

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 5:25-cv-03370-RGK-AJR Date December 15, 2025

Title Tuan Bui v. Kristi Noem et al.

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

Proceedings: **(IN CHAMBERS) Order Re: Petitioner's Ex Parte Application for Temporary Restraining Order [DE 3]**

I. INTRODUCTION

On December 12, 2025, Tuan Bui ("Petitioner") filed the present Application for Temporary Restraining Order ("Application") against Kristi Noem, Pamela J. Bondi, Thomas Giles, James Pilkington, and Geo Group Inc. (collectively "Defendants"). Petitioner, a noncitizen who has been living in the United States pursuant to an Order of Supervision ("OSUP"), is in U.S. Immigration and Customs Enforcement ("ICE") custody.

Petitioner seeks the Court's order that Petitioner be released from detention immediately and for his OSUP to be reinstated. For the following reasons, the Court **DENIES** the application.

II. JUDICIAL STANDARD

To justify *ex parte* relief, the movant must show: (1) "why the . . . ultimate relief requested cannot be calendared in the usual manner[;]" and (2) that he is "without fault in creating the crisis that requires *ex parte* relief." *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995).

III. DISCUSSION

Petitioner seeks the Court's order requiring that he be released from detention immediately. However, Petitioner fails to meet the standard needed to justify *ex parte* relief.

Petitioner must show "why the accompanying proposed motion for the ultimate relief requested cannot be calendared in the usual manner. [T]he evidence must show that the moving party's cause will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures." *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. at 492.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 5:25-cv-03370-RGK-AJR

Date December 15, 2025

Title *Tuan Bui v. Kristi Noem et al.*

Petitioner fails to establish why their *Ex Parte* Application cannot be calendared in the usual manner. It is not clear to the Court why Petitioner, who has been in custody for about one month, requires immediate action through the *ex parte* process to be granted release. Petitioner alleges no facts that specify why the Court *must* grant him relief by way of the current Application or risk irreparable prejudice should the merits of the Application be heard according to the regular noticed motion procedures. Accordingly, Petitioner fails to meet the first element of the *Mission Power* test, and *ex parte* relief is not justified.

IV. CONCLUSION

For the foregoing reasons, Petitioner's Application is **DENIED**.

IT IS SO ORDERED.

Initials of Preparer

JRE/sh
