to obtain his travel documents to Cambodia. *Id.*

17. Roeun has never violated any of the terms of his OSUP. *Id.* at 8-10. Indeed, he has complied with all terms, including appearing for every check-in and never being arrested by police. *Id.* No ICE officer has *ever* told Roeun that he needed to seek his own travel documents. *Id.* at 8. In fact, for the past 20 years, ICE officers have frequently told Roeun that they were requesting documents for him and that the Cambodian consulate had yet to provide them. *Id.*[4] Roeun does not know anything about the process for obtaining travel documents to Cambodia, does not speak the language, and has no family or friends there. *Id.* at 8-10. Roeun has never even set foot in Cambodia. *Id.* at 10.

---

[4] Repatriation requests to Cambodia are decided on a case-by-case basis, and the Royal Government of Cambodia will only accept an individual for repatriation after the individual has met with the consulate. *See* Appx. at 26 (Ex. F). Removals to Cambodia have historically been low. *See* IMMIGRATION AND CUSTOMS ENFORCEMENT, *Fiscal Year 2024, Appendix* (Dec. 19, 2024), available at https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf. Only one removal flight to Cambodia has departed since January 2025. HUMAN RIGHTS FIRST, ICE Flight Monitor (Oct. 2025), available at https://humanrightsfirst.org/wp-content/uploads/2025/10/US-Immigration-Enforcement-Flight-Report_Sep2025.pdf

18. Roeun has not spoken to any ICE officer about his immigration case since his re-detention. *Id.* at 8-10. ICE has not given Roeun any information about why he was re-detained, or given him any information about what country ICE is trying to send him to. *Id.* Notably, during his initial detention years ago, an INS officer told him that Thailand would not accept him, because he was born in a refugee camp. *Id.*

19. Immediately after he was detained on October 8, 2025, Roeun was taken to a cell in the same federal building (located at 300 N Los Angeles St, Los Angeles, CA 90012) where he had his check-ins, with nowhere to sleep but a thin mat, and no privacy even when using the bathroom. *Id.* at 8-9. There was only one toilet in the room he shared with about thirty other men, some of whom had been there for many days, and he was not able to shower or change his clothes. *Id.* Such conditions were particularly harmful to Roeun, as he suffers multiple, significant health issues with his kidneys and lungs (discussed further below), yet Roeun was barely given his required and necessary medication, and was only fed small, microwaved burritos and chips. *Id.*

20. A few days later, on October 13, 2025, in the middle of the night, ICE removed Roeun from the Los Angeles federal building and put him on a flight to Texas. *Id.* Roeun was the only noncitizen transferred to Texas on this flight. *Id.*

III. PETITIONER AND HIS FAMILY ARE ACTIVELY SUFFERING IRREPARABLE HARM WHILE PETITIONER REMAINS IN DETENTION.

21. Prior to his re-detention, Roeun has suffered from chronic obstructive pulmonary disease (COPD) amongst other illnesses, including but not limited to proteinuria, hyperlipidemia, membranous glomerulonephritis, epididymal cyst, HGB E trait, prediabetes, and a history of lung lobectomy. Appx. at 8-9 (Ex. A) & 128-143 (Ex. H).

22. Since his arrival at the Prairieland Detention Center in Texas, Roeun's health has exponentially deteriorated. *Id.* at 8-9. He has lost about ten pounds in just over a month because

his body cannot properly digest the food in the detention center. *Id.* Due to his chronic illnesses such as COPD, Roeun is deeply fearful that he will contract a lung infection at the detention center due to the sheer number of people being detained there, as any common cold or flu could cause permanent damage to his lungs. *Id.*

23. In addition to his rapidly deteriorating physical health, Roeun's mental health has declined even more. *Id.* Because he was transferred to Texas, he has no friends or family nearby who can visit him. *Id.* His wife, who is only able to speak to him by phone, has had to assume Roeun's responsibilities at home (by being the sole provider and caretaker of their three young children) in addition to her demanding federal job. *Id.* & 35-37 (Ex. H). Roeun has not even told his mother that he is currently detained, and he has instructed his family to keep his detention unknown to her, as she recently suffered a stroke and learning of his current condition "will break her." *Id.* at 8-9.

ARGUMENT

I. STANDARD OF REVIEW

24. The purpose of a preliminary injunction (and its accompanied TRO) is to preserve the status quo until a trial on the merits can be held. *Abuelhawa v. Noem*, No. 4:25-cv-04128, 2025 WL 2937692, at *3 (S.D. Tex. Oct. 16, 2025) (citing *Univ. of Tex. v. Camenisch*, 451 US 390, 395 (1981)). The status quo must be determined by reference to "the last peaceable uncontested status" existing between the parties before the dispute arose. *Canal Authority of Florida v Callaway*, 489 F2d 567, 576 (5th Cir 1974). This is consistent with the characterization of status quo that the Fifth Circuit has held for many years. *See, e.g., U.S. v. FDIC*, 881 F.2d 207, 210 (5th Cir. 1989) (court observed that "the district court has the equitable power to return the parties to their last uncontested status"). Moreover, because the recognized status quo is the last uncontested state of the parties' relationship leading up to the suit, an injunction preserving that status will be properly

characterized as prohibitory. *Abuelhawa*, 2025 WL 2937692, at *7 (reasoning that "otherwise the status quo would always be locked in upon whatever situation is at hand only after an offending action brought the parties into dispute").

25. The requirements for granting a TRO are substantially identical to those for granting a preliminary injunction. *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 288 (5th Cir. 2012); *Abbott Labs. v. Sandoz, Inc.*, 566 F.3d 1282, 1298 (Fed. Cir. 2009); *Clark v. Bank of Am. NA*, No. 3:12-CV-1277-N-BK, 2012 WL 4795597, at *1 (N.D. Tex. Sept. 7, 2012) (citing *Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011)), accepted, 2012 WL 4793439 (N.D. Tex. Oct. 9, 2012); *see also* Fed. R. Civ. P. 65.

26. A TRO or preliminary injunction is warranted where a petitioner establishes that (1) likelihood of success on the merits of their claims; (2) substantial threat of irreparable injury if the injunction is not granted; (3) the balance of hardships between the parties; and (4) the public interest in granting the preliminary injunction. *Opulent Life Church*, 697 F.3d at 288; *Abbott Labs*, 566 F.3d at 1298; *Clark*, 2012 WL 4795597 at *1.

27. For preliminary injunctions, no one factor is necessarily given more weight than another, "rather, a sliding scale is utilized, which takes into account the intensity of each in a given calculus." *Sagastizado v. Noem*, No. 5:25-CV-00104, 2025 WL 2957002, at *5 (S.D. Tex. Oct. 2, 2025) (quoting *Mock v. Garland*, 75 F.4th 563, 587 (5th Cir. 2023)). The purpose of a preliminary injunction is always to prevent irreparable injury so as to preserve the court's ability to render a meaningful decision on the merits. *Id.* Crafting a preliminary injunction is an exercise of discretion and judgment, often dependent as much on the equities of a given case as the substance of the legal issues it presents. *Id.* (citing *Trump v. Int'l Refugee Assistance Project*, 582 U.S. 571, 579 (2017)).

28. Moreover, "the Fifth Circuit observes, '[w]here the other [preliminary injunction] factors are strong, a showing of some likelihood of success on the merits will justify temporary injunctive relief.'" *Abuelhawa*, 2025 WL 2937692, at *12 (quoting *Title Max of Texas, Inc. v. City of Dallas*, 142 F.4th 322, 328 (5th Cir. 2025)) (finding that petitioner "has demonstrated a substantial likelihood of success on the merits. But even if viewed as only some likelihood, the requested preliminary injunction is appropriate here, given the significant weight of the other factors.").

29. Roeun's habeas petition is likely to succeed on the merits because he was detained without adequate due process and without a showing of changed circumstances or an opportunity to contest that showing. Roeun is not a flight risk or danger to the community as an honorable family man and caretaker for his children. Roeun is actively suffering irreparable harm due to this detention and his critical health condition. As a result, the balance of the equities and public interest clearly tip in his favor.

II. THIS COURT HAS JURISDICTION AND AUTHORITY TO ADJUDICATE PETITIONER'S CLAIMS AND TO GRANT APPROPRIATE HABEAS AND INJUNCTIVE RELIEF.

30. This Court has jurisdiction under 28 U.S.C. § 2241 to adjudicate Roeun's challenge to his re-detention and the manner in which ICE revoked his release. Federal district courts in Texas have consistently recognized that habeas corpus is the proper vehicle to challenge post-removal-period detention, including challenges to the revocation of an order of supervision, the absence of changed circumstances justifying re-detention and the failure to provide required statutory, regulatory, or constitutional process.

31. Although 8 U.S.C. § 1231(a)(6) authorizes immigration detention in certain circumstances, that authority is conditioned on compliance with statutory, regulatory, and constitutional requirements. Where, as here, a petitioner challenges the manner in which ICE re-

detained him after a prolonged period of release, rather than the validity of the underlying removal order, § 2241 confers jurisdiction to review the lawfulness of that re-detention. *See Villanueva v. Tate*, No. H-25-3364, 2025 WL 2774610, at *5 (S.D. Tex. Sept. 26, 2025) (holding that the court "unquestionably has jurisdiction" to review claims that ICE violated statutory and constitutional due process rights by re-detaining a noncitizen and revoking an order of supervision); *Trejo v. Warden of ERO El Paso East Montana*, No. EP-25-CV-401-KC, 2025 WL 2992187, at *5 (W.D. Tex. Oct. 24, 2025); *Garcia-Aleman v. Warden Bobby Thompson*, No. SA-25-CV-00886-OLG, 2025 WL 3534806, at *3–4 (W.D. Tex. Dec. 9, 2025).

32. Even where the government asserts discretion to revoke an order of supervision, a petitioner's constitutionally protected liberty interests are squarely implicated by re-detention. The Supreme Court has explained that "[f]reedom from imprisonment, from government custody, detention, or other forms of physical restraint, lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Individuals who have been conditionally released from detention possess a protected interest in their "continued liberty," even when that liberty is subject to extensive conditions. *Young v. Harper*, 520 U.S. 143, 147–48 (1997); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). Applying these principles, the court in *Villanueva* held that, notwithstanding the government's asserted discretion, re-detention without compliance with governing regulations and due process violated the petitioner's constitutional rights, and that "[t]he only way to vindicate [those] due process rights is to order his release from custody." 2025 WL 2774610, at *11.

33. Consistent with this authority, Texas district courts have made clear that habeas review extends beyond the abstract existence of detention authority and encompasses whether a petitioner's re-detention after a period of supervised release is lawful and constitutional,

particularly where continued custody is imposed without a violation of supervision conditions, without changed circumstances justifying re-detention, or without notice and an opportunity to be heard, implicating protected liberty interests under the Due Process Clause. *See Villanueva*, 2025 WL 2774610, at *4–5, *10–11; *Garcia-Aleman*, 2025 WL 3534806, at *3–5; *Abuelhawa*, 2025 WL 2937692, at *8–9.

34. Accordingly, this Court has jurisdiction and authority to review the lawfulness of Roeun's re-detention and to grant relief restoring Roeun to the status quo that existed prior to the challenged re-detention.

III. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS.

35. Roeun is likely to succeed on the merits of his claims that his re-detention by ICE violated 8 U.S.C. § 1231(a), 8 C.F.R. § 241.13(i)(1)-(3), and, separately, his Fifth Amendment Due Process rights. Specifically, ICE's revocation of Petitioner's release violated its own regulations governing how and when ICE may revoke release, as well as the Due Process Clause of the Fifth Amendment.

36. Before turning to his constitutional claims, this Court may find that Roeun's re-detention was not authorized by 8 U.S.C. § 1231(a), or the regulations implementing that statute, as relevant here, 8 C.F.R. § 241.13(i)(1)-(3). *See Califano v. Yamasaki*, 442 U.S. 682, 692 (1979) (a court "presented with both statutory and constitutional grounds to support the relief requested should usually pass on the statutory claim before considering the constitutional question"). ICE's re-detention of Petitioner without there being any showing that Petitioner violated the conditions of his OSUP, a showing of changed circumstances or an opportunity to contest that showing violates 8 U.S.C. § 1231 and its implementing regulations, namely 8 C.F.R. § 241.13(i)(1)-(3).

37. The regulations implementing 8 U.S.C. § 1231 provide that after a noncitizen has been released on an order of supervision (OSUP), the Government may only revoke the release either for violating conditions of release, under § 241.13(i)(1), or for removal, under § 241.13(i)(2).

38. Specifically, ICE may re-detain a non-citizen released on an OSUP "if, on account of changed circumstances, [ICE] determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(i)(2). ICE may also re-detain the non-citizen if he or she "violates any of the conditions of release." § 241 .13(i)(1). If ICE chooses to re-detain, the non-citizen must "be notified of the reasons for revocation" and be afforded "an initial informal interview promptly after [her] return to ... custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification." § 241.13(i)(3). The non-citizen may "submit any evidence or information that [she] believes shows there is no significant likelihood [she may] be removed in the reasonably foreseeable future, or that [she] has not violated the order of supervision." *Id.*

39. ICE's own regulations make clear that, when ICE revokes release to effectuate removal, "it is [ICE's] burden to show a significant likelihood that the alien may be removed." *Escalante v. Noem*, No. 9:25-CV-00182-MJT, 2025 WL 2206113, at *3 (E.D. Tex. Aug. 2, 2025). As the district court in *Escalante* found, "[i]mposing the burden of proof on the alien each time he is re-detained would lead to an unjust result and serious due process implications." *Id.* Other courts have also reached this conclusion. *Abuelhawa*, 2025 WL 2937692, at *8 ("[U]pon revocation of release, the Government bears the burden to show a significant likelihood that the alien may be removed in the reasonably foreseeable future.").

40. Respondents must point to evidence specific to Roeun's case which led officials to determine that there is a significant likelihood that Petitioner may be removed in the reasonably

foreseeable future. *Abuelhawa*, 2025 WL 2937692, at *5 (the government "must simply respond with *individualized* evidence to rebut any showing by the alien that there is no significant likelihood of removal in the reasonably foreseeable future.") (quotations removed); *see also Liu v. Carter*, No. 25-3036-JWL, 2025 WL 1696526, at *2 (D. Kan. Jun. 17, 2025). The regulations require that this determination be made *prior to* the revocation of the OSUP, and ICE must provide the noncitizen with notice of the revocation and an opportunity to contest the reasons "promptly." 8 C.F.R. § 241.13(i)(3).

41. In addition, the Administrative Procedure Act ("APA") under 5 U.S.C. § 706(2) makes clear that a court shall hold unlawful and set aside agency action found to be "not in accordance with law," "contrary to constitutional right, power, privilege, or immunity," "arbitrary [or] capricious," or "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(A)-(C). *See Turcios v. Wolf*, No. 1:20-cv-00093, 2020 WL 10788713, at *3 (S.D. Tex. Oct. 16, 2020) (granting injunction and finding that claims under the APA are justiciable and that 8 U.S.C. § 1252(a) does not bar judicial review); *see also Villanueva*, 2025 WL 2774610, at *4-5 ("But Villanueva does not challenge the purported decision to revoke his Order of Supervision. Instead, he challenges the manner in which the government has re-detained him under this purported order. The Court unquestionably has jurisdiction to review Villanueva's claims that the government has violated his statutory and constitutional rights to due process by re-detaining him.").

42. District courts regularly find that where ICE failed to follow its own regulations, or worse, failed to follow constitutional and statutory law when re-detaining a noncitizen, the detention was unlawful and the petitioner's release must be ordered. *Trejo*, 2025 WL 2992187, at *5 (collecting cases); *Villanueva*, 2025 WL 2774610, at *4-5 (granting habeas relief and ordering

immediate release of petitioner re-detained by ICE without notice or opportunity to respond, and ordering that if and when the government identifies a country to remove petitioner to, sufficient time must be given to allow petitioner an opportunity to object); *Balouch v. Bondi*, No. 9:25-CV-216-MJT, 2025 WL 2871914, at *2-3 (E.D. Tex. Oct. 9, 2025); *see also Constantinovici v. Bondi*, No: 3:25-cv-02405-RBM-AHG, 2025 WL 2898985, at *6 (S.D. Cal. Oct. 10, 2025); (*Hoac v. Becerra*, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. Jul. 16, 2025) (finding petitioner likely to succeed on unlawful re-detention claim because there was "no indication that an informal interview was provided"); *Rombot v. Souza*, 296 F. Supp. 3d 383, 388 (D. Mass. 2017) (holding that ICE's failures to follow its own regulations rendered petitioner's detention unlawful).

A. Petitioner Is Likely to Succeed on the Merits Because Respondents Cannot Show a Violation of the Order of Supervision.

43. Respondents failed to comply with their regulatory obligations because they improperly revoked Roeun's removal despite the absence of any evidence that Roeun violated the terms of his OSUP. See 8 C.F.R. § 241.13(i)(1).

44. Roeun reported to the ICE office on October 8, 2025, in compliance with ICE's instructions, to notify officers of a planned family trip to Las Vegas. Appx. at 8 (Ex. A). ICE immediately detained him and provided no explanation for the detention other than the Notice of Revocation of Release (the "Notice") issued at the time of re-detention. *Id.* at 10. The Notice only vaguely asserts that Roeun failed to comply with the terms of his Order of Supervision "by failing to provide proof of applying for a travel document." *Id.* at 33 (Ex. G).

45. Respondents appear to view the OSUP as requiring Roeun to provide proof that he applied for a travel document. That view is incorrect. The OSUP does not require Roeun to apply for a travel document, nor does it require him to provide proof of any such application. The relevant OSUP condition on which Respondents rely states only that Roeun must "assist the Immigration

and Customs Enforcement Detention & Removal Operations in obtaining any necessary travel documents." Appx. at 22. This broadly worded condition imposes no explicit obligation that Roeun apply for travel documents, much less that he provide ICE with proof of having done so. Even if this provision were interpreted to require Roeun to apply for a travel document, the OSUP provides no indication of where or how Roeun is supposed to submit any such application.[5]

46. This precise issue was recently addressed by Judge Orlando Garcia in the Western District of Texas. *See Garcia-Aleman*, 2025 WL 3534806. In that case, ICE contended that revocation of the OSUP and re-detention was proper because the petitioner violated OSUP conditions requiring him to provide INS with "written copies of requests to embassies or consulates requesting the issuance of a travel document," as well as written responses to those requests. *Id.* at *2. Respondents argued that these conditions required the petitioner to submit requests to various third countries, in an unspecified number and at unspecified intervals. *Id.*

47. The court rejected respondents' interpretation, explaining that it went beyond "the language of the OSUP conditions." *Id.* The court observed that respondents' interpretation effectively read additional, open-ended requirements into the OSUP, including an obligation to submit travel document requests to unidentified foreign governments and at unspecified intervals. *Id.* The court found that, contrary to respondents' contention, the plain language of the OSUP did not require the petitioner to actually submit third-country requests. *Id.* The court noted that if the OSUP had imposed such requirements, the petitioner's supervision would have been revoked on that basis at some point during his decade-long release. *Id.* Instead, the condition merely referenced providing copies of requests to unspecified embassies or consulates, and responses, if such requests were made. *Id.* Accordingly, the court held that the petitioner's OSUP could not be revoked under

[5] Petitioner was born in a refugee camp in Thailand as a Cambodian refugee, and there remains no clarity as to whether any release or removal would be to Cambodia or to Thailand.

8 C.F.R. § 241.13(i)(1) because there was no evidence that he failed to comply with the conditions as written. *Id.*

48. The same defect applies here. Respondents revoked Roeun's OSUP based on wrongly asserting that it required him to apply for a travel document and provide proof of that application. Appx. at 33 (Ex. G). As in *Garcia-Aleman*, that interpretation goes beyond the language of the OSUP, which requires only that Petitioner "assist" ICE in obtaining any necessary travel documents and imposes no obligation to submit applications or proof of such applications. Like the petitioner in *Garcia-Aleman*, Roeun was never required by the plain language of the OSUP to initiate travel document requests, to submit applications to foreign governments, or to provide proof of doing so. If such requirements had existed, Roeun's OSUP would have been revoked on this basis sometime during the last 20 years of his release. *Id.* Instead, Roeun remained on supervision for over twenty years without any allegation that he failed to apply for travel documents or provide proof of such applications.

49. Because the OSUP does not require Petitioner to apply for travel documents or submit proof of doing so, Respondents cannot demonstrate that Roeun violated the conditions of his supervision as written. Revocation based on a newly imposed interpretation, unsupported by the text of the OSUP and applied without notice, does not satisfy the requirements of 8 C.F.R. § 241.13(i)(1).In addition to failing to provide Roeun with legitimate notice and reasons for his re-detention, ICE has failed to provide him any opportunity to contest the reasons for revocation of his release. The regulations require that a noncitizen receive this opportunity "promptly after his . . . return to [ICE] custody." 8 C.F.R. § 241.13(i)(3). Yet, given the length of time since Roeun was taken into custody and his declaration that he has not received any interview or opportunity to be heard by ICE, it is clear that he has not been afforded any interview or explanation. Appx.

at 7-10 (Ex. A); *Villanueva*, 2025 WL 2774610 (where ICE failed to advise noncitizen with reasons for the purported revocation and an informal interview as required by its regulations).

50. Accordingly, Roeun has made a prima-facie showing of success on the merits, as his re-detention is unlawful because it was wrongful for Rouen's OSUP to be removed in the first place.

B. There Is No Substantial Likelihood for Removal and Petitioner's Re-Detention Was Not Based on Changed Circumstances.

51. Even though the Notice wrongfully identifies a violation of conditions as the sole basis for revocation, to the extent Respondents attempt to argue otherwise, there is no evidence of any change in circumstances demonstrating a significant likelihood that Roeun will be removed in the reasonably foreseeable future.

52. Courts in this circuit have ordered petitioners released where respondents re-detain them yet cannot show "changed circumstances" that make removal sufficiently likely in the reasonably foreseeable future. *See, e.g., Abuelhawa*, 2025 WL 2937692, at *9; *Trejo*, 2025 WL 2992187, at *9; *Villanueva*, 2025 WL 2774610, at *11; *Balouch*, 2025 WL 2871914, at *2-3.

53. Respondents have failed to meet their burden to show that Petitioner's re-detention was based on "changed circumstances" and, indeed, they cannot, where such circumstances do not exist. ICE only provided Roeun with a single piece of paper notifying him that his release was being revoked without a specific rationale beyond the bare assertion that an unidentified changed circumstance existed. Appx. at 8-10 & 33. Moreover, the purported notice does not state whether removal was reasonably foreseeable. Courts in this circuit have found such conclusory statements to be insufficient to meet Respondents' burden to show changed circumstances. *Id.* at 33; *see also Abuelhawa*, 2025 WL 2937692, at *9; *Balouch*, 2025 WL 2871914, at *2-3.).

54. As Cambodia previously announced that it would no longer accept deportations to the country and sought to renegotiate its agreement with the United States, repatriations to Cambodia have been almost nonexistent. See infra at n. 3. Even if removals were generally occurring, however, that fact would be insufficient to support the contention that Roeun's removal, specifically, is sufficiently likely. *Balouch*, 2025 WL 2871914, at *2-3; *Hoac*, 2025 WL 1993771 at *5. According to ICE's own data, only 20 Cambodians were repatriated in 2024,[6] and as of October of this year, there have only been two additional removal flights to Cambodia since January 2025.[7]

55. Moreover, nothing about Roeun's personal circumstances have changed such that his removal to Cambodia (or even Thailand) is more likely now than during the previous time he was detained, well over two decades ago. Appx. at 7-10; *see, e.g., Abuelhawa*, 2025 WL 2937692, at *9; *Balouch*, 2025 WL 2871914, at *2-3.); *see also Phan v. Noem*, No. 3:25-cv-02422-RBM-MSB, 2025 WL 2898977, at *4 (S.D. Cal. Oct. 10, 2025) (finding that respondents failed to show removal was reasonably foreseeable when they had been unable to secure travel documents for petitioner in the past and could not explain "why obtaining a travel document . . . is more likely this time around"); *Liu*, 2025 WL 1696526 at *2 (finding respondents "bare assertion of an increase [in removals] did not make petitioner's removal any more likely without addressing the particular obstacles to the many past failed attempts to remove him").

---

[6] Petitioner requests this Court take judicial notice of Immigration and Customs Enforcement, *Annual Report: Fiscal Year 2024* (Dec. 19, 2024), available at https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf.

[7] Petitioner requests that the Court take judicial notice of Human Rights First, *ICE Flight Monitor: October 2025 Monthly Report* (Nov. 2025), available at https://humanrightsfirst.org/wp-content/uploads/2025/11/ICE-Flight-Monitor_Report_Oct2025.pdf.

56. Accordingly, in the absence of changed circumstances or a significant likelihood of removal in the reasonably foreseeable future, Respondents lacked a lawful basis to re-detain Roeun.

C. ICE Did Not Comply with Its Regulatory Requirements of Notice, Interview, and Informational Obligations under 8 CFR § 241.13(i)(3).

57. Furthermore, when respondents are unable to provide proof of changed circumstances[8] under 8 C.F.R. § 241.13(i)(2), they are also necessarily in violation of 8 C.F.R. § 241.13(i)(3), which provides that upon revocation, the noncitizen "will be notified of the reasons for revocation" of their release, and afforded an opportunity to "respond to the reasons for revocation stated in the notification" at an informal interview. *Abuelhawa*, 2025 WL 2937692, at *5.

58. Here, the only notice Roeun received regarding the reasons for his re-detention was the Notice letter provided by ICE when he was being detained on October 8, 2025. Appx. at 33 (Ex. G). Notably, this purported "notice" (if it can be called that) egregiously and generically stated Roeun's "case has been reviewed and it has been determined that [he] will be kept in the custody of the U.S. Immigration and Customs Enforcement (ICE) at this time" and that the decision was "made based on a review of [his] file and/or [his] personal interview on account of changed circumstances in [his] case." *Id.* Worse, the "notice" stated that Roeun had violated the terms of his release "by failing to provide proof of applying for a travel document," which was *not* a term of his release. *Id.*

---

[8] The only other basis for re-detention is under 8 C.F.R. § 241.13(i)(1), which requires Respondents to show that Petitioner violated the conditions of his release. The record is absolutely clear – Petitioner has not violated the conditions of his OSUP since his release from ICE custody in 2005. Appx. at 7-10.

59. Such "notice" that ICE gave Roeun before detaining him is devoid of facts specific to his case. *Id.* Pro forma notices such as this, that provide "no information about why petitioner's release is being revoked or what circumstances have changed," are insufficient to meet ICE's burden under 8 C.F.R. § 241.13(i). *Sun v. Noem*, No. 3:25-CV-02433-CAB-MMP, 2025 WL 2800037, at *2 (S.D. Cal. Sept. 30, 2025) (citing *Roble v. Bondi*, No. 25-CV-3196 (LMP/LIB), 2025 WL 2443453 (D. Minn. Aug. 25, 2025)).

60. In addition to failing to provide Roeun with adequate notice of the reasons for his re-detention, ICE has failed to provide him any opportunity to contest the reasons for revocation of his release. As reiterated above, if ICE chooses to re-detain, the non-citizen must "be notified of the reasons for revocation" and be afforded "an initial informal interview promptly after his return to ... custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.13(i)(3).

61. Petitioner was not provided an informal interview following his re-detention. Appx. at 10. The record reflects that Roeun was detained without any further communication from ICE officers, including the required prompt informal interview. *See* 8 C.F.R. § 241.13(i)(3). Respondents' failure to follow their own regulations by revoking release without providing notice and an opportunity to respond to the allegations through a prompt informal interview independently warrants granting the TRO. *See, e.g., Phuoc Van Ngo v. Noem*, No. 25-CV-3234 JLS-MMP, 2025 WL 3470438, at *4 (S.D. Cal. Dec. 3, 2025) (granting habeas petition where ICE failed to follow its own regulations by providing proper notice and a prompt interview); *Hoac v. Becerra*, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. July 16, 2025) (granting TRO where ICE failed to comply with § 241.13(i)(3)); *Villanueva*, 2025 WL 2774610 (granting

relief where ICE failed to advise the noncitizen of the reasons for revocation and failed to provide the required informal interview).

62. Roeun's release, therefore, is additionally required to remedy ICE's failure to follow its own regulations. *Trejo*, 2025 WL 2992187, at *5; *Villanueva*, 2025 WL 2774610, at *11.

D. Petitioner Is Also Likely to Succeed on the Merits of His Claim That He Is Entitled to Constitutionally Adequate Procedures Prior to Third Country Removal.

63. The government is required to follow its own regulations before removing a noncitizen to a third country, in addition to its rules regarding re-detention. *See* 8 U.S.C. § 1231(b); 8 C.F.R. § 241.15. In this case, Roeun has received no notice of which third country, if any, he could be removed to, nor has he been shown any evidence that a third country will accept him. Appx. at 7-10. Indeed, prior to any potential third country removal, ICE must provide Roeun with sufficient notice and an opportunity to respond and apply for fear-based relief as to that country in compliance with the INA, due process, and the Convention Against Torture (CAT), a binding international treaty. *Sagastizado*, 2025 WL 2957002, at *11.

64. On June 23, 2025, the Supreme Court of the United States granted a stay permitting the government to continue third country removals to countries willing to accept noncitizens, allowing a new DHS policy issued on February 18, 2025 to remain in place. *Dep't of Homeland Sec. v. D.V.D., et al.*, 145 S. Ct. 2153 (2025). Under that policy, so long as the third country has provided "what DHS believes to be 'credible' assurances that [noncitizens] removed from the United States will not be persecuted or tortured,' then (the policy says) DHS may remove the noncitizen to that country without any process." *Id.* (Sotomayor, J., dissenting).

65. However, the INA clearly instructs that DHS may only remove an individual to the designated country of removal on the noncitizen's final order of removal. 8 U.S.C. § 1231(b)(2)(A), (D). Further, removing individuals to countries other than the designated country of removal plainly violates the United States' obligations under the CAT and principles of due process because it allows DHS to provide individuals no notice whatsoever prior to their removal.

66. Thus, Roeun is likely to show that his re-detention is unlawful, where ICE failed to follow the requirements of 8 C.F.R. § 241.13(i)(2)-(3). Roeun is also likely to show success on the merits of his claim that he is entitled to constitutionally adequate procedures prior to removal. *Sagastizado*, 2025 WL 2957002 at *11 ("the Court is persuaded by Petitioner's argument that it should look to the existing regulations to provide substantive guidance as to the constitutional entitlement of noncitizens to due process in conducting its own inquiry into Sagastizado's due process claim").

67. Accordingly, Roeun has made a prima-facie showing of success on the merits, as his re-detention is unlawful because Respondents have not shown (i) that ICE relied on specific changed circumstances when revoking the OSUP; and (ii) that ICE provided Roeun with a meaningful opportunity to contest the revocation of his release.

E. Petitioner's Re-Detention Violates Due Process Where Petitioner Is Neither a Flight Risk Nor a Danger to the Community.

68. ICE failed to follow its own controlling regulations in re-detaining Roeun, and even if ICE had complied with the procedures set forth in those regulations, ICE's regulatory authority to unilaterally arrest Roeun is proscribed by the Due Process Clause. Indeed, the government's "decision to incarcerate non-citizens is always constrained by the requirements of due process." *See Young v. Harper*, 520 U.S. 143, 146-47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482-83 (1972); *Nguyen v. Bondi*, No. EP-25-CV-323-

KC, 2025 WL 3120516, at *7 (W.D. Tex. Nov. 7, 2025); *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017). This is particularly important where, as here, a noncitizen has been previously arrested and released, as individuals released from incarceration have a liberty interest in their freedom. *Nguyen*, 2025 WL 3120516, at *5; *see also Hurd v. Dist. of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) ("[A] person who is in fact free of physical confinement – even if that freedom is lawfully revocable – has a liberty interest that entitles [them] to constitutional due process before [they] [are] re-incarcerated"). To protect that interest, on the particular facts of Roeun's case, due process required notice and a hearing prior to any arrest, at which time Roeun should have been afforded an opportunity to advance arguments as to why he should not be re-detained. This never occurred.

69. There can be no doubt that Roeun – who is forty-five years old and has lived in the United States for almost his entire life – is entitled to the protections of the Due Process Clause. *See Zadvydas*, 533 U.S. at 693 (recognizing that the Due Process Clause "applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent").

70. "It requires 'at a minimum ... that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case.'" *Sagastizado*, 2025 WL 2957002, at *9 (quoting *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 313 (1950)). That noncitizens are entitled "to due process of law in the context of removal proceedings" is "well established." *Id.* (citing *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (per curiam) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993))).

71. Despite the overwhelming caselaw requiring Respondents to provide a hearing prior to re-detention, Roeun never received this process. *See* Appx. at 7-10 (Ex. A). Petitioner

now seeks a prohibitory injunction that returns him to the status quo prior to his re-detention – *i.e.*, release under his previous OSUP.[9] This is because such status quo is the last peaceable, uncontested status between Roeun and Respondents, which existed for over two decades. *See Abuelhawa*, 2025 WL 2937692, at *7 ("Any order of injunction commanding action by the Government with respect to that status between the parties would be prohibitory only, in that such order would simply direct that the Government not take action contrary to that status quo."); *see also Sagastizado*, 2025 WL 2957002, at *11 ("This Court finds that Petitioner is likely to succeed on his claims as a matter of procedural due process under the Fifth Amendment.").

72. Roeun has a protected interest in continued liberty. Individuals who have been "released from custody, even where such release is conditional, have a liberty interest in their continued liberty." *Morissey v. Brewer*, 408 U.S. 471, 482 (1997); *see also Trejo*, 2025 WL 2992187, at *8 (collecting cases holding same). Respondents released Roeun in 2005 after determining that (1) he was not removable in the foreseeable future; and (2) he was not a flight risk or danger to the community. Indeed, detention untethered to either of the *only* two regulatory goals of civil immigration detention – ensuring their appearance at future immigration proceedings and preventing danger to the community – violates due process. *Zadvydas*, 533 U.S. at 690-92.

73. Because Petitioner possesses a liberty interest in his release, the Court must consider the following factors to determine what process he was owed prior to re-detention: (1) "the private interest that will be affected by the official action"; (2) "the risk of erroneous deprivation of such interest through the procedures used, and the probative value, if any, of

---

[9] Should this Court find that Petitioner's request requires a mandatory injunction, Roeun also meets that higher standard, too, because the violation here concerns due process rights and his continued unlawful detention in violation of those rights constitutes extreme or very serious damage that will continue in the absence of an injunction. *Cf Abuelhawa*, 2025 WL 2937692, at *7, 787 F. Supp. 3d at 1090; *see also* Appx. at 7-10 (Ex. A) and discussion *supra*.

additional or substitute procedural safeguards"; and (3) "the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail." *Sagastizado*, 2025 WL 2957002, at *11-12 (applying the test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)).

F. Petitioner's Private Interest Is Strong.

74. The lengthy duration of Roeun's conditional release, as well as the meaningful connections Petitioner has made with his family and community during that time, create a powerful interest for Roeun in his continued liberty. *Sagastizado* 2025 WL 2957002, at *11-12; *Abuelhawa*, 2025 WL 2937692, at *11-12. One need not look further than the ample amount of declarations that have been submitted by Roeun's family and friends as support for his release. *See* Appx. at 35-127 (Exs. H-HH). Here, it is clear that nothing has changed much less that removal is reasonably foreseeable. *Id.* at 7-10. Given that Roeun was released by ICE under an OSUP over twenty years ago, after ICE determined that he was neither a risk of flight nor a danger, Roeun undoubtedly has a compelling interest in his continued liberty. Appx. at 22 (Ex. E).

75. Further, Respondents have failed to show that Roeun's re-detention was based on any adducible reason why his removal to Cambodia could be likely in the reasonably foreseeable future. Roeun was not required to obtain travel documents as a condition for his release (notably the OSUP only required that Roeun "assist" ICE) and he does not possess a birth certificate, passport, or other travel document. Appx. at 7-10 (Ex. A) & 22 (Ex. E).

G. Petitioner's Re-Detention Erroneously Deprived Him of His Liberty.

76. The risk of erroneous deprivation is particularly high where "ICE takes the position that it may revoke a release determination at any time without either a hearing before or additional oversight from a neutral adjudicator." *Sun*, 2025 WL 2730235 at *6. To be sure, Roeun has been

living the consequences of such erroneous deprivation since he was re-detained without any hearing or oversight by a neutral. *Nguyen*, 2025 WL 3120516, at *6-8 (finding petitioner was unconstitutionally deprived of liberty when ICE detained him without a pre-deprivation hearing). In any event, any post-detention procedural safeguards that ICE may offer Roeun now are insufficient, because they do no more than request that ICE reconsider the agency's unilateral detention decision without any requirement that a neutral party review that decision. *Id.* at *6.

77. Even if ICE was able to remove Roeun to Cambodia, the agency has pointed to no evidence supporting the contention that he would not appear for his removal – *i.e.*, that he is a flight risk. Indeed, Roeun diligently attended his check-ins for over the past twenty years. Appx. at 7-8 (Ex. A). Roeun's strong support system, including his wife, children, immediate and extended family, and friends, also weigh against Roeun being a flight risk. Appx. at 7-10 & 35-127 (Exs. H-HH); *see, e.g.*, *Andreasyan v. Gonzales*, 446 F. Supp. 2d 1186, 1190 (W.D. Wash. 2006) (finding letters of support weighed in favor of petitioner not posing a flight risk because of significant community ties, ordering ICE to impose supervised release pursuant to 8 C.F.R. § 241.5).

H. The Government's Interest in Re-Detaining Petitioner Without a Hearing Is Low.

78. It is axiomatic that immigration detention is civil, requiring that it be "nonpunitive in purpose and effect." *Zadvydas*, 533 U.S. at 690. When removal is not possible, continued detention is based solely on the noncitizen's "removable status itself[,] which bears no relation to a detainee's dangerousness" or potential risk of flight. *Id.* at 691-92. ICE previously determined that Roeun is neither a flight risk nor danger when the agency released him under an OSUP in 2005. *See Nguyen*, 2025 WL 3120516, at *7-8 (finding government interest was low where they

previously determined petitioner was neither a flight risk nor a danger to the community and it had been over a decade since then).

79. Further, the government's interest in preventing risk of flight is "weak or nonexistent where removal seems a remote possibility at best." *Zadvydas*, 533 U.S. at 690. In the instant case, Roeun has always complied with the conditions of his release and has never missed a check in, even when he received an ankle monitor and was informed that he would be re-detained. Appx. at 7-8 (Ex. A).

80. The government's other goal of protecting the community is "limited to specially dangerous individuals and subject to strong procedural protections." *Zadvydas*, 533 U.S. at 691. Again, Respondents have already determined that Roeun is not a danger to the community and, since his release, that fact has only strengthened given Roeun's compliance with the OSUP and his strong connection with his wife, children, immediate and extended family, and community. Thus, Roeun's continued detention is unjustified based on any danger he might pose to the community – which he does not.

81. Accordingly, each *Mathews* factor weighs in Roeun's favor. This Court should return Roeun to the status quo ante and order his release.

IV. PETITIONER IS ACTIVELY SUFFERING IRREPARABLE HARM IN DETENTION.

A. A Finding of Irreparable Injury Is Mandatory Due to the Constitutional Rights at Issue.

82. Absent an injunction, Roeun will continue to be detained unlawfully, separated from his wife, children, family, and community—much less can they easily visit him from California while he remains in Texas. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of liberty." *Zadvydas*, 533 U.S. at 690. It is well established that the deprivation of constitutional rights unquestionably constitutes

irreparable injury such that "a finding of irreparable harm is mandated if a constitutional right is threatened or impaired." *Sagastizado* 2025 WL 2957002, at *13 (quoting *Nuziard v. Minority Bus. Dev. Agency*, 676 F. Supp. 3d 473, 484 (N.D. Tex. 2023 and citing *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Thus, the deprivation of Roeun's liberty is a salient factor in a showing of irreparable harm.

B. Other Important Irreparable Harm Factors Include Separation From Family Members, Medical Needs, and Potential Economic Hardship.

83. Not only is a finding of irreparable harm mandatory due to the constitutional rights at issue, but other factors such as separation from family, medical needs, and economic hardship constitute irreparable harm. *Abuelhawa*, 2025 WL 2937692, at *11; *see also Andrieu v. Ashcroft*, 253 F.3d 477, 484 (9th Cir. 2001). Since his arrival at the Prairieland Detention Center in Texas, Roeun's health has exponentially deteriorated. Appx. at 9-10 (Ex. A). He has lost about ten pounds in just over a month because his body cannot properly digest the food in the detention center. *Id.* Due to his chronic illnesses such as COPD, Roeun is deeply fearful that he will contract a lung infection at the detention center due to the sheer number of people being detained there, as any common cold or flu could cause permanent damage to his lungs. *Id.*

84. In addition to his rapidly deteriorating physical health, Roeun's mental health has declined even more. *Id.* Because he was transferred to Texas, he has no friends or family nearby who can visit him. *Id.* His wife, who is only able to speak to him by phone, has had to assume Roeun's responsibilities at home (by being the sole provider and caretaker of their three young children) in addition to her demanding federal job. *Id.* & at 35-37. Roeun has not even told his mother that he is currently detained, and he has instructed his family to keep his detention unknown to her, as she recently suffered a stroke and learning of his current condition "will break her." *Id.* at 10.

C. Removal to a Third Country.

85. Further, Roeun will suffer irreparable harm should he be removed to a third country without first being provided constitutionally compliant procedures to ensure that his right to apply for fear-based relief is protected. It is clear that the deprivation of constitutional rights unquestionably constitutes irreparable injury. *Sagastizado*, 2025 WL 2957002, at *13-14; *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Thus, injunctive relief is necessary to prevent Roeun from suffering continued irreparable harm by being subject to unlawful re-detention, and by potentially being summarily removed to any third country where he may face persecution or torture.

V. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FACTORS WEIGH IN PETITIONER'S FAVOR.

86. Because the government is a party, the last two factors are considered together. *Nken v. Holder*, 556 U.S. 418, 435 (2009). It is not equitable or in the interest of the public to allow violations of the requirements of federal law, especially when there are no adequate remedies available. *Sagastizado*, 2025 WL 2957002, at *15; *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1069 (9th Cir. 2024) (quoting *Valle Del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013)). On the contrary, the public interest and the balance of the equities favor preventing the violation of a party's constitutional rights." *Sagastizado*, 2025 WL 2957002, at *15; *Ariz. Dream*, 757 F.3d at 1069 (quoting *Melendres*, 695 F.3d at 1002).

87. Indeed, Respondents' interest in keeping Roeun detained without a hearing much less without due process is low, and when weighed against his significant private interest in his liberty, the scale tips sharply in favor of ordering release. It becomes abundantly clear that the *Mathews* test favors Roeun when considering the process he seeks – release from civil custody

until he is provided with notice and a hearing regarding whether he should be re-detained – is standard for the government. *See Sagastizado*, 2025 WL 2957002, at *15.

88. Accordingly, the public interest and the interest of Roeun overwhelmingly favors injunctive relief.

CONCLUSION & PRAYER

89. Petitioner's compelling and time-sensitive situation exceeds the minimum standard for obtaining temporary relief to restore the status quo ante. For the foregoing reasons, this Court should grant this Emergency Motion and Memorandum in Support for Temporary Restraining Order and Preliminary Injunction by ordering that:

a. Respondents are ENJOINED from further holding Petitioner in custody, subsequently re-arresting him unless and until he is afforded notice and a hearing before a neutral decisionmaker on the question of whether his release should be revoked, and from removing him to any third country without first providing constitutionally compliant procedures.

b. Respondents are COMPELLED to return Petitioner immediately to the conditions of his preexisting order of supervision.

DATED: December 19, 2025

/s/ Tracy L. McCreight
Tracy L. McCreight
State Bar No. 24037064
Email: TMcCreight@duanemorris.com
Brittany Murphree
State Bar No. 24137998
(NDTX Admission Submitted and Pending)
Email: bmurphree@duanemorris.com
DUANE MORRIS LLP
Terrace 7, 2801 Via Fortuna
Suite 200
Austin, TX 78746-7567
Telephone: 512.277.2300
Fax: 512.277.2301

Kristin M. Burns
State Bar No. 24102934
Email: KMBurns@duanemorris.com
DUANE MORRIS LLP
200 Crescent Court, Suite 900
Dallas, Texas 75201
Telephone: 214.257.7200
Fax: 214.257.7201

Brynna Bolt (CA SBN 339378)
bbolt@immdef.org
IMMIGRANT DEFENDERS LAW CENTER
634 S. Spring Street, 10th Floor
Los Angeles, CA 90014
Telephone: (213) 340-6583

Attorneys for Petitioner Chanda Roeun

CERTIFICATE OF SERVICE

On December 19, 2025, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by the Federal Rule of Civil Procedure 5(b)(2).

/s/ Kristin M. Burns
Kristin M. Burns