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6 Proposed Attorneys for Petitioner
Khoanh A. Lam

7
8 **United States District Court**
9 **Central District of California**

10 Khoanh A. Lam

No. 25-11747

11 Petitioner,

**Application for Temporary
Restraining Order and
Preliminary Injunction**

12 v.

13 Kristi Noem, et al.

14 Respondents.
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17 Simultaneously with this document, Khoanh Lam has filed a petition for a writ of
18 habeas corpus under 28 U.S.C. § 2241. Because he is almost certain to prevail on at
19 least one of his claims, he respectfully asks the Court to:

20 (1) issue a temporary restraining order ordering Respondent to:

- 21 (a) immediately release Petitioner from custody,
22 (b) refrain from removing Petitioner from the United States or taking him from
23 the Central District of California,
24 (c) restore Petitioner to the status quo prior to his detention by reinstating his
25 prior order of supervision; and
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1 (d) show cause why Petitioner’s application for a preliminary injunction should
2 not be granted; and

3 (2) ultimately grant Petitioner a preliminary injunction.

4 “A plaintiff seeking a preliminary injunction must establish that he is likely to
5 succeed on the merits, that he is likely to suffer irreparable harm in the absence of
6 preliminary relief, that the balance of equities tips in his favor, and that an injunction is
7 in the public interest.” *Planned Parenthood Great Northwest v. Labrador*, 122 F.4th
8 825, 843-44 (9th Cir. 2024) (quoting *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d
9 1127, 1131 (9th Cir. 2011)). “Alternatively, a preliminary injunction may issue where
10 serious questions going to the merits were raised and the balance of hardships tips
11 sharply in plaintiff’s favor if the plaintiff also shows that there is a likelihood of
12 irreparable injury and that the injunction is in the public interest.” *Id.* at 844 (quoting
13 *Alliance for the Wild Rockies*, 632 F.3d at 1135). The standards for granting a
14 temporary restraining order are the same as the standards for granting a preliminary
15 injunction. *See O.M. v. Nat’l Women’s Soccer League, LLC*, 541 F. Supp. 3d 1171,
16 1177 (D. Or. 2021).

17 First, Mr. Lam is almost certain to succeed on the merits of his habeas petition
18 for the reasons set forth in his petition. And this factor, after all, is “the most important
19 factor.” *Chamber of Commerce of the United States v. Bonta*, 62 F.4th 473, 481 (9th
20 Cir. 2023) (quoting *California ex. Rel. Becerra v. Azar*, 950 F.3d 1067, 1083 (9th Cir.
21 2020) (en banc)).

22 Second, illegal confinement is quintessentially irreparable harm, because “the
23 deprivation of constitutional rights unquestionably constitutes irreparable injury.”
24 *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

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1 Third, and finally, when the government is a party, as it is here, “the balance of
2 equities and public interest factors merge.” *Pimentel-Estrada v. Barr*, 464 F. Supp. 3d
3 1225, 1237 (W.D. Wash. 2020) (citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d
4 1073, 1092 (9th Cir. 2014)). The risk of harm to Mr. Lam far outweighs the
5 government’s interest in illegally detaining him, for it is “always in the public interest
6 to prevent the violation of a party’s constitutional rights.” *Melendres*, 695 F.3d at 1002.

7 Therefore, the Court should:

- 8 (1) Immediately grant Petitioner a temporary restraining order, and order
9 Respondent to:
- 10 a. Immediately release Petitioner from custody;
 - 11 b. Refrain from removing Petitioner from the United States or taking
12 him from the Central District of California;
 - 13 c. Restore Petitioner to the status quo prior to his re-detention by
14 reinstating his prior order of supervision; and
 - 15 d. Show cause why Petitioner’s application for a preliminary injunction
16 should not be granted.
- 17
- 18 (2) Ultimately grant Petitioner a preliminary injunction.

19 Lastly, Federal Rule of Civil Procedure 65(c) requires that, prior to granting
20 injunctive relief, the Court require a movant to pay security “in an amount that the court
21 considers proper to pay the costs and damages sustained by any party found to have
22 been wrongfully enjoined or restrained.” Fed. R. Civ. P. 65(c). This rule “invests the
23 district court with discretion as to the amount of security required, if any.” *Johnson v.*
24 *Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009) (quoting *Jorgensen v. Cassidy*, 320
25 F.3d 906, 919 (9th Cir. 2003)) (internal quotation marks omitted). The Court should
26 waive the bond requirement here, as it is unlikely that the government will incur any
27 significant cost and requiring a bond “would have a negative impact on plaintiff’s
28 constitutional rights, as well as the constitutional rights of other members of the

1 public.” *Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719, 738 (C.D. Cal.
2 1996) (citation omitted).

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4 Respectfully submitted,
5 Cuauhtemoc Ortega
6 Federal Public Defender

7 Dated: December 11, 2025 By: /s/ Emily J.M. Groendyke
8 EMILY J.M. GROENDYKE
9 Deputy Federal Public Defender

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Proposed Attorneys for Petitioner
Khoanh A. Lam

1 **DECLARATION OF EMILY GROENDYKE**

2 I, Emily Groendyke, hereby state and declare as follows:

3 1. I am a Deputy Federal Public Defender (“DFPD”) in the Office of the
4 Federal Public Defender in the Central District of California.

5 2. I am proposed counsel for Petitioner Khoanh A. Lam and filed an
6 application for a temporary restraining order and preliminary injunction requiring
7 Respondents to:

- 8 a. Immediately release Petitioner from custody;
9 b. Refrain from removing Petitioner or taking him from the Central
10 District of California;
11 c. Restore Petitioner to the status quo prior to their re-detention by
12 reinstating their prior order of supervision; and
13 d. Show cause why Petitioner’s Application for Preliminary
14 Injunction should not be granted.
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16 3. In accordance with Federal Rule of Civil Procedure 65(b)(1)(A), Local
17 Rule 65-1, and Local Rule 7-19, for all the reasons set forth in the verified petition
18 and the application, the issuance of a temporary restraining order is necessary to
19 prevent irreparable harm, *i.e.*, the illegal confinement of Petitioner and the violation
20 of Petitioner’s federal constitutional and statutory rights.

21 4. In accordance with Federal Rule of Civil Procedure 65(b)(1)(B), Local
22 Rule 65-1, and Local Rule 7-19 and 7-19.1, I understand Respondents’ counsel to be
23 noticeable to:

24 Daniel A. Beck, Assistant United States Attorney
25 Chief, Complex and Defensive Litigation Section
26 United States Attorney’s Office, Central District of California
27 300 N. Los Angeles Street, Suite 7516, Los Angeles, CA 90012
28 T: (213) 894-2574 | F: (213) 894-7819 | daniel.beck@usdoj.gov

1 5. Yesterday, I emailed Mr. Beck to alert him of my intent to file today. I
2 informed him of Mr. Lam's name and A number, as well as the claims that would be
3 raised on his behalf.

4 6. This morning I called him to inform him that I would file shortly. Mr.
5 Beck advised me that the government opposes the Application for Temporary
6 Restraining Order.

7 7. Today, prior to the filing of this Application for Temporary Restraining
8 Order and Preliminary Injunction in this matter, I emailed the following documents
9 to Daniel Beck at daniel.beck@usdoj.gov:

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11 a. Petitioner's Petition for Writ of Habeas Corpus;
12 b. Petitioner's Application for Temporary Restraining Order and
13 Preliminary Injunction and Proposed Temporary Restraining
14 Order and Order to Show Cause; and
15 c. Petitioner's Request for Appointment of Counsel and Proposed
16 Order Appointing Counsel.

17 8. For all the reasons stated above, I believe that I have complied with
18 Federal Rule of Civil Procedure 65(b)(1), Local Rule 65-1, and Local Rule 7-19, and
19 that it is therefore appropriate and in the interests of justice for the Court to grant
20 Petitioner's requested relief without receiving an opposition from Respondent's
21 counsel, though Petitioner also is not opposed to the Court granting Respondent an
22 opportunity to respond to Petitioner's application.

23 I declare under penalty of perjury under the laws of the United States of America
24 that the foregoing is true and correct.

25 Executed on December 11, 2025, at Los Angeles, California.

26
27 /s/ Emily J.M. Groendyke
28 EMILY J.M. GROENDYKE