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7 Proposed Attorneys for Petitioner
TUAN BUI

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9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 TUAN BUI

13 Petitioner,

14 v.

15 KRISTI NOEM, et al.

16 Respondents,
17

No. 5:25-cv-3370

**APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

18
19 Simultaneously with this document, Bui has filed a petition for a writ
20 of habeas corpus under 28 U.S.C. § 2241. Because he is very likely to
21 prevail on at least one of his claims, he respectfully asks the Court to (1)
22 issue a temporary restraining order ordering Respondent to: (a)
23 immediately release Petitioner from custody, (b) refrain from removing
24 Petitioner from the United States or taking him from the Central District of
25 California, (c) restore Petitioner to the status quo prior to his detention by
26 reinstating his prior order of supervision; and (d) show cause why
27 Petitioner's application for a preliminary injunction should not be granted;
28 and (2) ultimately grant Petitioner a preliminary injunction.

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

16 **A. Likelihood of success on the merits**

17 First, Bui is very likely 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
19 most important factor.” *Chamber of Commerce of the United States v.*
20 *Bonta*, 62 F.4th 473, 481 (9th Cir. 2023) (quoting *California ex. Rel. Becerra*
21 *v. Azar*, 950 F.3d 1067, 1083 (9th Cir. 2020) en banc)).

22 **B. Likelihood of irreparable harm**

23 Second, illegal confinement is quintessentially irreparable harm,
24 because “the deprivation of constitutional rights unquestionably constitutes
25 irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).
26 As set forth in Claims 1 and 2 of his habeas petition, Bui’s confinement is
27 illegal because it was brought about without proper notice and with no
28

1 significant likelihood of removal.

2 **C. Balance of equities and the public interest**

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

10 Therefore, the Court should:

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

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

1 *Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003)) (internal quotation marks
2 omitted). The Court should waive the bond requirement here, as it is
3 unlikely that the government will incur any significant cost, and requiring
4 a bond “would have a negative impact on plaintiff’s constitutional rights, as
5 well as the constitutional rights of other members of the public.” *Baca v.*
6 *Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719, 738 (C.D. Cal. 1996)
7 (citation omitted).

8
9 Respectfully submitted,

10 CUAUHTEMOC ORTEGA
11 Federal Public Defender

12 Dated: December 12, 2025

By: /s/ Colin Threlkeld

13 COLIN THRELKELD

14 C. PAMELA GÓMEZ
15 Deputy Federal Public Defenders

16 Proposed Attorneys for Petitioner
17 TUAN BUI
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1 **DECLARATION OF COLIN THRELKELD**

2 I, Colin Threlkeld, hereby state and declare as follows:

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

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

- 8 a. Immediately release Petitioner from custody;
9 b. Refrain from removing Petitioner or taking him from the
10 Central District of California;
11 c. Restore Petitioner to the status quo prior to their re-
12 detention by reinstating their prior order of supervision; and
13 d. Show cause why Petitioner’s Application for Preliminary
14 Injunction should not be granted.

15 3. In accordance with Federal Rule of Civil Procedure 65(b)(1)(A),
16 Local Rule 65-1, and Local Rule 7-19, for all the reasons set forth in the
17 verified petition and the application, the issuance of a temporary
18 restraining order is necessary to prevent irreparable harm, *i.e.*, the illegal
19 confinement of Petitioner and the violation of Petitioner’s federal
20 constitutional and statutory rights.

21 4. In accordance with Federal Rule of Civil Procedure 65(b)(1)(B),
22 Local Rule 65-1, and Local Rule 7-19 and 7-19.1, I understand
23 Respondents’ counsel to be 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
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T: (213) 894-2574; E-mail: Daniel.beck@usdoj.gov

5. On December 11, 2025, I emailed Mr. Beck to alert him of my intent to file today. I informed him of Mr. Bui's name and A number, as well as the claims that would be raised on his behalf.

6. Later on December 11, we orally discussed my intent to file today and the basis for the claims I would be raising. Mr. Beck advised me that the government opposes the Application for Temporary Restraining Order.

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

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

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