



1 (d) show cause why Petitioner’s application for a preliminary  
2 injunction should not be granted; and  
3 (2) ultimately grant Petitioner a preliminary injunction.

4 “A plaintiff seeking a preliminary injunction must establish that he is  
5 likely to succeed on the merits, that he is likely to suffer irreparable harm  
6 in the absence of preliminary relief, that the balance of equities tips in his  
7 favor, and that an injunction is in the public interest.” *Planned Parenthood*  
8 *Great Northwest v. Labrador*, 122 F.4th 825, 843-44 (9th Cir. 2024) (quoting  
9 *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir.  
10 2011)). “Alternatively, a preliminary injunction may issue where serious  
11 questions going to the merits were raised and the balance of hardships tips  
12 sharply in plaintiff’s favor if the plaintiff also shows that there is a  
13 likelihood of irreparable injury and that the injunction is in the public  
14 interest.” *Id.* at 844 (quoting *Alliance for the Wild Rockies*, 632 F.3d at  
15 1135). The standards for granting a temporary restraining order are the  
16 same as the standards for granting a preliminary injunction. *See O.M. v.*  
17 *Nat’l Women’s Soccer League, LLC*, 541 F. Supp. 3d 1171, 1177 (D. Or.  
18 2021).

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

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

28

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

8 Therefore, the Court should:

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

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

1 unlikely that the government will incur any significant cost and requiring a  
2 bond “would have a negative impact on plaintiff’s constitutional rights, as  
3 well as the constitutional rights of other members of the public.” *Baca v.*  
4 *Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719, 738 (C.D. Cal. 1996)  
5 (citation omitted).

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Respectfully submitted,  
Cuauhtemoc Ortega  
Federal Public Defender

Dated: December 12, 2025 By: /s/ Katherine Farkas  
KATHERINE FARKAS  
Deputy Federal Public Defender

Proposed Attorneys for Petitioner  
Bat A. Ung



1 T: (213) 894-2574 | F: (213) 894-7819 | daniel.beck@usdoj.gov

2 5. Yesterday morning, I emailed Mr. Beck to alert him of my  
3 intent to file today. I informed him of Mr. Ung's name and A number, as  
4 well as the claims that would be raised on his behalf. I invited a call and  
5 advised him of my availability for a call.

6 6. Yesterday afternoon, I filed the following documents and  
7 emailed them to Mr. Beck at daniel.beck@usdoj.gov:

- 8 a. Petitioner's Petition for Writ of Habeas Corpus;  
9 b. Petitioner's Request for Appointment of Counsel and  
10 Proposed Order Appointing Counsel.  
11

12 7. This morning, prior to this filing, I spoke with Mr. Beck about  
13 the factual basis for the claims at issue in this petition and the timing for  
14 the filing and briefing of this application for a temporary restraining  
15 order and preliminary injunction. Mr. Beck advised me that he would  
16 oppose this application and asked that I email it to him when I filed. In  
17 accordance with this request, I emailed this application to Mr. Beck prior  
18 to its filing.

19 8. For all the reasons stated above, I believe that I have complied  
20 with Federal Rule of Civil Procedure 65(b)(1), Local Rule 65-1, and Local  
21 Rule 7-19, and that it is therefore appropriate and in the interests of  
22 justice for the Court to grant Petitioner's requested relief without  
23 receiving an opposition from Respondent's counsel, though Petitioner also  
24 is not opposed to the Court granting Respondent an opportunity to  
25 respond to Petitioner's application.  
26  
27  
28

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

3 Executed on December 12, 2025, at Los Angeles, California.

4

5

*/s/ Katherine Farkas*  
KATHERINE FARKAS

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Petitioner Bat A. Ung, certifies that this brief contains 1,222 words, which complies with the word limit of L.R. 11-6.1.

Dated: December 12, 2025

/s/ Katherine Farkas  
Katherine Farkas