

UNITED STATES DISTRICT COURT
FOR MINNESOTA

SAENGNAKHONE SOUKCHALEUN,

Petitioner-Plaintiff,

v.

KRISTI NOEM, in
her official capacity as Secretary of the U.S.
Department of Homeland Security;

TODD LYONS, in his official capacity as
Acting Director of U.S. Immigration and
Customs Enforcement;

MICHAEL BOTTJEN, in his official
capacity as Acting Deputy Field Office
Director of St. Paul-Minneapolis Office,
U.S. Immigration and Customs
Enforcement; and

DAVID ISAIS, in his official capacity as
Jail Commander, Sherburne County Jail.

Respondents-Defendants.

Civil Case No.

**PETITIONER'S EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

INTRODUCTION

Saengnakhone Soukchaleun ("Petitioner" or "Mr. Soukchaleun") is a long-time resident of Minnesota who has lived in the United States since he was approximately one year old. He is currently unlawfully detained by Respondents at the Sherburne County Jail following the revocation of an order of supervision issued after his final order of removal.

Respondents previously determined that Petitioner was neither a flight risk nor a danger to

2025, Immigration and Customs Enforcement (“ICE”) officers arrested Petitioner at his home. They revoked his order of supervision without notice, without an opportunity to be heard, without required findings, and without action by an authorized official, in violation of the Fifth Amendment, the Immigration and Nationality Act (“INA”), implementing regulations, the Administrative Procedure Act (“APA”), and the *Accardi* doctrine.

Petitioner seeks a Temporary Restraining Order requiring (1) his immediate release from Respondents’ custody and (2) an order prohibiting his transfer or removal while this Court adjudicates his habeas petition and related claims.

FACTS OF THE CASE

Mr. Soukchaleun is a thirty-six-year-old Lao refugee who has resided in the United States for approximately thirty-five years. He has no meaningful ties to Laos and considers the United States his home.

On June 30, 2009, Mr. Soukchaleun was ordered removed by an Immigration Judge in Fort Snelling, Minnesota. Because ICE was unable to effectuate removal, Mr. Soukchaleun was released on an order of supervision pursuant to 8 U.S.C. § 1231(a)(3) after it was determined that Mr. Soukchaleun was neither a danger to the community nor a flight risk.

Mr. Soukchaleun has been in a committed relationship with his partner for approximately sixteen years. Together, they raise nine children. Mr. Soukchaleun serves as the primary caregiver and homemaker while his partner works full-time. His sudden detention has caused severe hardship to his family, particularly his minor children. Furthermore, approximately one week before his arrest, Mr. Soukchaleun suffered a seizure, placing him at heightened medical risk. After his re-detention, Mr. Soukchaleun experienced another seizure in custody, resulting in a head injury and emergency hospitalization. His ongoing medical needs cannot be adequately addressed in a jail setting.

On December 12, 2025, ICE officers arrived at Mr. Soukchaleun’s residence, failed to

identify themselves or present a warrant, forcibly arrested him, and revoked his order of supervision. ICE provided no explanation for the revocation and afforded Mr. Soukchaleun no opportunity to respond.

Upon information and belief, the official responsible for revoking Mr. Soukchaleun's order of supervision lacked delegated authority and failed to make the findings required by 8 C.F.R. § 241.4(l). Respondents have identified no new facts justifying Mr. Soukchaleun's re-detention or secured travel documents for Mr. Soukchaleun. Accordingly, removal to Laos is not reasonably foreseeable due to the absence of a repatriation agreement and Laos's historical refusal to accept deportees.

Mr. Soukchaleun remains detained at Sherburne County Jail in Respondents' custody.

LEGAL ARGUMENT

1. Motion for Temporary Restraining Order and Preliminary Injunctive Relief.

To obtain a temporary restraining order, Petitioner must show:

1. a substantial likelihood of success on the merits;
2. immediate and irreparable harm in the absence of preliminary relief;
3. that the temporary restraining order is in the public interest.

See Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008).

a. Mr. Soukchaleun Will Likely Succeed on the Merits of His Habeas.

Mr. Soukchaleun is likely to succeed on the merits because his detention is unsupported by statutory authority and violates due process.

Under 8 U.S.C. § 1231(a)(6), detention beyond the removal period is permissible only where the noncitizen is found to be a danger to the community or a flight risk. Respondents previously found neither. Moreover, where removal is not reasonably foreseeable, continued detention is unconstitutional. *Zadvydas v. Davis*, 533 U.S. 678, 699–700 (2001).

Respondents revoked Mr. Soukchaleun's order of supervision without complying with mandatory regulations governing who may revoke supervision, what findings must be made, and what procedures must be followed, including notice and an opportunity to respond. *See* 8 C.F.R. § 241.4(l). Agency action taken without authority and contrary to regulation must be set aside. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

Because Respondents failed to follow the Constitution, statute, and its own regulations, Mr. Soukchaleun's detention is unlawful, and he is likely to prevail on his habeas and APA claims.

b. Mr. Soukchaleun will Suffer Irreparable Harm Absent Injunctive Relief.

The deprivation of an alien's liberty is, in and of itself, irreparable harm. *See Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Irreparable harm is virtually presumed in cases like this one, where an individual is detained without due process. *Torres-Jurado v. Biden*, No. 19 CIV. 3595 (AT), 2023 WL 7130898, at *4 (S.D.N.Y. Oct. 29, 2023)¹.

In addition, irreparable harm is compounded by Mr. Soukchaleun's serious medical condition, including recurrent seizures and a recent head injury, which cannot be adequately treated in detention. Continued detention places Mr. Soukchaleun at substantial risk of further injury or death.

c. Balance of the Equities and Public Interest Favors the Granting of Mr. Soukchaleun's Temporary Restraining Order

The "public interest is best served by ensuring the constitutional rights of persons within the United States are upheld." *See Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 29 (5th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). The balance of equities weighs sharply in Mr. Soukchaleun's favor. He seeks only release under supervision—precisely the status Respondents previously deemed sufficient for nearly sixteen years.

¹ "[B]efore the Government unilaterally takes away that which is sacred, it must provide a meaningful process."

The public interest is served by ensuring that federal agencies act within constitutional and statutory limits. There is no public interest in unlawful detention. *League of Women Voters v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016).

2. *The Court Has Authority to Grant Mr. Soukchaleun's Immediate Release Pending the Adjudication of His Habeas Petition.*

As a general matter, writs of habeas corpus are used to request release from custody. *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005). A habeas court has “the power to order the conditional release of an individual unlawfully detained—though release need not be the exclusive remedy and is not the appropriate one in every case in which the writ is granted.” *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (noting that at “common-law habeas corpus was, above all, an adaptable remedy”). Where detention lacks legal authorization, immediate release is the appropriate remedy.

3. *The Court Should Restrain Transfer Pending Adjudication*

Should Mr. Soukchaleun remain detained, the Court should prohibit Respondents from transferring him outside Minnesota. Transfers risk mooted this Court’s jurisdiction and substantially impairs Petitioner’s access to counsel and the Court. District courts in Minnesota routinely enjoin transfers in habeas cases to preserve effective judicial review. *See Roble v. Bondi et al.*, No. 25-cv-03196 (D. Minn. Oct. 2025); *Otero Escalante v. Bondi*, No. 25-cv-03051 (D. Minn. Sept. 2025).

CONCLUSION

For the foregoing reasons, this Honorable Court should grant Petitioner’s instant writ and order his immediate release from Respondents’ custody. Alternatively, to ensure the Court’s ability to provide effective relief and prevent irreparable harm, Petitioner requests that Respondents be ordered not to transfer him outside Minnesota until this Court has resolved his petition or motion for emergency release.

Dated: 12/23/2025

Minneapolis, Minnesota

s/ Mai Neng Moua

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