



1 A (Decl. of My Xuyen Phan) ¶¶ 6–8; see also Ex. B (ICE Detainee Locator facility page  
2 confirming current Alaska detention location).


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4 The requested relief is narrowly tailored: Mr. Vu asks only to remain in Alaska (or, at  
5 minimum, not be moved outside this Court’s reach) until the Court can adjudicate his  
6 habeas petition and any related emergency relief. The status quo is Mr. Vu’s confinement in  
7 Alaska, where his spouse, children, and support network reside. Counsel is located in  
8 Virginia and works remotely with Petitioner and Petitioner’s wife in Alaska to prepare  
9 time-sensitive filings and declarations. Ex. A ¶¶ 7–9. Ex. A ¶¶ 2–3, 7–9.

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11 Absent immediate injunctive relief, the planned transfer will cause irreparable harm  
12 by (i) severing meaningful family contact, (ii) creating substantial attorney-client  
13 communication barriers on an emergency litigation timeline, (iii) prejudicing Mr. Vu’s  
14 ability to coordinate time-sensitive matters in his pending USCIS adjustment application  
15 (including a Request for Evidence and response), and (iv) risking unnecessary jurisdictional  
16 and procedural complications in this habeas proceeding. Ex. A ¶¶ 7–9; Ex. C (I-485 RFE  
17 dated July 18, 2025 and response submitted October 9, 2025).

### 18 19 20 **FACTUAL BACKGROUND (SUMMARY)**

21 Mr. Vu is a Vietnamese national and longtime Alaska resident. His spouse and  
22 children reside in Alaska, and his family’s support system is entirely Alaska-based. Ex. A ¶¶  
23 2–3, 7–8. On January 12, 2026, Mr. Vu appeared as instructed for an immigration check-  
24 in/update and was unexpectedly taken into ICE custody. Ex. A ¶ 4. ICE has since provided  
25 oral notice that it plans to transfer him to Tacoma, Washington on or about January 16,  
26 2026. Ex. A ¶¶ 6–8.

1 Mr. Vu has been under ICE Orders of Supervision multiple times, including an Order  
2 of Supervision dated December 10, 2001 and a “new” Order of Supervision dated June 3,  
3 2013 issued in Anchorage. Ex. D (Orders of Supervision and custody review excerpts). The  
4 responsive record also reflects historical difficulty in obtaining Vietnam travel  
5 documentation, including a post-order custody review indicating that issuance of travel  
6 documents was “very unlikely” and “not imminent” at that time. Ex. D.  
7

8 Mr. Vu has a pending USCIS Form I-485 (Adjustment of Status) matter. USCIS  
9 issued a Request for Evidence dated July 18, 2025 (Receipt No. ) , and  
10 counsel submitted a response package on October 9, 2025. Ex. C at 1–5. The I-485 record  
11 includes documentation of Mr. Vu’s Public Interest Parole entry in 1992 (including an I-94  
12 and a 1992 INS Bangkok letter). Ex. C at 6–7. Maintaining reliable attorney-client access  
13 and stable communications is essential to protecting Mr. Vu’s rights and participating in any  
14 additional USCIS steps or deadlines.  
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17 DHS’s responsive record also reflects historical difficulty in obtaining Vietnam travel  
18 documentation, including a post-order custody review worksheet stating that issuance of  
19 travel documents was “very unlikely” and “not imminent” at that time. Ex. D at 6.  
20 Additionally, the record contains administrative-removal documents (including Form I-851  
21 Notice of Intent and Form I-851A Final Administrative Removal Order) and a later USCIS  
22 Anchorage Field Office letter referencing a removal order, reflecting ambiguity in the  
23 record regarding the forum and procedural history—another reason to preserve the status  
24 quo and ensure meaningful access to counsel and this Court while review proceeds. Ex. D at  
25 1–5.  
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## LEGAL STANDARD

A temporary restraining order and a preliminary injunction are extraordinary remedies intended to prevent irreparable harm and preserve the status quo pending a determination on the merits. The standards for TRO and PI are substantially identical. A movant must show: (1) likelihood of success on the merits (or, in the Ninth Circuit, “serious questions” going to the merits); (2) likelihood of irreparable harm absent relief; (3) balance of equities tips in the movant’s favor; and (4) an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). In the Ninth Circuit, a court may grant relief under the “serious questions” test when serious questions are raised and the balance of hardships tips sharply in the movant’s favor, so long as the movant also shows irreparable harm and the injunction is in the public interest. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134–35 (9th Cir. 2011).

Where, as here, injunctive relief is sought against federal officials, the balance of equities and the public interest often merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014). Separately, under the All Writs Act, 28 U.S.C. § 1651, a court may issue orders necessary or appropriate in aid of its jurisdiction to preserve its ability to provide effective habeas relief.

## ARGUMENT

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### **I. The Court Has Jurisdiction and Authority to Preserve Effective Habeas Review and Maintain the Status Quo.**

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This motion seeks only to preserve the status quo during the pendency of a properly filed § 2241 habeas action challenging the lawfulness of Mr. Vu’s custody and the procedures used to revoke and re-impose detention. It does not challenge the validity of the

1 underlying removal order, nor does it ask the Court to direct the Executive Branch's  
2 discretionary decisions to initiate or adjudicate removal proceedings. Rather, it asks the  
3 Court to prevent a transfer that would materially impair access to counsel and impede the  
4 Court's ability to provide effective relief.

5  
6 Section 1252(g) is not a general jurisdictional bar. The Supreme Court has rejected  
7 the suggestion that § 1252(g) covers all claims "arising from" removal proceedings. Dep't  
8 of Homeland Sec. v. Regents of the Univ. of Cal., 591 U.S. 1, 19 (2020). The Ninth Circuit  
9 similarly limits § 1252(g) to challenges to the government's discretionary decisions to  
10 initiate proceedings, adjudicate cases, or execute removal orders. *Arce v. United States*, 899  
11 F.3d 796, 800 (9th Cir. 2018). Mr. Vu's claims contest his detention and the government's  
12 compliance with mandatory regulations and due process requirements, which are core  
13 habeas concerns.

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15  
16 Courts have authority under the All Writs Act to preserve their jurisdiction and  
17 prevent actions that would frustrate judicial review. *Dean Foods*, 384 U.S. at 604; see also  
18 *United States v. New York Tel. Co.*, 434 U.S. 159, 174 (1977) (All Writs Act extends to  
19 persons "in a position to frustrate the implementation of a court order or the proper  
20 administration of justice"). In *Duong v. Charles*, the Eastern District of California exercised  
21 § 2241 jurisdiction to order release where ICE re-detained a long-supervised individual  
22 without complying with 8 C.F.R. § 241.13(i), holding that a due process claim contesting  
23 detention based on violations of mandatory duties falls outside § 1252(g)'s narrow scope.  
24 *Duong v. Charles*, No. 1:25-cv-01375-SKO, Order Granting Petition for Writ of Habeas  
25 Corpus (E.D. Cal. Nov. 14, 2025) (attached as Ex. E).

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2 **II. Petitioner Raises at Least Serious Questions Going to the Merits.**

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4 Mr. Vu’s habeas petition presents serious questions regarding the legality of his  
5 current detention and the procedures ICE used (or failed to use) when it revoked long-  
6 standing supervised release and returned him to custody. Two features of the record are  
7 especially salient at the TRO stage.

8  
9 First, the record confirms that Mr. Vu has been placed under Orders of Supervision  
10 multiple times and that DHS historically assessed that Vietnam travel documents were “very  
11 unlikely” and “not imminent” at the time of a custody review. Ex. D. Second, ICE has orally  
12 indicated that it intends to transfer Mr. Vu out of Alaska imminently, before the Court can  
13 set an orderly schedule and before Respondents can be heard on the merits. Ex. A ¶¶ 6–8.

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15 Ground Two of the habeas petition alleges that Mr. Vu’s re-detention is unlawful  
16 because ICE failed to comply with the “special review procedures” in 8 C.F.R. § 241.13(i),  
17 which govern ICE’s authority to revoke release in cases where ICE has previously  
18 determined that removal is not significantly likely in the reasonably foreseeable future and  
19 later claims “changed circumstances” justify re-detention. The regulation requires (among  
20 other things) that, upon revocation, the person be notified of the reasons for revocation and  
21 that ICE conduct an initial informal interview promptly after return to custody to afford an  
22 opportunity to respond to the reasons stated in the notice. 8 C.F.R. § 241.13(i)(3). Under  
23 longstanding administrative-law principles, an agency must follow its own regulations, and  
24 detention based on disregard of mandatory procedures is unlawful. See *United States ex rel.*  
25 *Accardi v. Shaughnessy*, 347 U.S. 260 (1954).  
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1           *Duong* is persuasive authority that failure to comply with § 241.13(i) renders  
2 re-detention unlawful and warrants habeas relief, including release, even where the  
3 government later claims removal may become feasible. Ex. E. At minimum, these  
4 issues present “serious questions” sufficient for interim relief preserving the status  
5 quo.  
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### 7 8 **III. Petitioner Will Suffer Irreparable Harm Absent Immediate Injunctive Relief**

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10           ICE’s imminent transfer of Petitioner from Alaska to Washington will cause  
11 irreparable harm for which there is no adequate remedy at law. “Irreparable” harm is harm  
12 that is concrete, significant, and not fully remediable after the fact through money damages  
13 or later court orders. Three forms of irreparable injury are present here:  
14

#### 15       1. **Loss of Effective Access to Counsel and the Courts (including loss of family-** 16           **assisted legal coordination):**

17           Petitioner’s ability to litigate this fast-moving habeas case depends on reliable, timely  
18 communication among Petitioner, counsel, and Petitioner’s wife. Although counsel is  
19 located in Virginia, counsel is working directly with Petitioner’s wife in Alaska to gather  
20 documents, develop facts, prepare declarations, and coordinate time-sensitive filings—tasks  
21 that Petitioner cannot effectively perform from detention. If Petitioner is transferred to  
22 Tacoma, his wife will be effectively unable to visit him due to distance, cost, childcare  
23 responsibilities, and the absence of a support network outside Alaska. That loss of in-person  
24 access will break the practical communication and coordination channel that currently  
25 allows counsel to obtain real-time information and prepare the evidentiary record. Transfer  
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1 will also subject Petitioner to a new facility's intake procedures and communication rules,  
2 which commonly cause delays in legal calls, mail, and scheduling—exactly when urgent  
3 access is required. The resulting prejudice cannot be undone later: missed opportunities to  
4 timely prepare declarations, authenticate documents, or respond on an emergency timeline  
5 permanently harms Petitioner's ability to vindicate his rights. See Ex. A ¶¶ 7–9; Ex. C at 1–  
6 5.  
7

8 **2. Separation from Family Support and Resulting Emotional Harm:**  
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10 Petitioner's entire family and support network are in Alaska. They have been able to  
11 visit him and provide emotional support during detention. If he is transferred to Tacoma,  
12 family visits will cease or become exceedingly rare due to the significant distance and  
13 expense. Family members—particularly elderly relatives—cannot realistically travel from  
14 Alaska to Washington for visitation. Sudden, extended separation from one's spouse and  
15 children while detained inflicts profound emotional distress on both the detainee and the  
16 family. The Court cannot later restore the lost time, mitigate the harm to family  
17 relationships, or undo the emotional damage caused by prolonged isolation from loved ones.  
18 Those injuries are quintessentially irreparable. See Ex. A ¶¶ 2–3, 7–8.  
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21 **3. Interference with the Habeas Remedy and Litigation Disruption:**  
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23 A transfer during emergency habeas proceedings risks impairing the Court's ability  
24 to provide prompt and effective relief. Even if jurisdiction may ultimately be preserved,  
25 transfer predictably causes litigation disruption: delays associated with processing into a  
26 new facility; altered communication procedures; and avoidable motion practice concerning  
27 respondents, service, and case administration. Those delays are especially harmful where the  
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1 relief sought is time-sensitive and where a transfer itself is the irreparable injury. The Court  
2 has authority to preserve the status quo and protect effective habeas review, including where  
3 government action threatens to frustrate meaningful adjudication. If Petitioner is moved and  
4 the case is delayed or burdened by transfer-related complications, Petitioner may lose the  
5 opportunity for timely relief—harm that cannot be cured later. See Ex. A ¶¶ 6–9. See also  
6 28 U.S.C. § 1651.  
7

8 In sum, absent a TRO, Petitioner faces imminent harm that is concrete and  
9 irreparable. The transfer could occur within a matter of hours or days once January 16, 2026  
10 arrives – meaning the harm is not speculative or far-off, but immediate. Once executed, the  
11 damage (loss of counsel access, family separation, jurisdiction complications) will have  
12 already occurred. The TRO is needed *to prevent the bell from being rung*. No later award or  
13 remedy can compensate Petitioner for these harms. This factor, irreparable harm, is often  
14 considered the most important. Petitioner unquestionably satisfies it here.  
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#### 17 **IV. The Balance of Equities Strongly Favors Petitioner**

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19 The Court must weigh the harm to Petitioner absent injunctive relief against any  
20 burden on the Government if relief is granted. That balance overwhelmingly favors  
21 Petitioner.  
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23 On Petitioner’s side of the ledger, a transfer to Tacoma would inflict severe, personal,  
24 and irreparable harms. It would effectively cut off in-person family visitation and support  
25 because Petitioner’s spouse, children, and entire support network are in Alaska and cannot  
26 realistically travel to Washington. It would also disrupt the family-assisted structure that  
27 enables counsel—who is located in Virginia—to develop facts, collect records, and prepare  
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1 time-sensitive declarations and filings in this emergency habeas matter. These are not  
2 abstract inconveniences; they are concrete harms that cannot be repaired after the fact.

3         On the Government's side, the requested relief imposes minimal burden. Petitioner is  
4 already securely housed at the Anchorage Correctional Complex. The injunction would not  
5 require release, special accommodations, or a change in custody level; it would simply  
6 preserve the status quo long enough for the Court to adjudicate the habeas petition and  
7 related emergency relief. The Government has not articulated any specific, individualized  
8 necessity for transferring Petitioner out of Alaska (such as safety, medical necessity, or  
9 facility incapacity). In the absence of such a showing, the only apparent interest served by  
10 transfer is administrative preference or convenience, which does not outweigh the serious  
11 constitutional and practical harms described above.

12         The equities also favor Petitioner because the transfer would impose collateral harm  
13 on third parties—particularly Petitioner's spouse and children—while maintaining the status  
14 quo harms no comparable third party interests. Preserving Petitioner's location in Alaska  
15 avoids needless disruption, protects meaningful access to counsel and the Court, and  
16 prevents avoidable family hardship.

17 Accordingly, the balance of equities tips sharply in Petitioner's favor and supports entry of a  
18 TRO and preliminary injunction.

## 19 **V. An Injunction Serves the Public Interest**

20         When injunctive relief is sought against the government, the public interest overlaps  
21 substantially with the public's interest in lawful government action and meaningful access to  
22 judicial review. Here, the public interest strongly favors preserving the status quo and  
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1 preventing an out-of-state transfer that would undermine effective habeas review, interfere  
2 with family unity, and create avoidable hardship without any articulated necessity.

3 First, there is a compelling public interest in ensuring that constitutional rights are  
4 respected and that access to courts is meaningful—particularly in cases involving physical  
5 liberty. The Ninth Circuit has recognized that “it is always in the public interest to prevent  
6 the violation of a party’s constitutional rights.” *Melendres v. Arpaio*, 695 F.3d 990, 1002  
7 (9th Cir. 2012) (quoting *Sammartano v. First Judicial Dist. Ct.*, 303 F.3d 959, 974 (9th Cir.  
8 2002)). An injunction here promotes that interest by ensuring that Petitioner can  
9 communicate effectively with counsel and participate in his litigation, and that the Court can  
10 adjudicate his habeas petition without avoidable disruption.  
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13 Second, the public interest favors orderly and efficient judicial administration.  
14 Preventing transfer reduces the risk of unnecessary procedural disputes, delays, and  
15 logistical barriers associated with moving a detainee mid-litigation. Maintaining Petitioner’s  
16 detention location in Alaska allows the case to proceed on an expedited and clear record,  
17 promoting judicial economy and the timely resolution of important questions concerning  
18 liberty and due process.  
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21 Third, the public interest supports humane treatment and family stability, particularly  
22 for individuals with longstanding community ties. Petitioner’s spouse and children are in  
23 Alaska and depend on continued access and communication. Enjoining a transfer that would  
24 effectively eliminate family visitation and sever practical support during detention aligns  
25 with widely recognized humanitarian and community interests, and it avoids harm to  
26 innocent third parties.  
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1 Finally, while the Government may assert an interest in efficient detention  
2 management, an injunction here does not impede immigration enforcement or any lawful  
3 removal effort. Petitioner is not seeking to block removal in the abstract; he seeks only to  
4 prevent a transfer undertaken during emergency judicial proceedings where the Government  
5 has not articulated an individualized necessity. The public interest is not served by creating  
6 avoidable barriers to counsel access and judicial review for reasons of routine practice or  
7 administrative preference.  
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10 For all of these reasons, the public interest supports granting a TRO and preliminary  
11 injunction to preserve the status quo and protect meaningful access to the courts while this  
12 habeas matter is adjudicated.  
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#### 14 **VI. The Court Should Issue Relief in the Form of a TRO and a Preliminary Injunction**

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16 Given the urgency—ICE has indicated that transfer may occur on or about January  
17 16, 2026, or immediately thereafter—Petitioner requests staged relief designed to preserve  
18 the status quo and allow orderly adjudication.  
19

20 Rule 65(b) Notice / Certification. Counsel will provide notice of this Motion to the  
21 United States Attorney’s Office for the District of Alaska and ICE Office of the Principal  
22 Legal Advisor as promptly as practicable upon filing. Because ICE has indicated an  
23 imminent transfer date (on or about January 16, 2026), Petitioner respectfully requests  
24 expedited consideration and, to the extent necessary to prevent irreparable harm before  
25 Respondents can be heard, entry of a TRO on shortened notice. Counsel can file a separate  
26 certification regarding notice efforts if the Court so directs.  
27  
28

1           First, Petitioner requests an immediate Temporary Restraining Order. The TRO  
2 should prohibit Respondents, their agents, and anyone acting in concert with them from  
3 transferring Petitioner out of the District of Alaska or otherwise relocating him outside  
4 Alaska pending further order of this Court. This limited relief is necessary because the  
5 threatened transfer could occur before the Government can be fully heard, and once  
6 executed it would cause irreparable harm that cannot later be undone. Petitioner's counsel  
7 will provide notice to the United States Attorney's Office and ICE/OPLA as promptly as  
8 practicable upon filing. To the extent the Court determines that shortened notice or an  
9 expedited ruling is required to prevent imminent harm, Petitioner respectfully requests that  
10 the Court act on an emergency basis.  
11

12           Second, Petitioner requests an expedited schedule and an Order to Show Cause  
13 regarding a Preliminary Injunction. Petitioner asks the Court to set prompt briefing and a  
14 hearing (or other expedited procedure the Court deems appropriate) at which Respondents  
15 may appear and present any justification for transfer and any opposition to continued  
16 injunctive relief. Petitioner seeks a preliminary injunction continuing the same limited no-  
17 transfer relief through the pendency of the habeas proceedings, or until further order, to  
18 ensure meaningful access to counsel, family support, and effective judicial review.  
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## 22 **VII. Waiver or Nominal Security Under Rule 65(c)**

23           Federal Rule of Civil Procedure 65(c) permits the Court to require security in an  
24 amount the Court deems proper. Petitioner respectfully requests that the Court waive  
25 security or require only a nominal bond. Petitioner is detained, indigent, and proceeding  
26 with pro bono representation, and a substantial bond would effectively deny access to  
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1 injunctive relief. Moreover, maintaining Petitioner at his current detention location imposes  
2 no meaningful financial harm on the Government; it merely preserves the status quo  
3 pending judicial review. For those reasons, security is unnecessary or should be nominal.  
4

5 **CONCLUSION**

6 For the foregoing reasons, Mr. Vu respectfully requests that the Court GRANT this  
7 Emergency Motion for Temporary Restraining Order and Preliminary Injunction and enjoin  
8 any transfer of Mr. Vu out of Alaska pending further order.  
9

10 Dated: 01/15/2026

Respectfully Submitted,

11

/s/Daniel M Huynh

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Daniel M Huynh, Esq.  
Pro Bono Counsel for Petitioner

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1 **CERTIFICATE OF SERVICE**

2 I certify that on 01/15/2026, 2026, I served the foregoing Emergency Motion for Temporary  
3 Restraining Order and Preliminary Injunction and supporting papers on Respondents by  
4 providing notice to the United States Attorney's Office for the District of Alaska via Fax at  
5 907-271-2344 and email at Noah.Roetman@usdoj.gov; christine.dollerhide@usdoj.gov,  
6 usaak.cef@usdoj.gov and ICE Office of the Principal Legal Advisor by email at  
7 seattle.outreach@ice.dhs.gov.  
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9  
10 */s/ Daniel M. Huynh*  
11 Daniel M. Huynh, Esq.  
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