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6 Proposed Attorneys for Petitioner
Dung Pham

7
8 **United States District Court**
9 **Central District of California**

10
11 Dung Pham

12 Petitioner,

13 v.

14 Kristi Noem, et al.

15 Respondents.
16
17

No. 25-3373

**Application for Temporary
Restraining Order and
Preliminary Injunction**

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19 Simultaneously with this document, Dung Pham has filed a petition
20 for a writ of habeas corpus under 28 U.S.C. § 2241. Because she is almost
21 certain to prevail on at least one of her claims, she respectfully asks the
22 Court to (1) 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 her from the Central District of
25 California, (c) restore Petitioner to the status quo prior to her detention by
26 reinstating her 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 [s]he
2 is likely to succeed on the merits, that [s]he is likely to suffer irreparable
3 harm in the absence of preliminary relief, that the balance of equities tips
4 in [her] favor, and that an injunction is in the public interest.” *Planned*
5 *Parenthood Great Northwest v. Labrador*, 122 F.4th 825, 843-44 (9th Cir.
6 2024) (quoting *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131
7 (9th Cir. 2011)). “Alternatively, a preliminary injunction may issue where
8 serious questions going to the merits were raised and the balance of
9 hardships tips sharply in plaintiff’s favor if the plaintiff also shows that
10 there is a likelihood of irreparable injury and that the injunction is in the
11 public interest.” *Id.* at 844 (quoting *Alliance for the Wild Rockies*, 632 F.3d
12 at 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 First, Pham is almost certain to succeed on the merits of her habeas
17 petition for the reasons set forth in his petition. And this factor, after all, is
18 “the most important factor.” *Chamber of Commerce of the United States v.*
19 *Bonta*, 62 F.4th 473, 481 (9th Cir. 2023) (quoting *California ex. Rel. Becerra*
20 *v. Azar*, 950 F.3d 1067, 1083 (9th Cir. 2020) en banc).

21 Second, illegal confinement is quintessentially irreparable harm,
22 because “the deprivation of constitutional rights unquestionably constitutes
23 irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).
24 And here, Pham faces an additional irreparable harm: As set forth in the
25 petition, Pham has several serious medical vulnerabilities and has an
26 oncology appointment on Tuesday, December 16th where bloodwork and an
27 ultrasound are scheduled to be performed. *See Pet.* at 3-5

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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 Pham far outweighs the government’s interest in illegally detaining her,
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 her from the Central District of California;
14 c. Restore Petitioner to the status quo prior to her re-
15 detention by reinstating her prior order of supervision; and
16 d. Show cause why Petitioner’s application for a preliminary
17 injunction should not be granted.
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19 (2) Ultimately grant Petitioner a preliminary injunction.
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1 **DECLARATION OF JONAH ROSENBAUM**

2 I, Jonah Rosenbaum, 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 Dung Pham 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 her 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;
13 and

14 d. Show cause why Petitioner’s Application for Preliminary
15 Injunction should not be granted.

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

22 4. In accordance with Federal Rule of Civil Procedure 65(b)(1)(B),
23 Local Rule 65-1, and Local Rule 7-19 and 7-19.1, I understand
24 Respondents’ counsel to be noticeable to:

25 Daniel A. Beck, Assistant United States Attorney
26 Chief, Complex and Defensive Litigation Section
27 United States Attorney’s Office, Central District of
28 California

1 300 N. Los Angeles Street, Suite 7516, Los Angeles,
2 CA 90012, T: (213) 894-2574 | F: (213) 894-7819
3 daniel.beck@usdoj.gov

4 5. I emailed Mr. Beck on December 11, 2025, at 10:41 a.m., to
5 alert him of my intent to file on December 12 and to inquire whether Mr.
6 Beck felt it would be beneficial to speak by phone in advance of filing. Mr.
7 Beck indicated that he felt it would be beneficial and we spoke by phone
8 on December 12, 2025 at 10:14 a.m. Mr. Beck advised me that he would
9 oppose the Application for Temporary Restraining Order.

10 6. Prior to the filing of this Application for Temporary
11 Restraining Order and Preliminary Injunction in this matter: I emailed
12 the following documents to Daniel Beck at daniel.beck@usdoj.gov. I
13 likewise emailed the documents to USACAC.Habeas@usdoj.gov,
14 CaseView.ECF@usdoj.gov, usacac.civil@usdoj.gov, and [dcs.cacd@usdoj.gov](mailto:oil-
15 <a href=).

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

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

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.

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/s/ Jonah Rosenbaum
JONAH ROSENBAUM