

1 CRAIG H. MISSAKIAN (CABN 125202)  
United States Attorney  
2 PAMELA T. JOHANN (CABN 145558)  
Chief, Civil Division  
3 MICHAEL J. STARRETT (NYBN 5444575)  
Special Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055  
5 San Francisco, California 94102-3495  
Telephone: (415) 436-7073  
6 FAX: (415) 436-7000  
michael.starrett@usdoj.gov

7 *Attorneys for Respondents*

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11  
12 TIEN VO,

13 Petitioner,

14 v.

15 SERGIO ALBARRAN, et al.,

16 Respondents.

CASE NO. 5:26-cv-01489-BLF

RESPONDENTS' MOTION TO DISSOLVE THE  
TEMPORARY RESTRAINING ORDER

Hon. Judge Beth L. Freeman

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1 **I. INTRODUCTION**

2 Pursuant to Federal Rule of Civil Procedure 65(b)(4), Respondents move to dissolve the  
3 temporary restraining order (“TRO”) that was granted ex parte. *See* Dkt. No. 6. Respondents respectfully  
4 request that the Court decide this Motion to Dissolve before February 26, 2026, the date of Petitioner’s  
5 scheduled ICE check-in. Dkt. No. 2 at 3.

6 Petitioner is not likely to succeed on the merits because he has not met his burden of providing  
7 good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable  
8 future. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Respondents have obtained a travel document  
9 for Petitioner, thus assuring that there is a significant likelihood of removal in the reasonably foreseeable  
10 future. Petitioner’s claims that the travel document is somehow not legitimate are speculative and  
11 baseless. He also has not met his burden to show likely irreparable harm and the balance of equities and  
12 public interest weigh in favor of the government.

13 Moreover, the Court lacks jurisdiction to hear this petition because Petitioner is not in detention.  
14 Petitioner inappropriately named Respondents in addition to his immediate custodian. All named  
15 Respondents besides the immediate custodian must be stricken. If Petitioner were to succeed on the  
16 petition, despite not being in custody, this Court should not grant any relief beyond simple release from  
17 future custody. All other relief sought besides release from custody is inappropriate in habeas. The only  
18 relief that Petitioner’s immediate custodian can provide is release from custody. Indeed, the immediate  
19 custodian cannot provide a pre-deprivation bond hearing. Petitioner inappropriately seeks the same  
20 ultimate relief he seeks in his underlying habeas petition, i.e., release from *future* custody. But the issue  
21 of ultimate relief cannot be decided at the temporary restraining order or preliminary injunction stage.  
22 Additionally, through habeas, this Court cannot enjoin Petitioner’s removal from the United States,  
23 cannot enjoin Respondents from removing Petitioner to a third country, nor can this Court prohibit  
24 Respondents from transferring Petitioner outside the District in the future. Lastly, Respondents request  
25 that, in dissolving Petitioner’s temporary restraining order, this Court grant Respondents a reasonable  
26 amount of time to prepare their return to the habeas petition.

27 **II. FACTUAL AND PROCEDURAL BACKGROUND**

28 **A. Vo was a Lawful Permanent Resident When He Was Convicted of Several Crimes**

1 Petitioner, Tien Vo (“Vo”), is a native and citizen of Vietnam who was admitted to the United  
2 States on or about March 24, 1980, and adjusted status to become a Lawful Permanent Resident on June  
3 7, 1982. Dkt. No. 1 at ¶¶ 3, 29; Declaration of Julio Razalan (“Razalan Decl.”) at ¶¶ 11-12. On  
4 December 11, 1992, Vo was convicted in the San Mateo Superior Court of misdemeanor theft in  
5 violation of California Penal Code § 484. Razalan Decl. at ¶ 6, Exh. 1. On November 12, 1993, Vo was  
6 convicted of attempted robbery in violation of Penal Code §§ 664/212.5(b) with a Penal Code §  
7 12022(a)(1) firearms enhancement and sentenced to 2 years imprisonment in San Mateo Superior Court.  
8 Razalan Decl. at ¶ 7, Exh. 2. On March 29, 1994, Vo was convicted of preventing a victim report in  
9 violation of Penal Code § 136.1(B)(1) in San Mateo Superior Court and sentenced to two days jail.  
10 Razalan Decl. at ¶ 8, Exh. 1. On May 5, 1995, Vo was convicted of battery with serious bodily injury in  
11 violation of Penal Code § 243(d) in San Francisco Superior Court and sentenced to four years in prison.  
12 Razalan Decl. at ¶ 9, Exh. 3. On May 5, 1999, Vo was convicted of accessory in violation of Penal Code  
13 § 32 in San Francisco Superior Court and sentenced to 364 days in jail. Razalan Decl. at ¶ 10, Exh. 1.<sup>1</sup>

14 **B. Vo Is Placed in Removal Proceedings and Ordered Removed**

15 On or about February 2, 2000, ICE filed a Notice to Appear charging Vo with removability as an  
16 alien convicted of an aggravated felony. Razalan Decl. at ¶ 13, Exh. 4. Vo filed an asylum claim, and a  
17 claim for withholding of removal and Convention Against Torture relief, all of which Vo withdrew. Dkt.  
18 No. 1 at ¶¶ 4, 30; Razalan Decl. Exh. 5 (Form I-589 withdrawn); Exh. 6. An immigration judge ordered  
19 Vo removed from the United States to Vietnam on or about March 20, 2000, and the INS requested a  
20 travel document. Dkt. No. 1 at ¶¶ 4, 30; Razalan Decl. at ¶¶ 14-15, Exh. 5-6. Vo claims that he chose not  
21 to appeal the denials of his claims for relief. Dkt. No. 1 at ¶¶ 4, 30. Immigration records indicate that Vo  
22 filed a motion to reopen proceedings, but the Immigration Judge denied the motion on March 31, 2000.  
23 Razalan Decl. at ¶ 16, Exh. 6.

24 Immigration and Customs Enforcement released Vo on July 31, 2000, after approximately 180  
25 days in custody and placed him on a Form I-220B order of supervision. Dkt. No. 1 at ¶¶ 4-5, 31;

26  
27  
28 <sup>1</sup> This section establishes that Petitioner does, in fact, have a criminal record. *See* Dkt. No. 6 at 5  
(stating that Petitioner “does not have a criminal record.”).

1 Razalan Decl. at ¶ 17. Vo again filed a motion to reopen / reconsider removal on September 27, 2017,  
2 that the immigration judge denied. Razalan Decl. at ¶¶ 18-19, Exh. 7. Vo petitioned for review, and the  
3 Board of Immigration Appeals and the Ninth Circuit rejected the petition for review. Razalan Decl. at ¶¶  
4 20-22.

5 **C. Vietnam Issues a Certificate of Visa Exemption, and Vo Is Re-Detained**

6 On or about July 17, 2025, Vietnam issued a Certificate of Visa Exemption, valid until July 17,  
7 2030, to Vo. Razalan Decl. at ¶ 23, Exh. 8. On September 5, 2025, immigration authorities detained Vo  
8 on his removal order. Razalan Decl. ¶ 24, Exh. 9; Dkt. No. 1 at ¶¶ 6, 32. ICE also served Vo with a  
9 notice of revocation of release, notifying him of the significant likelihood of removal in the reasonably  
10 foreseeable future. Razalan Decl. at ¶ 24, Exh. 10. On September 25, 2025, immigration authorities  
11 requested travel documents for Vo from Vietnam. Razalan Decl. at ¶¶ 25-27. Vo filed his petition for  
12 habeas corpus after 66 days of re-detention. Dkt. Nos. 1, 2.

13 On November 25, 2025, ICE conducted a post-order custody review, and served its Decision to  
14 Continue Detention on Vo. Razalan Decl. at ¶ 30, Exh. 12. The Removal and International Operations  
15 division forwarded the Travel Document Request to the Attaché for further processing on December 9,  
16 2025. Razalan Decl. at ¶ 30. These actions are part of the normal and routine practice when removing  
17 Vietnamese citizens to Vietnam. Razalan Decl. at ¶¶ 26-28.

18 **D. Vietnam Issues A Travel Document**

19 On December 9, 2025, RIO forwarded the TDR to the Attaché for further processing. Razalan  
20 Decl. at ¶ 31. On January 20, 2026, ERO received Petitioner's travel documents for removal to Vietnam.  
21 Razalan Decl. at ¶ 32; Exh. 13. The travel document is valid until July 10, 2026. Razalan Decl. at ¶ 32;  
22 Exh. 13. Thus, there is a significant likelihood of removal in the reasonably foreseeable future. Razalan  
23 Decl. at ¶ 32.

24 On January 22, 2026, the United States District Court for the Eastern District of California,  
25 unaware of ICE's receipt of the travel document, issued an order adopting the assigned Magistrate  
26 Judge's Findings and Recommendations issued on December 23, 2025, granting Petitioner's habeas  
27 petition, and ordering ICE to immediately release him. Razalan Decl. at ¶ 33; Exh. 11. On the same day,  
28

1 ICE released Petitioner. Razalan Decl. at ¶ 34. On January 29, 2026, Petitioner filed a Motion to Reopen  
2 and Motion for Stay of Removal with the BIA. Razalan Decl. at ¶ 35. Those motions are still pending.  
3 Razalan Decl. at ¶ 35.

### 4 **III. LEGAL STANDARD**

#### 5 **A. Federal Rule of Civil Procedure Rule 65(b)(4)**

6 Federal Rule of Civil Procedure 65(b)(4) states: “*Motion to Dissolve*. On 2 days’ notice to the  
7 party who obtained the order without notice—or on shorter notice set by the court—the adverse party  
8 may appear and move to dissolve or modify the order. The court must then hear and decide the motion  
9 as promptly as justice requires.”

#### 10 **B. The Temporary Restraining Order Standard**

11 The standard for issuing a temporary restraining order is “substantially identical” to the standard  
12 for issuing a preliminary injunction. *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839  
13 n.7 (9th Cir. 2001). A preliminary injunction is “an extraordinary and drastic remedy, one that should not  
14 be granted unless the movant, by a clear showing, carries the burden of persuasion.” *Lopez v. Brewer*, 680  
15 F.3d 1068, 1072 (9th Cir. 2012). To obtain relief, the moving party must show that “he is likely to succeed  
16 on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the  
17 balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. NRDC*, 555  
18 U.S. 7, 20 (2008).

19 The purpose of a preliminary injunction is to preserve the status quo pending final judgment rather  
20 than to obtain a preliminary adjudication on the merits. *Sierra On-Line, Inc. v. Phoenix Software, Inc.*,  
21 739 F.2d 1415, 1422 (9th Cir. 1984). “A preliminary injunction can take two forms.” *Marlyn*  
22 *Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 878 (9th Cir. 2009). “A prohibitory  
23 injunction prohibits a party from taking action and ‘preserves the status quo pending a determination of  
24 the action on the merits.’” *Id.* (internal quotation omitted). “A mandatory injunction orders a responsible  
25 party to take action.” *Id.* at 879 (internal quotation omitted). “A mandatory injunction goes well beyond  
26 simply maintaining the status quo pendente lite and is particularly disfavored.” *Id.* “In general, mandatory  
27 injunctions are not granted unless extreme or very serious damage will result and are not issued in doubtful  
28

1 cases.” *Id.* Where plaintiffs seek a mandatory injunction, “courts should be extremely cautious.” *Stanley*  
2 *v. Univ. of S. Cal.*, 13 F.3d 1313, 1319 (9th Cir. 1994) (internal quotation omitted). The moving party  
3 “must establish that the law and facts *clearly favor* [their] position, not simply that [they are] likely to  
4 succeed.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (emphasis original). Courts have also  
5 denied preliminary relief where the relief the plaintiff seeks is the same relief sought on the merits, because  
6 “[j]udgment on the merits in the guise of preliminary relief is a highly inappropriate result.” *Mendez v.*  
7 *ICE*, No. 23-cv-829, 2023 WL 2604585 at \*3 (N.D. Cal. Mar. 15, 2023) (quoting *Senate of Cal. v.*  
8 *Mosbacher*, 968 F.2d 974, 978 (9th Cir. 1992)).

9 **IV. ARGUMENT**

10 **A. Respondents’ Motion to Dissolve the Temporary Restraining Order Meets the**  
11 **Requirements of Federal Rule of Civil Procedure 65(b)(4)**

12 Federal Rule of Civil Procedure 65(b)(4) permits Respondents to move to dissolve the temporary  
13 restraining order issued by the Court *ex parte* before Respondents had an opportunity to be heard. *See*  
14 Dkt. No. 6. “As justice requires,” Respondents respectfully request that the Court decide Respondents’  
15 Motion to Dissolve the Temporary Restraining Order before February 26, 2026, so that Respondents  
16 maintain their rightful operational discretion under the immigration laws of the United States to possibly  
17 detain Petitioner at his scheduled next check-in.

18 **B. Petitioner Is Unlikely To Succeed On The Merits Of His Claim**

19 **1. The Issuance Of The Travel Document Proves There Is A Significant**  
20 **Likelihood Of Removal In The Reasonably Foreseeable Future**

21 Petitioner is not likely to succeed on the merits because he has not met his burden of providing  
22 good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable  
23 future. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Petitioner has an order of removal to Vietnam  
24 that is administratively and judicially final. Razalan Decl. at ¶¶ 20-22. Petitioner has no fear-based claim  
25 available to him as regards his final order of removal to Vietnam. *See* Dkt. No. 6 at 5. Respondents have  
26 obtained a travel document for Petitioner, thus assuring that there is a significant likelihood of removal  
27 in the reasonably foreseeable future. *See* Razalan Decl., Exh. 13. Petitioner’s claims that the travel  
28 document is somehow not legitimate are speculative and baseless. Petitioner’s demand that Respondents

1 turn over “communication with the Vietnamese embassy” is a serious and unnecessary intrusion on the  
2 Executive Branch’s core foreign relations prerogatives that this Court must reject. *See* Dkt. No. 2 at 15.  
3 Moreover, Petitioner’s expert’s claims that Vietnam will not issue a travel document for Petitioner is  
4 belied by the existence of the travel document and Respondents’ submission of the travel document to  
5 the Court. *Id.* The one case cited by Respondents on the issue of the “alteration of travel documents”  
6 includes a bare assertion by that petitioner regarding whether an *already expired* travel document from  
7 Laos, not Vietnam, had the correct *photo* of him. *See* Dkt No. 1 at 14 (citing to *Viengkhone S. v.*  
8 *Albarran*, No. 1:25-CV-1505, 2025 WL 3521302 (E.D. Cal. Dec. 8, 2025)). But the court in *Viengkhone*  
9 *S.* did not issue any findings as to the validity of the travel document and the validity of the travel  
10 document was not a fact relied upon in the court’s decision. Given the vast circumstantial dissimilarities  
11 between that petitioner and the instant Petitioner, the *Viengkhone S.* case does not carry Petitioner’s  
12 burden of likelihood of success.

13 Respondents disagree with the Court’s statement in its order granting the temporary restraining  
14 order that “even if [Petitioner’s] removal were likely in the reasonably foreseeable future, his detention  
15 would not be ‘reasonably necessary’ to effectuate his removal.” Dkt. No. 6 at 5. With a final order of  
16 removal and a travel document issued, all that remains in the removal process, absent this litigation, is  
17 for Respondents to make the operational and logistical decision to execute the order of removal. There is  
18 some detention inherently and absolutely necessary to execute an order of removal, such as loading  
19 Petitioner onto a transport or airplane. This Court is barred from hearing “any cause or claim by or on  
20 behalf of any alien arising from the decision or action by the Attorney General to...execute removal  
21 orders against any alien.” 8 U.S.C. § 1252(g).

## 22 2. Vo Is Not Likely To Succeed On His Unlawful Re-Detention Claims

23 Vo is also not likely to succeed on his various unlawful re-detention claims because the  
24 government has explicit statutory authority to re-detain him for the purposes of effectuating his removal.

### 25 (i) Re-Detention Is Permitted To Effectuate Removal

26 The statute governing detention in this case, 8 U.S.C. § 1231(a)(6), expressly permits an alien  
27 like Vo, who is removable under 8 U.S.C. § 1227 (or INA § 237) and who has been ordered removed, to  
28

1 be detained beyond the 90-day removal period. *See* 8 U.S.C. § 1231(a)(6). The constitutional limit to  
2 this detention is set forth in *Zadvydas*. Vo concedes that ICE has the authority to re-detain if there are  
3 changed circumstances regarding the reasonable foreseeability of removal. Dkt. No. 2 at 23. In this case,  
4 Vietnam’s issuance of a travel document has made Vo’s removal reasonably foreseeable. Razalan Decl.  
5 Exh. 13.

6 The regulations provide that supervised release can be revoked for one of two reasons: (1) for a  
7 “violation of the conditions of release” or (2) for “revocation for removal.” 8 C.F.R. §§ 241.13(i)(1), (2)  
8 (“Revocation of Release”). Here, “[t]he Service may revoke an alien’s release under this section and  
9 return the alien to custody if, on account of changed circumstances, the Service determines there is a  
10 significant likelihood that the alien may be removed in the reasonably foreseeable future.” 8 C.F.R. §  
11 241.13(i)(2). ICE has made this determination that there is a significant likelihood that Vo may be  
12 removed in the reasonable foreseeable future because ICE now has a travel document for Vo. Razalan  
13 Decl. at ¶ 32, Exh. 13.

14 Once release is revoked and the alien is returned to custody, the alien will be notified of the  
15 reasons for the revocation and the Service will conduct an informal interview to allow the alien to  
16 respond to the reasons for revocation. 8 C.F.R. § 241.13(i)(3). The alien may submit any evidence or  
17 information he believes shows there is no significant likelihood he will be removed in the reasonably  
18 foreseeable future or that he has not violated the order of supervision. *Id.* If the alien is not released from  
19 custody following an initial informal interview described in paragraph (i)(3),<sup>2</sup> the provisions of 8 C.F.R.  
20 § 241.4 shall govern the alien’s continued detention pending removal. *Id.* If the Service has denied an  
21 alien’s request for release, the alien may submit a request for review of his detention six months after the  
22 Service’s last denial of release under this section. 8 C.F.R. § 241.13(j).

23 When an alien is detained, the governing regulation provides, in pertinent part, that an alien will  
24 not be released from custody if in the judgment of the Service travel documents can be obtained or are  
25 forthcoming. *See* 8 C.F.R. § 241.4(g)(2)(3). Section 241.4(g)(2) provides: “The district director shall

27 \_\_\_\_\_  
28 <sup>2</sup> 8 C.F.R. § 241.13(i)(2) lists “paragraph (h)(3),” however, the informal interview process  
appears to be described in paragraph (i)(3).

1 continue to undertake appropriate steps to secure travel documents for the alien both before and after the  
 2 expiration of the removal period. . . . The Service’s determination that receipt of a travel document is  
 3 likely may by itself warrant continuation of detention pending the removal of an alien from the United  
 4 States.” 8 C.F.R. § 241.4(g)(2). The next paragraph of the regulation provides, “In making a custody  
 5 determination, the district director . . . shall consider the ability to obtain a travel document for the alien.  
 6 If it is established at any stage of the custody review that, in the judgment of the Service, travel  
 7 documents can be obtained, or such document is forthcoming, the alien will not be released unless  
 8 immediate removal is not practicable or in the public interest.” 8 C.F.R. § 241.4(g)(3). Finally, in order  
 9 to consider release, the relevant decisionmaker must conclude that travel documents are not available for  
 10 the alien. 8 C.F.R. § 241.4(e)(1). The decisionmaker then considers the other factors in 8 C.F.R. §  
 11 241.4(e), and then those in paragraph (f), such as whether the alien poses a threat to the community.

12 In this case, there is a significant likelihood that Vo will be removed in the reasonably  
 13 foreseeable future because ICE now has a travel document. Razalan Decl. at ¶ 32, Exh. 13.. If ICE  
 14 decides to re-detain Vo at some point in the future, it will follow the regulations described above. More  
 15 is not required.

16 **(ii) Vo Is Not Entitled To A Hearing Before A Neutral Arbitrator Prior**  
 17 **To Revocation Of His Release**

18 Vo’s demand that the District Court must conduct the pre-deprivation hearing is without basis in  
 19 the law. Dkt. No. 2 at 33, 45. He dramatically asks the Court to take the extreme measure of overturning  
 20 the long-standing presumption of regularity. *Id.* at 33-38. The Court must reject Vo’s demand the Court  
 21 endorse the idea that “no employee of the executive branch can be a neutral adjudicator.” *Id.* at 38.

22 The Supreme Court has made clear that “there is no plausible construction of the text of §  
 23 1231(a)(6) that requires the Government to provide bond hearings before immigration judges after six  
 24 months of detention, with the Government bearing the burden of providing by clear and convincing  
 25 evidence” that a detained noncitizen poses a flight risk and a danger to the community. *Johnson v.*  
 26 *Arteaga-Martinez*, 596 U.S. 573, 581 (2022). What applies to immigration judges certainly applies no  
 27 less to district court judges.

28 Just as § 1231(a)(6) “does not address or even hint at the requirements,” for a bond hearing

1 following the six-month mark of immigration detention, *id.* at 580–81 (quotation omitted), it similarly  
 2 does not require a hearing before immigration authorities can re-detain an alien who was previously on  
 3 an order of supervision pending removal. *See* 8 U.S.C. § 1231(a)(6). Such an order would contradict the  
 4 plain language of 8 C.F.R. § 241.13, which governs whether there is a significant likelihood of removing  
 5 an alien in the reasonably foreseeable future and revocation of release, and 8 C.F.R. § 241.4, governing  
 6 continued detention of inadmissible aliens beyond the removal period, and would deprive immigration  
 7 authorities of their operational discretion and regulatory authority to take the actions necessary to  
 8 effectuate the deportation of aliens illegally in the United States.

9 The Due Process Clause does not prohibit Vo’s re-detention.<sup>3</sup> Although the Fifth Amendment  
 10 entitles aliens to due process of law, the Ninth Circuit interprets the Due Process Clause “consistent with  
 11 longstanding precedent recognizing that the process due aliens must account for the government’s  
 12 countervailing interests in immigration enforcement – considerations that do not apply to U.S. citizens.”  
 13 *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1205-06 (9th Cir. 2022). It is well-established that “Congress  
 14 may make rules as to aliens that would be unacceptable if applied to citizens.” *Demore v. Kim*, 538 U.S.  
 15 510, 522 (2003). This is true because “any policy toward aliens is vitally and intricately interwoven with  
 16 contemporaneous policies in regard to the conduct of foreign relations, the war power, and the  
 17 maintenance of a republican form of government, which are core sovereign powers.” *Id.* To the extent  
 18 that Vo asks this Court to apply Due Process rights afforded to incarcerated United States citizens to  
 19 him, the Supreme Court has expressly stated that those precedents do not apply.<sup>4</sup> *Rodriguez Diaz*, 53  
 20 F.4th at 1205-06.

21 \_\_\_\_\_  
 22 <sup>3</sup> In *Arteaga-Martinez*, the Supreme Court declined to decide whether a bond hearing is  
 23 constitutionally required if detention is prolonged under § 1231(a)(6). *Arteaga-Martinez*, 596 U.S. at  
 583.

24 <sup>4</sup> *Young v. Harper*, 520 U.S. 143 (1997) (Dkt. No. 2 at 14); *Gagnon v. Scarpelli*, 411 U.S. 778  
 25 (1973) (Dkt. No. 2 at 14-15); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (Dkt. No. 2 at 14-17, 19);  
 26 *Gonzalez-Fuentes v. Molina*, 607 F.3d 864 (1st Cir. 2010) (Dkt. No. 2 at 15, 17); *Hurd v. Dist. of*  
 27 *Columbia*, 864 F.3d 671 (D.C. Cir. 2017) (Dkt. No. 2 at 13, 17); *Johnson v. Williford*, 682 F.2d 868, 873  
 28 (9th Cir. 1982) (Dkt. No. 2 at 15); *Haygood v. Younger*, 769 F.2d 1350 (9th Cir. 1985) (en banc) (Dkt.  
 No. 2 at 16-17); *Zinerman v. Burch*, 494 U.S. 113 (1990) (Dkt. No. 2 at 16); *Youngberg v. Romero*, 457  
 U.S. 307 (1982) (Dkt. No. 2 at 17); *Lynch v. Baxley*, 744 F.2d 1452 (11th Cir. 1984) (Dkt. No. 2 at 17);  
*United States v. Knights*, 534 U.S. 112 (2001) (Dkt. No. 2 at 17); *Griffin v. Wisconsin*, 483 U.S. 868  
 (1987) (Dkt. No. 2 at 17); *Foucha v. Louisiana*, 504 U.S. 71 (1992) (Dkt. No. at 18).

1 Assuming the factors set forth in *Mathews v. Eldridge* apply in this context to determine whether  
2 procedural protections satisfy the Due Process Clause,<sup>5</sup> the Court considers the following the three  
3 factors: (1) the private interest that will be affected by the official action; (2) the risk of an erroneous  
4 deprivation of such interest through the procedures used, and the probable value, if any, of additional or  
5 substitute procedural safeguards; (3) the Government's interest, including the function involved and the  
6 fiscal and administrative burdens that the additional or substitute procedural requirement would entail.  
7 *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). *Mathews* is not a bright-line test, but a flexible standard  
8 that must account for the heightened governmental interest in the immigration detention context.  
9 *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022) (citing cases).

10 The first factor favors Respondents because Vo's liberty interest in his supervised release  
11 is low. Vo was on notice that he was removable and even withdrew his claims for asylum and  
12 withholding of removal. Razalan Decl. at Exh. 5. After the immigration judge ordered Vo removed, and  
13 after the INS requested travel documents, Vo sought to reopen his removal proceedings. Razalan Decl.  
14 at ¶ 16, Exh. 6. When Vo was released from custody, he was placed on an order of supervision and a  
15 bond. Razalan Decl. at ¶ 17. He understood that he was removable, and his release could be revoked to  
16 effectuate his removal. That understanding explains why Vo attempted to reopen proceedings again in  
17 2017. Razalan Decl. Exh. 6, Exh. 7.

18 The second *Mathews* factor also favors Respondents. In the context of an alien with a final order  
19 of removal that is in the process of being executed, the risk of erroneous deprivation is relatively low.  
20 Here, Vo is undisputedly subject to a final order of removal, Vo has no pending applications that would  
21 prevent his removal, § 1231(a)(6) explicitly authorizes Petitioner's detention in order to effectuate his  
22 removal order, and *Zadvydas* permits his detention because his removal is likely in the reasonably  
23 foreseeable future now that the travel document has been issued. *See* Razalan Decl. at ¶¶ 14-32; Exhs. 5-  
24 8, 13. Due Process does not mandate procedures that reduce the risk of erroneous deprivation to zero, a  
25 result that is beyond grasp. *Rodriguez Diaz*, 53 F.4th at 1213.

26  
27 <sup>5</sup> The Supreme Court when confronted with constitutional challenges to immigration detention  
28 has not resolved them through express application of *Mathews*. *See Rodriguez Diaz*, 53 F.4th at 1206  
(9th Cir. 2022) (citing Supreme Court cases).

1 The final factor weighs decisively in Respondents' favor. The government has a strong interest  
2 in preventing aliens from remaining in the United States in violation of our law and, to this end,  
3 effectuating a final order of removal as quickly as possible, especially when the order relates to an alien,  
4 like Vo, who has a criminal history. *See Roderiguez Diaz*, 53 F.4th at 1208. Once the government  
5 determines that an alien may be removed in the reasonably foreseeable future, there should not be any  
6 additional hurdles, such as a pre-detention hearing, to effectuate what is already a final order. The pre-  
7 detention hearing that Vo requests is essentially a judicially created stay of a final order of removal.  
8 District courts cannot provide injunctive relief to enjoin or forestall the execution of removal orders via  
9 habeas cases and the courts should not be permitted to do indirectly that what they are prohibited from  
10 doing directly. *See Rauda v. Jennings*, 55 F.4th 773, 777–78 (9th Cir. 2022) (finding the district court  
11 cannot enjoin removal via a habeas petition).; *see also Reyes-Aguilar v. United States Dep't of*  
12 *Homeland Security*, No. 2012 WL 12849082 (C.D. Cal. Oct. 10, 2012) (citing cases that find a district  
13 court cannot halt the execution of an order of removal). On balance, if applied, the Mathews factors  
14 weigh decisively in Respondents' favor.

15 **3. Vo Has Not Met His Burden to Show Likely Irreparable Harm Without**  
16 **Immediate Injunctive Relief**

17 Vo has not articulated an irreparable harm that can only be remedied with immediate injunctive  
18 relief. Vo is not in detention and Vo has not established that Respondents will immediately detain him.  
19 The fact that ICE has operational discretion to detain Petitioner based on the approved travel document  
20 is not extraordinary—rather, it is an authorized part of the removal process. Immigration laws have long  
21 authorized immigration officials to charge aliens as removable from the country, to arrest aliens subject  
22 to removal, and to detain aliens pending removal. *Demore*, 538 U.S. at 523–26. “Detention is  
23 necessarily a part of [the] deportation procedure.” *Carlson v. Landon*, 342 U.S. 524, 538 (1952); *see*  
24 *Reno v. Flores*, 507 U.S. 292, 306 (1993) (“Congress eliminated any presumption of release pending  
25 deportation, committing that determination to the discretion of the Attorney General.”). As to any harm  
26 that could result from Vo’s removal to a third country, Vo cannot establish irreparable harm, particularly  
27 in the context of a TRO, because this circumstance has not materialized.

#### 4. The Balance of Equities and Public Interest

When the government is a party, the third and fourth preliminary injunction factors merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014). “The government’s interest in efficient administration of the immigration laws” is “weighty,” and “it must weigh heavily in the balance that control over matters of immigration is a sovereign prerogative, largely within the control of the executive and the legislature.” *Landon v. Plasencia*, 459 U.S. 21, 34 (1982). Further, the government’s interest in protecting the public and preventing deportable non-citizens from fleeing is strong and compelling. See, e.g., *Rodriguez Diaz*, 53 F.4th at 1208 (The government’s interests in the prompt execution of removal orders are “interests of the highest order that only increase with the passage of time” and the “risk of a detainee absconding also inevitably escalates as the time for removal becomes more imminent.”). The government’s interest in deporting Vo and protecting the public in the meantime, is compelling in this case, given his significant criminal history. These interests outweigh any interest Vo may have in continuing on release for whatever limited time he has left before being removed from the United States.

Moreover, months long court delays in getting pre-deprivation hearings even scheduled – see *Guillermo M.R. v. Kaiser*, 3:25-cv-5436-RFL, Dkt. No. 39 (N.D. Cal. Jun. 29, 2025) (“[O]n August 12, 2025, the Immigration Court granted the motion of Respondent Department of Homeland...to schedule a pre-deprivation bond hearing for Petitioner. The hearing was scheduled for January 20, 2026.”) – means that the travel document will likely expire in July before an Immigration Judge issues any decision on whether Respondents have established that there is a significant likelihood of removal in the reasonably foreseeable future. Given the temporary nature of travel documents, the imposition of a pre-deprivation hearing requirement could functionally forever enjoin Petitioner’s removal.

#### C. Habeas Relief Is Both Inappropriate and Premature Because Petitioner Is Challenging His Future Detention

Habeas relief is an appropriate request when an individual is “in custody” and requesting release from that custody. U.S. Const. Art. 1, § 9, Cl. 2; 28 U.S.C. § 2241(c) (“The writ of habeas corpus shall not extend to a prisoner unless [h]e is in custody”); *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 117–18 (2020) (“[T]he essence of habeas corpus is an attack by a person in custody upon the

1 legality of that custody, and [] the traditional function of the writ is to secure release from illegal  
 2 custody.”). An individual does not need to be in actual physical custody to seek habeas relief; the “in  
 3 custody” requirement may be satisfied where an individual’s release from detention is subject to specific  
 4 conditions or restraints. *See Dow v. Cir. Ct. of the First Circuit*, 995 F.2d 922, 923 (9th Cir. 1993)  
 5 (holding that release subject to mandatory attendance at alcohol rehabilitation classes constituted  
 6 “custody” for habeas purposes).

7 Here, Petitioner does not meet the “in custody” requirement despite being subject to certain  
 8 conditions of release. The habeas petition does not challenge the conditions of release nor does it seek to  
 9 secure Petitioner’s release from any *present* custody. Instead, Petitioner seeks an injunction to prevent a  
 10 future detention. This relief sought is not connected to the current conditions of release. In *J.P. v.*  
 11 *Santacruz*, No. 25-cv-1640, 2025 WL 2633198 (C.D. Cal. Aug. 27, 2025), the court held that even  
 12 assuming ICE’s order of supervision satisfied the “in custody” requirement, “Petitioner fails to  
 13 adequately demonstrate he is challenging his confinement.” *Id.* at \*3. The court specifically noted that  
 14 challenges to *future* detention do not fall within habeas jurisdiction:

15 Here, Petitioner does not challenge the lawfulness of his alleged  
 16 custody...Rather, Petitioner challenges his *potential* confinement absent a  
 17 pre-deprivation hearing before a neutral adjudicator...Petitioner’s concern  
 18 about re-detention stems from Respondents indication that they *may*  
*possibly* re-detain Petitioner at a future in-person appointment...Based on  
 the record in this case, the court would not find that Petitioner adequately  
 demonstrates a challenge to his custody.

19 *Id.* (citing *Pinson v. Carvajal*, 69 F.4th 1059, 1073 (9th Cir. 2023) (“Because this claim neither goes to  
 20 the fact of Sands’s confinement nor would require immediate release if successful, it is outside the core  
 21 of habeas” and must be dismissed.) (emphasis added)); *see also Doe v. Garland*, 109 F.4th 1188, 1194  
 22 (9th Cir. 2024) (“*Pinson* solidified the rule that a habeas claim is one challenging the fact of  
 23 confinement, rather than the conditions of confinement.”) (emphasis added). As in *J.P.*, Petitioner’s  
 24 claim here similarly challenges future detention, not present detention or confinement. Therefore,  
 25 Petitioner does not seek a remedy that sounds in habeas, and habeas jurisdiction is inappropriate.

26 **D. All Named Respondents Besides the Immediate Custodian Must Be Stricken**

27 Respondents move for all Respondents other than Petitioner’s immediate custodian to be

1 dismissed from this case. The United States Court of Appeals for the Ninth Circuit squarely addressed  
2 this issue in *Doe v. Garland*, where it explained:

3 Section 2242 states that habeas petitions “shall allege the facts concerning  
4 the applicant’s commitment or detention, the name of *the* person who has  
5 custody over him and by virtue of what claim or authority, if known.” 28  
6 U.S.C. § 2242 (emphasis added). The plain text of the federal habeas  
7 implementation provision delineates that petitions must include the name of  
8 “the” person maintaining custody over the petitioner, *id.*, implying that  
9 there is typically only one proper respondent to a habeas petition. *See*  
10 [*Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004)] (stating that “[t]he  
11 consistent use of the definite article in reference to the custodian indicates  
12 that there is generally only one proper respondent to a given prisoner’s  
13 habeas petition”). Section 2243, which governs issuance of the writ, states  
14 that “[t]he writ, or order to show cause shall be directed to *the* person having  
15 custody of the person detained.” 28 U.S.C. § 2243 (emphasis added). Not  
16 unlike 28 U.S.C. § 2242, Congress chose to use a definite article, “the,” to  
17 make clear that only one person can be said to maintain custody over the  
18 detained petitioner, and that person is the proper respondent to a core habeas  
19 challenge. *See Padilla*, 542 U.S. at 434–35, 124 S.Ct. 2711; *see also United*  
20 *States v. Lopez*, 4 F.4th 706, 721 (9th Cir. 2021) (stating that “definite  
21 articles like ‘the’ restrict the noun that follows as particularized in scope or  
22 previously specified by context”). Accordingly, *Padilla* explained  
23 definitively who that one proper respondent is: “in habeas challenges to  
24 present physical confinement—‘core challenges’—the default rule is that  
25 the proper respondent is the warden of the facility where the prisoner is  
26 being held, not the Attorney General or some other remote supervisory  
27 official.” *See Padilla*, 542 U.S. at 435, 124 S.Ct. 2711.

16 109 F.4th 1188, 1195 (9th Cir. 2024). Thus, there is exclusively one proper respondent to a habeas  
17 petition and that is Petitioner’s immediate custodian. However, because Petitioner is not in detention,  
18 there is no immediate custodian to name. Absent a counterparty, the habeas claim cannot proceed.

19 **E. Any Relief Besides Release from Custody Is Inappropriate in Habeas**

20 The only relief available in habeas is release from custody. The Supreme Court has long held  
21 that “the traditional function of the writ is to secure release from illegal custody.” *Preiser v. Rodriguez*,  
22 411 U.S. 475, 484 (1973). In *Dep’t of Homeland Sec. v. Thuraissigiam*, the Supreme Court denied a  
23 habeas petition from an alien in immigration detention because he “seeks to use habeas to obtain  
24 something far different from simple release.” 591 U.S. 103, 121 (2020); *see also Munaf v. Geren*, 553  
25 U.S. 674, 694 (2008) (denying a habeas petition because petitioners sought relief other than “simple  
26 release”). Any relief granted to Petitioner beyond “simple release” should be denied because “Claims so  
27 far outside the ‘core’ of habeas may not be pursued through habeas.” *Id.* at 119.

1 **F. Petitioner’s Immediate Custodian Can Only Provide Release from Custody**

2 Petitioner’s immediate custody cannot provide any relief besides release from custody.

3 “Remedies... ‘operate with respect to specific parties.’” *California v. Texas*, 593 U.S. 659, 672 (2021)  
4 (quoting *Murphy v. National Collegiate Athletic Assn.*, 138 S.Ct. 1461 1486 (2018) (Thomas, J.,  
5 concurring) (internal quotation marks omitted)). Ordering any other relief in this case, besides release  
6 from custody, would be inappropriate. Most relevant here, Petitioner’s immediate custodian lacks the  
7 capability and authority to conduct a pre-deprivation bond hearing. Thus, the Court cannot order  
8 Petitioner’s immediate custodian to conduct any such hearing.

9 **G. The Issue of Ultimate Relief Must Not Be Decided in A TRO**

10 The only appropriate relief sought by Petitioner in the motion for a TRO, i.e., release from  
11 custody, is the same ultimate relief Petitioner seeks in the underlying habeas petition. Consequently, the  
12 relief Petitioner seeks in the motion for a TRO is not “temporary” or “preliminary” but rather it is  
13 effectively final judgment on the merits of the habeas petition. “[I]t is generally inappropriate for a  
14 federal court at the preliminary-injunction stage to give a final judgment on the merits.” *Univ. of Tex. v.*  
15 *Camensich*, 451 U.S. 390, 395 (1981); *see also Senate of Cal. v. Mosbacher*, 968 F.2d 974, 978 (9th Cir.  
16 1992) (“[J]udgment on the merits in the guise of preliminary relief is a highly inappropriate result.”).  
17 This result is particularly inappropriate when the TRO granting ultimate relief is issued ex-parte, without  
18 the opportunity for effective preparation of Respondents’ counsel and Respondents’ right to be heard.

19 Because Petitioner’s motion for a TRO and habeas petition both seek release from future  
20 detention, the Court must deny the motion for a TRO. *See, e.g., Rodas v. Samiea*, No. 5:26-cv-65, 2026  
21 WL 184226, at \*1 (C.D. Cal. Jan. 19, 2026) (denying petitioner’s request for release from immigration  
22 detention on motion for TRO because it is “duplicative of his request for that same relief on the merits”);  
23 *Aslan v. Wamsley*, No. 2:25-cv-2698, 2026 WL 84000, at \*2 (W.D. Wash. Jan. 12, 2026) (denying  
24 immigration habeas TRO seeking release because “[t]he appropriate vehicle for resolving Aslan’s due  
25 process claim is his habeas petition.”); *Dzhanpolatov v. USCIS*, No. 25-cv-3314, 2025 WL 1652427, at  
26 \*2 (N.D. Cal. May 26, 2025) (denying a motion for TRO because “while characterized as preliminary  
27 relief, Dzhanpolatov effectively seeks judgment on the merits.”); *Chavez v. Murray*, No. 1:25-cv-198,

1 2025 WL 1017678, at \*2 (E.D. Cal. Apr. 4, 2025) (denying a motion for TRO because it “seeks only to  
2 alter the status quo by issuing an expedited order that would grant him the ultimate relief he seeks in his  
3 petition.”); *Keo v. Warden of Mesa Verde ICE Processing Ctr.*, No. 1:24-cv-919, 2024 WL 3970514, at  
4 \*2 (E.D. Cal. Aug. 28, 2024); *Mendez*, WL 2604585, at \*3.

5 **H. This Court Cannot Enjoin Petitioner’s Removal from The United States**

6 The Court lacks jurisdiction to enjoin respondents from removing Petitioner from the United  
7 States. Under 8 U.S.C. § 1252(g), “no court shall have jurisdiction to hear any cause or claim by or on  
8 behalf of any alien arising from the decision or action by the Attorney General to commence  
9 proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.” This  
10 jurisdictional bar applies to section 2241 of title 28 and any other habeas provision. *Id.* Thus, as the  
11 Ninth Circuit has itself affirmed, if the Court grants a preliminary injunction, it should not include a  
12 prohibition on the removal of Petitioner. *See Rauda v. Jennings*, 55 F.4th at 776-79 (holding that the  
13 district court lacked jurisdiction in habeas to issue TRO enjoining an alien’s removal pursuant to his  
14 final order of removal).

15 The Court also lacks jurisdiction to enjoin removal under 8 U.S.C. § 1252(b)(9). *See Khalil v.*  
16 *President, United States*, No. 25-2162, 2026 WL 111933, at \*8 (3d Cir. Jan. 15, 2026). That subsection  
17 provides: “Judicial review of all questions of law and fact... arising from any action taken or proceeding  
18 brought to remove an alien from the United States ... shall be available only in judicial review of a final  
19 order [of removal].” *Id.* Section 1252(b)(9) is an “unmistakable ‘zipper’ clause” that “channels judicial  
20 review of all [claims arising from deportation proceedings]” to a court of appeals in the first instance.  
21 *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999). Accordingly, the only  
22 proper way for Petitioner to enjoin his removal is before the appropriate federal court of appeals in the  
23 form of a petition for review of a final removal order. Moreover, § 1252(a)(5) provides that a petition for  
24 review is the exclusive means for judicial review of immigration proceedings:

25 Notwithstanding any other provision of law (statutory or nonstatutory), . . .  
26 a petition for review filed with an appropriate court of appeals in accordance  
27 with this section shall be the sole and exclusive means for judicial review  
of an order of removal entered or issued under any provision of this chapter,  
except as provided in subsection (e).

1 8 U.S.C. § 1252(a)(5). “Taken together, § 1252(a)(5) and § 1252(b)(9) mean that *any* issue—whether  
 2 legal or factual—arising from *any* removal-related activity can be reviewed only through the [petition-  
 3 for-review] process.” *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016) (emphasis in original); *see*  
 4 *also Vilorio v. Lynch*, 808 F.3d 764, 767 (9th Cir. 2015) (“It is well established that this court’s  
 5 jurisdiction over removal proceedings is limited to review of final orders of removal.”).<sup>6</sup> Habeas, then, is  
 6 not the proper vehicle to enjoin removal.

### 7 I. This Court Lacks Jurisdiction to Enjoin Removal to A Third Country

8 This Court lacks jurisdiction to order Respondents to provide notice and an adequate opportunity  
 9 to apply for fear-based relief prior to any third country removal. Put simply, Respondents have not, in  
 10 fact, suggested that a third country has been identified for removal. *See* Dkt. No. 6 at 5. Accordingly,  
 11 there is no controversy concerning third country resettlement for the Court to resolve.

12 The Constitution limits federal judicial power to designated “cases” and “controversies.” U.S.  
 13 Const., Art. III, § 2; *SEC v. Medical Committee for Human Rights*, 404 U.S. 403, 407 (1972) (federal  
 14 courts may only entertain matters that present a “case” or “controversy” within the meaning of Article  
 15 III). “Absent a real and immediate threat of future injury there can be no case or controversy, and thus  
 16 no Article III standing for a party seeking injunctive relief.” *Wilson v. Brown*, No. 05-cv-1774, 2015 WL  
 17 8515412, at \*3 (S.D. Cal. Dec. 11, 2015) (citing *Friends of the Earth, Inc. v. Laidlow Env’t Servs., Inc.*,  
 18 528 U.S. 167, 190 (2000) (“[I]n a lawsuit brought to force compliance, it is the plaintiff’s burden to  
 19 establish standing by demonstrating that, if unchecked by the litigation, the defendant’s allegedly  
 20 wrongful behavior will likely occur or continue, and that the threatened injury is certainly impending.”).  
 21 At the “irreducible constitutional minimum,” standing requires that a plaintiff demonstrate the  
 22 following: (1) an injury in fact (2) that is fairly traceable to the challenged action of the United States  
 23 and (3) likely to be redressed by a favorable decision. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555,

24  
 25 <sup>6</sup> The Ninth Circuit has held that, “By its terms, [§ 1252(b)(9)] does not apply to federal habeas  
 26 corpus petitions that do not involve final orders of removal.” *Nadarajah v. Gonzales*, 443 F.3d 1069,  
 27 1075 (9th Cir. 2006). However, that decision predates and conflicts with *Jennings v. Rodriguez*, which  
 28 noted that § 1252(b)(9) strips jurisdiction to “challeng[es] [to] the decision to detain [aliens] in the first  
 place or to seek removal,” challenges to “any part of the process by which... removability will be  
 determined,” and requests to “review... an order of removal.” *Jennings v. Rodriguez*, 583 U.S. 281, 294  
 (2018). Moreover, *Nadarajah* itself did not enjoin removal.

1 560-61 (1992).

2 Here, because Respondents have not indicated that they seek to remove Petitioner to a third  
3 country, there is no live case or controversy and this Court lacks jurisdiction to order relief concerning  
4 third-country resettlement. *See Powell v. McCormack*, 395 U.S. 486, 496 (1969); *see also Murphy v.*  
5 *Hunt*, 455 U.S. 478, 481 (1982). The Court does not have jurisdiction “to give [an] opinion upon moot  
6 questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter  
7 in issue in the case before it.” *Church of Scientology of Cal. v. United States*, 506 U.S. 9, 12 (1992). “A  
8 claim is moot if it has lost its character as a present, live controversy.” *Rosemere Neighborhood Ass’n v.*  
9 *U.S. Env’t Prot. Agency*, 581 F.3d 1169, 1172-73 (9th Cir. 2009). That is the situation here.

10 Moreover, to the extent Petitioner’s requested relief arises from—or seeks to enjoin—the  
11 decision to execute a removal order to a third country, that relief is jurisdictionally barred under 8  
12 U.S.C. § 1252 for the reasons mentioned above.

13 **J. The Court Cannot Prohibit Respondents from Transferring Petitioner Between**  
14 **Detention Facilities**

15 The Court cannot order that Petitioner remain in the District if detained *in the future*. Regardless  
16 of whether Petitioner is detained within the Northern District of California, no order from the Court  
17 preventing transfer is necessary to preserve this Court’s jurisdiction. It is well-established that “when the  
18 Government moves a habeas petitioner after she properly files a petition naming her immediate  
19 custodian, the District Court retains jurisdiction and may direct the writ to any respondent within its  
20 jurisdiction who has legal authority to effectuate the prisoner’s release.” *Rumsfeld v. Padilla*, 542 U.S.  
21 426, 441 (2004). And even if Petitioner is transferred outside the District, the District Court will retain  
22 jurisdiction over the habeas petition. *See Ex Parte Endo*, 323 U.S. 283, 307 (1944). Any claims  
23 regarding potential future transfer between detention facilities within the District or to detention  
24 facilities outside the District are mere speculation. Thus, there is no basis for the Court to prohibit  
25 Petitioner’s transfer.

26 **K. Respondents Should be Granted a Reasonable Amount of Time to Prepare their**  
27 **Return to the Habeas Petition**

28 Because Petitioner’s request for ultimate relief can only be decided following consideration of

1 full briefing on the underlying habeas petition, Respondents request that this Court set a reasonable  
2 briefing schedule so that Respondents' counsel may review agency records and adequately prepare their  
3 response. *See, e.g., Aslan v. Wamsley*, 2026 WL 84000, at \*1-3 (denying TRO seeking release from  
4 custody and permitting respondents eighteen days to file a return to the habeas petition).

5 **V. CONCLUSION**

6 For the foregoing reasons, the government respectfully requests that the Court dissolve the TRO  
7 and dismiss Petitioner's habeas petition.

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9 Dated: February 20, 2026

Respectfully submitted,

10 CRAIG H. MISSAKIAN  
United States Attorney

11  
12 /s/ Michael J. Starrett  
MICHAEL J. STARRETT  
13 Special Assistant United States Attorney

14 Attorneys for Respondents  
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