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11
12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14
15 DUNG PHAM,

16 Petitioner,

17 v.

18 KRISTI NOEM; *et al.*,

19 Respondents.

No. 5:25-cv-MEMF-PD

**RESPONDENTS' RESPONSE TO
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

Hon. Maame Ewusi-Mensah Frimpong
United States District Judge

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1 **RESPONDENTS' RESPONSE TO OSC RE: PRELIMINARY INJUNCTION**

2 On December 22, 2025, the Court issued an order [Dkt. 11] providing that the
3 Respondents were enjoined from continuing to detain Petitioner and further directing
4 Respondents to release Petitioner "as soon as reasonably practicable." Dkt. 11 at 13. The
5 Court's order further required Respondents to show cause as to why a preliminary
6 injunction should not issue. Respondents hereby show such cause.

7 Pursuant to the Court's order, Petitioner was released from the custody of U.S.
8 Immigration and Custom's Enforcement ("ICE") on December 23, 2025. Accordingly,
9 this moots the requested preliminary injunction and this habeas petition more generally.
10 *See, e.g., Munoz v. Rowland*, 104 F.3d 1096, 1097–98 (9th Cir. 1997) ("Because [the
11 petitioner] has been released ..., we can no longer provide him the primary relief sought
12 in his habeas corpus petition.").

13 While Respondents continue to oppose the issuance of a preliminary injunction
14 pursuant to the legal positions stated in the Respondents' brief in opposition to the
15 Petitioners' *ex parte* application for a temporary restraining order [Dkt. 9], and the
16 Respondents maintain that those positions warrant denying a preliminary injunction on
17 the merits, the issue is mooted in any event by the TRO's issuance [Dkt. 11] and the
18 subsequent release of Petitioner from ICE custody. *See e.g. Moises Salomon Zaragoza*
19 *Mosqueda v. Kristi Noem et al.*, 5:25-cv-002304-CAS-BFM, Dkt. no. 15 (September 17,
20 2025 minute order by Hon. Judge Snyder, denying preliminary injunction and issuing
21 OSC re dismissal for mootness given the petitioners' receipt of immigration bond
22 hearings); and Dkt. no. 16 (notice of voluntary dismissal); *Coc Tut v. Kristi Noem*, 5:25-
23 cv-02701-DOC (October 30, 2025 order denying preliminary injunction as moot and
24 issuing OSC re: dismissal where bond hearings were provided to detainees pursuant to
25 TRO); *Iron Arrow Honor Society v. Heckler*, 464 U.S. 67, 70 (1983); *United States v.*
26 *Geophysical Corp. of Alaska*, 732 F.2d 693, 698 (9th Cir. 1984) ("We cannot take
27 jurisdiction over a claim as to which no effective relief can be granted.").

28 Accordingly, the OSC re: preliminary injunction should be discharged, and the

1 case dismissed as moot.

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3 Dated: December 31, 2025

Respectfully submitted,

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