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10 **United States District Court**
11 **Central District of California**

12 Cuong Tu Hong
13 Petitioner,
14 v.
15 Kristi Noem, et al.
16 Respondents.

No. 5:25-cv-03353

**Reply in Support of Request for
Preliminary Injunction**

Hon. R. Gary Klausner

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REPLY

The Court has ordered expedited briefing on an order to show cause why the preliminary injunction Hong seeks should not issue. (ECF No. 13.)

The deadline for the government’s response passed yesterday. (*Id.*) Hong’s request for a preliminary hearing is thus unopposed.

The preliminary injunction should therefore issue for the reasons in Hong’s request (ECF No. 10) and petition for a writ of habeas corpus (ECF No. 2, Pet., at 6–15). To recap:

1. Hong has been held beyond the six months presumed reasonable under *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001). He has shown good reason to believe that there is no significant likelihood of his removal—not least in that an immigration judge has terminated removal proceedings. The government has failed to rebut that showing. Hong is therefore entitled to release under *Zadvydas*. (Pet. at 6–9 (Ground One).)
2. The government violated due process by redetaining Hong (who’d been on supervised release) having cited no changed circumstances that made removal significantly likely, nor any violations by Hong of his supervised release conditions, and having failed to notify him of the reasons for his revocation, to afford him an initial informal interview after his return to custody to give him a chance to respond to them, and to give him an opportunity to submit evidence or information to show no significant likelihood of removal—failures all that district courts

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have consistently held in similar circumstances to violate due process. (Pet. at 9–11 (Ground Two).)

3. Hong is subject to a concrete risk that the government will remove him to a third country, either without notice and other process due or for a punitive purpose. (Pet. at 12–15 (Grounds Three and Four).)

For any or all of these reasons, the preliminary injunction should issue.

Respectfully submitted,
CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: December 23, 2025

s/ Michael T. Drake

MICHAEL T. DRAKE
Deputy Federal Public Defender

Counsel for Petitioner
CUONG TU HONG

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CERTIFICATE OF COMPLIANCE

Undersigned counsel certifies that this brief contains 300 words,
which complies with the word limit of L.R. 11-6.1.

Dated: December 23, 2025

s/ Michael T. Drake
MICHAEL T. DRAKE
Deputy Federal Public Defender