

SUPPLEMENTAL DECLARATION OF HEN KY TON

I, Hen Ky Ton, hereby declare as follows:

1. I have been employed with Onside Construction since 2019.
2. I have checked in regularly with immigration authorities since my release on supervision in 1999. I have informed the authorities of my place of employment and provided proof of my employment at these check-ins.
3. I was detained by ICE on November 14, 2025. At the time of my detention, ICE officers did not tell me I had violated any conditions of my supervised release.
4. I have not spoken to anyone from the Vietnamese consulate since my detention.
5. On December 18, 2025, I spoke with my attorney, Daniel Lemer, on the phone and gave him this information. He read this declaration to me over the phone. I authorized him to sign it on my behalf.

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

DATED: 12-23-2025



Hen Ky Ton

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OF HEN KY TON**

envelope to an ICE officer for mailing the same day. On December 18, 2025, I spoke on the phone with Mr. Lemer, who informed me he had not yet received the signed declaration. I authorized him to sign another copy of this declaration on my behalf if he did not receive it before the Court's briefing deadline.

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

DATED: 12-23-2025



Hen Ky Ton

DECLARATION OF HEN KY TON

I, Hen Ky Ton, hereby declare as follows:

1. I was born in Vietnam. I came to the United States on January 24, 1990 as a refugee and later obtained legal permanent resident status. I have lived in the United States for the past 35 years. I have a wife and two children, all U.S. citizens. I live in Baldwin Park, California, with my wife and daughter.

2. On January 18, 1996, I was convicted of robbery. After I served my sentence, I was transferred to immigration custody. An immigration judge ordered me removed from the United States on September 9, 1997. I appealed the immigration judge's order, and my appeal was dismissed on June 29, 1998.

3. After my appeal was dismissed, I stayed in immigration custody until an order for my release under supervision was issued on July 21, 1999. I was released on or around that date.

4. To my knowledge, I have been in full compliance with the conditions of my release from 1999 until now. I have never been given notice that I violated any of my conditions of release. I am not aware of any changed circumstances that would justify the revocation of my supervised release.

5. As one of the conditions of my release, I was required to check in with Immigration and Customs Enforcement ("ICE") once a year. At my most recent check-in, on November 14, 2025, I was detained by ICE officers. The officers did not tell me why my supervised release was being revoked. I have been in ICE custody since November 14, 2025, and am currently housed at ICE's facility in Adelanto, California. I have not been given a hearing or any opportunity to challenge my detention.

6. On December 16, 2025, I signed a copy of this declaration and placed it in a pre-paid FedEx overnight envelope provided by my attorney, Daniel Lemer. I delivered that

DECLARATION OF HEN KY TON

1 CUAUHTEMOC ORTEGA (Bar No. 257443)
Federal Public Defender
2 DANIEL LEMER (Bar No. 358266)
(E-Mail: Daniel.Lemer@fd.org)
3 Deputy Federal Public Defender
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4 Los Angeles, California 90012-4202
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6 Attorneys for Petitioner
HEN KY TON

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **EASTERN DIVISION-RIVERSIDE**

11 HEN KY TON,
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13 Petitioner,
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15 v.
16 KRISTI NOEM, et. al.,
17
18 Respondents.

Case No.: 5:25-cv-03348-DMG-DSR

NOTICE OF FILING SUPPLEMENTAL EXHIBITS

Honorable Dolly M. Gee

16 Petitioner Hen Ky Ton hereby files as supplemental exhibits copies of
17 Petitioner's Declaration and Supplemental Declaration personally signed by Mr. Ton,
18 as per this Court's orders of December 11, 2025, (Dkt. 6), and December 22, 2025
19 (Dkt. 12 at 2, n.2). Copies of both declarations, signed by counsel with Petitioner's
20 authorization, were filed as exhibits to Petitioner's Reply to Respondents' Opposition
21 to Petitioner's Motion for Preliminary Injunction, (Dkt. 9).

22 Respectfully submitted,
23 Cuauhtemoc Ortega
24 Federal Public Defender

25 Dated: December 23, 2025

By: /s/ Daniel Lemer
Daniel Lemer
Deputy Federal Public Defender

26
27 Attorneys for Petitioner
28 Hen Ky Ton