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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Son Hoang Vu, Petitioner, v. Warden, Anchorage Correctional Complex; et al., Respondents.	Case No. 3:26-cv-00027-SLG **Reply in Support of Petitioner's Emergency Motion for TRO/PI (Dkt. 2)**

Introduction

Petitioner Son Hoang Vu submits this reply to rebut the Government's opposition (Dkt. 12, 12-1). The Government's response fails to refute Petitioner's showing that his continued detention is unlawful and that emergency relief is warranted. First, DHS revoked Petitioner's release in violation of its own regulations, 8 C.F.R. § 241.13(i), without demonstrating compliance with the required written notice and prompt, meaningful interview requirements. Second, the Government's evidence offers nothing to establish a "significant likelihood of removal in the reasonably foreseeable future" as required by *Zadvydas v. Davis*, 533 U.S. 678 (2001), and 8 U.S.C. § 1231(a)(6). The materials lodged under seal (Dkts. 14, 15) do not cure these defects; they underscore the absence of concrete travel-document milestones and a near-

term removal timeline. Third, Petitioner faces irreparable harm absent a TRO: each additional day of unlawful confinement and the imminent risk of transfer out of this District inflict injuries that cannot be remedied after the fact. Finally, the balance of equities and the public interest weigh decisively in Petitioner's favor, because the Government has no legitimate interest in prolonging detention that is procedurally noncompliant and unsupported by evidence of foreseeable removal. Petitioner respectfully requests that the Court grant the TRO/PI, preserve the status quo, and order his release under appropriate conditions of supervision.

Argument

I. DHS Violated 8 C.F.R. § 241.13(i) by Revoking Petitioner's Release Without Required Process

The record is clear that DHS failed to follow the mandatory procedures for revoking Petitioner's post-order release. 8 C.F.R. § 241.13(i) (which implements the constitutional constraints recognized in *Zadvydas*) sets strict prerequisites for re-detaining a noncitizen who had been released under supervision due to indefinite detention concerns. First, release may be revoked only if the noncitizen violates a condition of release or if, "on account of changed circumstances," DHS determines that there is a "significant likelihood" the noncitizen may be removed in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(1)-(2). Second, DHS must provide written notice stating the reason for revocation and must conduct "an initial informal interview promptly after" the noncitizen's return to custody. 8 C.F.R. § 241.13(i)(3). If the person is not re-released after that informal interview, § 241.4 governs continued detention, including a post-revocation custody review with notice, a records review, and an interview. 8 C.F.R. § 241.13(i)(3); 8 C.F.R. § 241.4(l)(1). Put simply, revocation requires

notice, a prompt informal interview, and (if detention continues) the custody-review process under § 241.4(l). See *Nam Su Hoang v. Cruz*, 2025 U.S. Dist. LEXIS 212737, at *8–*10 (C.D. Cal. Oct. 28, 2025); *Qvoc Bui v. Warden of the Otay Mesa Det. Facility*, 2025 U.S. Dist. LEXIS 209265, at *5–*9 (S.D. Cal. Oct. 23, 2025); see also *Delkash v. Noem*, No. 5:25-cv-01675-HDV-AGRx, 2025 WL 2377123 (C.D. Cal. July 14, 2025). The Government's handling of Mr. Vu's case flouted these requirements at every step.

Recent on-point habeas decisions confirm that these procedural guarantees are mandatory, and that a post-hoc or pre-decided interaction does not satisfy the "initial informal interview promptly after … return to Service custody" requirement. See *Hoang*, 2025 U.S. Dist. LEXIS 212737, at *8–*10* (holding ICE's revocation of release unlawful where the required prompt informal interview did not occur and ordering release); *Bui*, 2025 U.S. Dist. LEXIS 209265, at *5–*9* (granting § 2241 relief where ICE failed to provide the revocation procedures required by 8 C.F.R. §§ 241.13(i)(3) and 241.4(l)(1)).

Most recently, in *Quang Vinh Duong v. Charles*, No. 1:25-cv-01375-SKO, the Eastern District of California granted § 2241 relief and ordered immediate release where ICE re-detained a Vietnamese national who had long been on supervision after Vietnam failed to issue travel documents. Order Granting Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 at 2–3, 8–9, *Duong v. Charles*, No. 1:25-cv-01375-SKO (E.D. Cal. Nov. 14, 2025), ECF No. 23. The court held ICE violated 8 C.F.R. § 241.13(i) in three independent ways: (1) it failed to make a changed-circumstances determination before revocation; (2) it failed to provide written notice stating the reasons for revocation and, compounding the defect, cited the wrong regulatory authority; and (3) it failed to provide the required prompt informal interview. Id. at 4–8. Critically, the court ordered release even though the Government had

obtained travel documents after re-detaining the petitioner, explaining that noncompliance with § 241.13(i) renders the detention unlawful and warrants reinstatement of supervision. Id. at 8–9.

Those sealed materials further underscore why the Government cannot rely on generalized "changed procedures" assurances to justify continued custody: the I-213 acknowledges that ERO previously could not remove Mr. Vu and released him on supervision due to the inability to obtain Vietnamese travel documents, yet it asserts—without identifying any case-specific communication from Vietnam—that "Vietnam has changed their travel document issuance procedures" and that there is now a "Significant Likelihood of Removal," while also recording that the AFOD directed revocation of OSUP and arrest "while … ERO try [sic] to remove" him. (Dkt. 15-2 at 3–4.)

No Valid "Changed Circumstance" Justified Revocation: DHS does not contend that Mr. Vu violated any condition of his release, and the record reflects he complied with supervision terms for years. Accordingly, the only arguable basis for revoking supervision would be a genuine "changed circumstance" creating a newly significant likelihood of removal. But Respondents identify no case-specific change. Instead, Hayes states only that ERO determined on December 2, 2025 that there was now a significant likelihood of removal in the foreseeable future based on generalized "cooperation" between the United States and Vietnam, and that ERO served an OSUP revocation notice on January 12, 2026. Hayes Decl. ¶¶ 8–9. Yet DHS simultaneously concedes it is still only "preparing" the travel-document request packet and has not obtained any travel documents. Id. ¶ 10. The contemporaneous I-213 likewise reflects a generalized instruction authorizing apprehension "while ERO try to

remove" Mr. Vu, without identifying any new, case-specific development that materially changed the removal calculus. (Dkt. 15-2 at 3).

Respondents also mischaracterize Petitioner's position by suggesting that he has "abandoned" his challenge to DHS's failure to provide the informal interview required by 8 C.F.R. § 241.13(i). Petitioner has not waived that procedural defect. The record shows that DHS revoked supervision and arrested Petitioner on January 12, 2026 (Hayes Decl. ¶ 9), and any same-day interaction that occurred after the arrest cannot cure DHS's failure to provide written notice stating the basis for revocation and to conduct a meaningful informal interview as required by § 241.13(i)(3).

Failure to Provide Notice and an Informal Interview: DHS asserts that it conducted an "informal interview" on January 12, 2026, and provided Petitioner an "extensive opportunity" to explain why he should not be re-detained. (Hayes Decl. ¶ 9). But DHS's own narrative shows OSUP was revoked and arrest was authorized contemporaneously with that reporting appointment—before any meaningful review could occur. (Dkt. 15-2 at 3). Critically, DHS still does not show compliance with 8 C.F.R. § 241.13(i): it provides no written notice of the asserted "changed circumstances," no record of the information supposedly considered, and no written custody determination explaining why re-detention is warranted notwithstanding the prior inability to obtain travel documents. (Hayes Decl. ¶ 9; see 8 C.F.R. § 241.13(i)(2)–(3)).

No post-revocation custody review under the governing regulations. Petitioner has been back in ICE custody since January 12, 2026. When DHS revokes release, the regulations require (1) written notice of the reasons for revocation, (2) that the alien "promptly" be afforded an informal interview to respond, and (3) if DHS does not re-release the person after

that interview, "§ 241.4 shall govern the alien's continued detention pending removal." 8 C.F.R. § 241.13(i)(3). Section 241.4, in turn, requires an individualized custody-review process that includes, at minimum, a records review and notice/interview procedures (including written notice of the interview). See 8 C.F.R. § 241.4(l)(1)-(3). Yet Respondents' opposition does not identify (and does not attach) any § 241.4 custody-review notice, custody-review scheduling, or written custody determination following Petitioner's re-detention. This omission is significant: once DHS elects continued detention after revocation, it must follow the procedures the regulations prescribe—not detain indefinitely on an ad hoc basis. At minimum, Respondents' failure to demonstrate compliance with the governing custody-review framework supports Petitioner's likelihood of success and ongoing irreparable harm.

In sum, DHS cannot sidestep the limits it has placed on itself. Agency regulations have the force of law, and an agency's failure to follow its own binding regulations is "a serious violation" that courts will remedy. Petitioner is likely to succeed on his claim that DHS's noncompliance with 8 C.F.R. § 241.13(i) invalidates the revocation of his release. Numerous courts (including those in this Circuit) have ordered release in analogous circumstances, recognizing that such regulatory violations also offend the Due Process Clause. The Court should likewise hold DHS to its rules and deem Petitioner's detention unlawful on this basis alone.

II. Petitioner's Continued Detention Violates *Zadvydas v. Davis* Because the Government Shows No Significant Likelihood of Removal in the Reasonably Foreseeable Future

Independent of the procedural violations above, Petitioner raises serious questions—and is likely to prevail as the record develops—under 8 U.S.C. § 1231(a)(6) as construed in *Zadvydas v. Davis*, 533 U.S. 678, 689, 699–701 (2001), which limits post–removal-order

detention to the period "reasonably necessary" to effect removal and requires release when removal is not significantly likely in the reasonably foreseeable future. Id. at 699–701. Here, DHS's own declaration confirms that Petitioner has been subject to a final administrative removal order since April 28, 1999. Declaration of Bradley A. Hayes ("Hayes Decl.") ¶ 6, ECF No. 12-1. DHS further confirms that, after Petitioner was taken into INS custody on or about July 27, 2001, INS held him until December 11, 2001, and then released him on an Order of Supervision specifically because INS was unable to obtain Vietnamese travel documents. Id. ¶¶ 4(d), 7. DHS re-arrested Petitioner only recently, on January 12, 2026, when it revoked the OSUP. Id. ¶ 9. Critically, even now DHS does not claim that a travel-document request has been submitted or that travel documents have issued; instead, DHS states only that ERO "is preparing" the forms and materials needed to submit a request to Vietnam. Id. ¶ 10. Given DHS's decades-long inability to obtain travel documents (as reflected by its own prior OSUP release) and its present admission that it is still only preparing the request packet, DHS's asserted "significant likelihood of removal" remains speculative at this stage. See *Zadvydas*, 533 U.S. at 699–701. At a minimum, Petitioner has shown serious questions under *Zadvydas* that continued detention is not reasonably related to a removal that is actually foreseeable on concrete facts rather than generalized assurances. Id. at 699–701. See also (Dkt. 15-2 at 3) (I-213 stating ERO was unable to remove Mr. Vu and released him on an Order of Supervision).

A. No "Significant Likelihood of Removal" Shown

The Government's opposition (Dkt. 12) fails to produce evidence that Mr. Vu's removal is significantly likely to occur in the foreseeable future. The sum total of DHS's showing is an opaque declaration (Dkt. 12-1) and a sealed "removal planning" submission (Dkts. 14, 15)

that Petitioner has reviewed. What we can glean from the declaration actually reinforces Petitioner's case that removal is not imminent:

- No Travel Documents Issued (and DHS concedes it is only preparing the request): DHS does not attest that Vietnam has issued travel documents for Mr. Vu or even that ICE has submitted a travel-document request. Instead, DHS states only that ERO "is preparing" the forms and supporting materials needed to submit a request to Vietnam. (Hayes Decl. ¶ 10, ECF No. 12-1.) DHS's remaining statements are generalized—for example, that Vietnam "generally" seeks to issue travel documents within 30 days after a request is made, and that since February 2025, travel documents requested by DHS have been issued. (Id. ¶¶ 12–13.) Those assurances do not establish that Mr. Vu's removal is imminent, particularly where DHS previously released him on an Order of Supervision in 2001 "due to the inability to obtain travel documents to Vietnam." (Id. ¶ 7.) On this record, DHS identifies no case-specific milestone—no submission date, consular interview, issuance, or removal date—showing a significant likelihood of removal in the reasonably foreseeable future. See Hayes Decl. ¶¶ 10, 16, ECF No. 12-1.
- Vietnam's Discretion (and the Limited Evidentiary Value of Generalized "2020 MOU" References): Mr. Vu entered the United States on September 17, 1992—well before July 12, 1995. Hayes Decl. ¶ 3, ECF No. 12-1. Although DHS asserts that "entry date is no longer relevant" to whether Vietnam will issue travel documents, it offers only generalized statements about cooperation and an aspirational processing target once a request is received. Id. ¶¶ 11–13. In *Phong Thanh Nguyen v. Scott*, the court discussed the November 21, 2020 U.S.–Vietnam MOU addressing certain pre–July 12, 1995

Vietnamese arrivals and noted that publicly filed versions were redacted such that material eligibility requirements and factors Vietnam intended to consider were not disclosed. 796 F. Supp. 3d 703, 717–18 (W.D. Wash. 2025). *Phong Thanh Nguyen* further held that generalized reliance on the MOU and aggregate removal figures does not substitute for individualized evidence showing removal is significantly likely in the reasonably foreseeable future. Id. at 729–31. The same deficiency exists here: the Government offers no case-specific evidence that Vietnam has agreed to repatriate Mr. Vu—no confirmation of receipt, interview date, issuance timeline, or communication indicating that travel documents will be forthcoming. See Hayes Decl. ¶ 10, ECF No. 12-1 (ERO still "preparing" the request packet). Accordingly, to the extent Respondents intend to rely on the alleged "2020 MOU" as a basis for "changed circumstances" under 8 C.F.R. § 241.13(i)(2), Petitioner requests that the Court direct Respondents to lodge an authenticated copy of the document (or a properly redacted public version) and identify the specific provisions on which they rely.

- Admission of Uncertainty: Tellingly, the Government cannot state with confidence that Mr. Vu will be removed. Its opposition relies on aspirational phrasing—asserting that ICE is "working on" removal and "intends" to remove Petitioner when possible—yet provides no concrete timeframe, removal plan, or case-specific milestone. (Opp'n 10–11, ECF No. 12.) That lack of specificity is confirmed by DHS's own declaration: DHS does not attest that a travel-document request has been submitted or that any travel document has issued; it states only that ERO "is preparing" the forms and supporting materials needed to submit a request to Vietnam. (Hayes Decl. ¶ 10, ECF No. 12-1.) Under *Zadvydas*, once the noncitizen provides "good reason to believe that there is no

significant likelihood of removal in the reasonably foreseeable future," the burden shifts to the Government to rebut that showing with evidence. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). The Government has not done so here: it identifies no concrete development—no scheduled consular interview, no issuance of a travel document, and no removal date—indicating that Mr. Vu is on the verge of removal. See Hayes Decl. ¶ 10, ECF No. 12-1.

In short, DHS "cannot demonstrate that, 'on account of changed circumstances,' there is now a 'significant likelihood'" of Petitioner's removal in the reasonably foreseeable future. Petitioner has provided ample reason to believe his removal will not occur soon, and the Government's opposition gives this Court nothing of substance to conclude otherwise. Accordingly, Petitioner has shown a strong likelihood of success on his *Zadvydas* claim. Multiple courts confronting renewed detentions of long-supervised Vietnamese immigrants have granted relief on analogous records where the Government could not establish near-term travel documents or otherwise show foreseeable removal. See, e.g., *Duong v. Charles*, No. 1:25-cv-01375-SKO (E.D. Cal. Nov. 14, 2025), ECF No. 23 at 6–9; *Nguyen v. Hyde*, No. 25-cv-11470-MJJ, 2025 WL 1725791, at *5–6 (D. Mass. June 20, 2025). This Court should reach the same conclusion here.

B. DHS's Counterarguments Lack Merit

The Government's opposition offers a few cursory arguments in an attempt to dodge *Zadvydas*, none of which withstand scrutiny. First, the Government suggests that not enough time has passed to declare removal unlikely (implicitly referencing the six-month benchmark). This argument fails for two reasons: (1) Petitioner's situation is unique in that he spent decades on supervised release precisely because removal could not be accomplished

– the clock effectively ran out long ago, and DHS cannot reset it by jailing him anew without new evidence; and (2) even if one measures from his recent detention in January 2026, the *Zadvydas* standard is flexible – a court need not wait a full six months to act if the facts clearly show removal is not foreseeable. Here, given DHS's inability to secure travel documents in the since re-detention (and its failure to articulate any concrete plan or timeline), the Court is well within its authority to find that further detention will likely serve no purpose. See, e.g., *Ly v. Hansen*, 351 F.3d 263, 273 (6th Cir. 2003) (recognizing that *Zadvydas* does not require courts to "ignor[e] reality" where there is no reasonable prospect of removal).

Second, the Government emphasizes Petitioner's criminal history and the general interest in enforcing removal orders. Petitioner does not dispute the Government's authority to remove him if it becomes possible. But an order of removal is not a license for unending incarceration when removal cannot actually be achieved. *Zadvydas* itself involved noncitizens with serious criminal backgrounds, yet the Supreme Court held they could not be detained indefinitely absent realistic removal prospects. 533 U.S. at 695–96. Mr. Vu has served the sentence for his decades-old offense and lived peacefully in the community for many years thereafter. The Government's inability to deport him is due to international and diplomatic factors beyond Petitioner's control. Continued detention does nothing to protect the public or effectuate the law; it only punishes Petitioner with no gain to the Government's objectives. Meanwhile, DHS has tools short of jail to mitigate any theoretical risk – notably, returning Petitioner to supervised release with whatever conditions are deemed appropriate, as was done successfully for years. In sum, the Government's public safety arguments are outweighed by the constitutional and statutory limits on detention and the specific facts of Petitioner's case. There is no evidence that Petitioner poses a danger or flight risk that would necessitate

incarceration – indeed, his track record on release shows the opposite (he complied with supervision and has strong community ties). The law does not permit keeping him locked up simply based on old offenses when removal remains uncertain.

For these reasons, Petitioner is likely to prevail on his challenge to the legality of his detention, both on regulatory/procedural grounds and under *Zadvydas*. This satisfies the "likelihood of success on the merits" prong of the TRO/preliminary injunction standard. At the very least, Petitioner has raised "serious questions" going to the merits, given the weighty due process issues and DHS's clear regulatory violations, which is enough for relief when the balance of hardships sharply favors Petitioner. We turn next to those remaining factors, all of which strongly support immediate relief.

III. Petitioner Faces Irreparable Harm Absent a TRO, and the Equities and Public Interest Weigh Decisively in His Favor

To obtain emergency relief, Petitioner has also demonstrated that he is likely to suffer irreparable harm without a TRO, and that the balance of equities and public interest favor an injunction. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008); *Fellowship of Christian Athletes v. San Jose Unified Sch. Dist.*, 82 F.4th 664, 695 (9th Cir. 2023) (when the Government is a party, equity and public interest merge). Petitioner easily meets these criteria. To the extent Respondents contend that 8 U.S.C. § 1252(f)(1) limits injunctive relief, that provision expressly preserves the Court's authority to enter injunctive relief "with respect to the application" of the relevant provisions "to an individual alien." See *Perez v. Decker*, 2019 U.S. Dist. LEXIS 170185 (S.D.N.Y. Oct. 2, 2019).

Irreparable Harm: Every additional day that Mr. Vu spends in detention is irretrievable. The loss of one's freedom and the attendant physical and psychological burdens

of confinement constitute quintessential irreparable harm. *See Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) ("It is well-established that the deprivation of constitutional rights [such as freedom from unlawful detention] unquestionably constitutes irreparable injury."). Here, Petitioner is enduring prolonged incarceration in a correctional setting even though, but for DHS's unlawful action, he would be living at home with his family under supervision. No later judgment can compensate for the time lost in detention or adequately remedy the mental anguish and disruption caused by his confinement. Moreover, there are specific imminent harms justifying emergency relief in this case:

- Risk of Transfer: DHS has now confirmed that it initiated Petitioner's transfer on January 12, 2026 to the Northwest Detention Center in Tacoma, Washington. (Dkt. 15-6 at 2). The I-213 reflects that Mr. Vu was arrested in Anchorage during an OSUP reporting appointment the same day, after OSUP was revoked and apprehension authorized "while ERO try to remove" him. (Dkt. 15-2 at 3). Transfer to an out-of-district facility threatens to moot or complicate this Court's ability to maintain the status quo and provide effective relief, including by placing Petitioner beyond ready access to counsel and this Court. See *Phong Phan v. Becerra*, No. 2:25-cv-01757-DC-JDP (E.D. Cal. July 10, 2025).
- Prolonged Indefinite Detention: Each day of unjustified detention is a harm that cannot be remedied by money or later relief. If Petitioner is forced to remain in custody for months longer only to eventually win his case, that interim harm cannot be undone. This is the paradigmatic definition of irreparable injury. See *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017).

- Procedural and Due Process Violations: The harm here is not only the fact of detention, but also the manner in which it was effected – arbitrarily and without due process. Being subjected to a process that flouts established legal protections is itself an irreparable injury. Petitioner has been denied the basic procedural dignity that DHS's rules afford, and every day that denial persists (without meaningful notice, without a meaningful interview record, and without a review) is harm. Interim relief is warranted to stop further violation of Petitioner's rights while the Court adjudicates this matter.

For all these reasons, Petitioner has clearly shown irreparable harm. The Government's opposition offers little to rebut this, except to insist that Petitioner's detention is lawful (a merits issue) or to downplay the harm of continued detention. Such arguments should be rejected. There is no question that unwarranted imprisonment constitutes irreparable harm in the TRO/preliminary injunction context.

Balance of Equities and Public Interest: These factors strongly favor Petitioner's release (or at least a TRO maintaining the status quo of non-removal and non-transfer). On Petitioner's side of the scale is his fundamental interest in liberty and in being free from unlawful custody. Also on his side are the interests of his U.S. citizen family members, who rely on him for support and companionship – their suffering due to his detention is an equitable consideration, too. Additionally, the public has an interest in government agencies following the law and respecting individual rights. On the Government's side, by contrast, it is hard to identify any legitimate hardship if a TRO is granted. Releasing Petitioner under appropriate conditions (or at minimum, preventing his transfer or removal temporarily) does not harm the Government – Petitioner was not a danger to the community during the many years he was on supervised release, and there is no indication that circumstance has changed.

The Government's general interest in enforcing immigration laws does not include an interest in detaining people indefinitely or in violation of regulations. Indeed, the public interest is served when the Government is held to its constitutional and legal obligations. See *Nken v. Holder*, 556 U.S. 418, 436 (2009) (recognizing that "there is a public interest in preventing aliens from being wrongfully removed, particularly to countries where they are likely to face substantial harm" – by extension, there is a public interest in preventing wrongful or unnecessary detentions).

In weighing equities, courts also consider whether an injunction would merely preserve the status quo or effect a major change. Here, granting relief to Petitioner essentially restores the status quo ante – before his sudden re-detention in January 2026, he had lived at liberty (under supervision) for years. Returning him to that state causes no cognizable injury to the Government, but denying relief would impose grave injury on Petitioner. At the bottom, "the balance of equities tips sharply in [Petitioner's] favor," satisfying even the most demanding standard for injunctive relief. The Government has not identified any concrete harm it would suffer from Petitioner's release or a pause in removal efforts, aside from the abstract notion of having to abide by legal process – which is not a harm at all. To the extent the Government raises public safety, Petitioner's history of compliance and the availability of supervision conditions adequately address any such concerns. And to the extent the Government raises flight risk, Petitioner has every incentive to continue complying and pursuing his legal remedies; he did not abscond during decades of freedom, and a TRO can be conditioned on his continued compliance.

Finally, it is in the public interest to ensure that individuals are not detained in violation of the law. Upholding constitutional protections and DHS's own regulatory safeguards

enhances public trust in the legal system. Conversely, allowing DHS to bypass its rules and detain someone indefinitely without solid prospects of removal would send a troubling message. The public interest therefore aligns with protecting Petitioner's rights in this case. Since the Government is the opposing party, the merging of equities and public interest means this factor is doubly satisfied in Petitioner's favor. *See Fellowship of Christian Athletes*, 82 F.4th at 695.

Accordingly, Petitioner has made a compelling showing on all prongs of the TRO/PI standard. The Court has both the authority and the urgent reason to grant interim relief here. Petitioner respectfully requests that the Court issue an order (1) immediately restraining Respondents from transferring him out of this District and from removing him from the United States, and (2) directing Petitioner's release from custody under reasonable conditions of supervision during the pendency of this case.

IV. Respondents' Sealing Should Be Narrowly Tailored

Respondents lodged certain materials under seal (Dkts. 14, 15). Petitioner has reviewed those exhibits. They do not provide the individualized, non-speculative evidence necessary to establish a significant likelihood of removal in the reasonably foreseeable future, nor do they demonstrate compliance with the mandatory post-revocation procedures governing continued detention. To the extent Respondents contend sealing is necessary, Petitioner requests that the Court require Respondents to justify sealing under the applicable standard and to narrowly tailor any sealing order. At minimum, Respondents should be directed to file a publicly accessible version that is redacted only as necessary (e.g., to protect A-number, birth-date, and similar identifiers) or a public summary of any purported "removal planning" evidence.

The Court should not treat conclusory, generalized assertions—sealed or unsealed—as a substitute for the concrete travel-document milestones and removal timeline *Zadvydas* requires.

Conclusion

For the foregoing reasons, Petitioner Son Hoang Vu respectfully requests that the Court grant his Emergency Motion for a Temporary Restraining Order and Preliminary Injunction (Dkt. 2). Specifically, Petitioner asks that the Court immediately enjoin Respondents from transferring him out of this District or otherwise thwarting the Court's jurisdiction, and order his release from immigration custody under appropriate conditions of supervision during the pendency of this action. Petitioner has shown a clear likelihood of success on the merits – or, at the very least, serious questions – regarding the unlawfulness of his continued detention. He is suffering irreparable harm each day, the balance of hardships tilts sharply in his favor, and the public interest is served by ensuring that the Government abides by the Constitution and its own regulations. Petitioner also requests that the Court require Respondents to justify any sealing and to file a narrowly tailored redacted public version or public summary of any purported removal-planning evidence (Dkts. 14, 15).

Accordingly, Petitioner requests that the Court issue the TRO/PI forthwith and order his prompt release. Each day of unjustified detention is one too many. The Court's intervention is both necessary and justified to prevent further harm and to uphold the rule of law in Petitioner's case.

Dated: January 21, 2026.

Respectfully submitted,

/s/Daniel M Huynh

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CERTIFICATE OF SERVICE

I hereby certify that on 01/21/2026, I caused the foregoing Reply in Support of Petitioner's Emergency Motion for TRO/PI to be served on all counsel of record via the Court's CM/ECF electronic filing system, which will send notice of electronic filing to all registered participants.

/s/Daniel M Huynh

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