

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 0:26-cv-00167-JWB-LIB

SOMVANG PHRACHANSIRY,

Petitioner,

v.

**RESPONSE TO ORDER TO  
SHOW CAUSE**

KRISTI NOEM, *et al.*,

Respondents.

The U.S. Attorney's Office, as counsel for Federal Respondents, submits this brief in response to the Court's Orders, ECF Nos. 31, 32. The Court threatened "further remedial action, including, sanctions or loss of pro hac vice status." Sanctions against a government attorney are unwarranted, and the Respondents respectfully request that the Court not impose any sanctions.

This Office's efforts to secure compliance with the Court's Orders are set out in the Declaration of Julie Le, and counsel are prepared to provide additional detail and answer any questions of the Court at the hearing. The U.S. Attorney's Office acted diligently to secure Federal Respondents' compliance with the Court's orders in all cases. There is no evidence of willful violation of the Court's order or lack of diligence.

Respondents respectfully submit that attorney sanctions are unwarranted in this case.

Special Assistant U.S. Attorney Julie Le, like every other line Assistant U.S. Attorney in this office, is "struggl[ing] mightily to ensure that respondents comply with court orders despite the fact that respondents have failed to provide them with adequate

resources.” *Juan T.R. v. Noem, et al.*, Case No. 26-CV-0107-PJS-DLM (D. Minn. Jan. 26, 2026), ECF No. 7. There is no evidence that any attorney willfully violated this Court’s orders.

The Court is no stranger to the crushing volume of immigration habeas work in this district. The District’s “New Cases Report” captures the sheer volume of this litigation: by the United States’ assessment, more than 600 of the approximately 977 civil cases filed so far in 2026 are classified as “Immigration - Habeas Corpus - Alien Detainee.” See [https://ecf.mnd.uscourts.gov/newcases/open\\_cases\\_report.html](https://ecf.mnd.uscourts.gov/newcases/open_cases_report.html). In most instances, the government is ordered to respond to each petition within two or three days, including on weekend, evenings, and holidays. And even once briefing is complete, most petitions require follow-up work such as coordinating release and responding to motions seeking to secure ICE’s compliance with court orders.

Significant resource constraints are not an excuse for non-compliance, and attorneys in this office understand their individual obligations as practitioners. We are working mightily to get additional resources and manage the load as best we can. Ms. Le was brought in to assist particularly with this caseload because she has immigration expertise, and her work has assisted in the vast majority of her cases to comply with the Court’s Orders and focus on release of Petitioners.

Special Assistant U.S. Attorney Julie Le represents Federal Respondents pursuant to an appointment by the Attorney General, who determined that “the public interest so requires.” 28 U.S.C. § 543(a). Congress authorized the Attorney General to make such appointments and subjected appointees “to removal by the Attorney General”

exclusively. *Id.* § 543(b). Congress gave the Attorney General—not the courts—specific authority to appoint and remove special attorneys like Ms. Le. There is nothing justifying the Court’s threat to second-guess the Attorney General’s determination.

The threatened rescission of Ms. Le’s *pro hac vice* status would undermine the Attorney General’s determination that the public interest is served by her representation of the United States and its officers. While the Court ordinarily maintains authority to regulate the practice of law before it, exercising that power by rescinding a SAUSA’s ability to represent the government in this District takes on a constitutional dimension by nullifying the Attorney General’s congressionally authorized determination that the public interest requires the SAUSA’s representation. The Court should not take such action where, as here, there is no evidence of willful or egregious misconduct.

Finally, “[l]ocal Rule 83.6 contains very detailed and specific provisions concerning the procedures to be followed in suspending or disbaring an attorney from the practice of law in the district of Minnesota.” *Wilhite v. Collins*, 459 F.3d 866, 871 (8th Cir. 2006). The procedures laid out in LR 83.6(e) related to court-initiated discipline have not been followed, despite the Eighth Circuit’s insistence on following them. *Id.* Respectfully, the undersigned requests that this Court allow the United States Attorney’s Office to implement appropriate procedural protections before any sanction is imposed.

(signature page follows)

Dated: February 3, 2026

Respectfully submitted,

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