

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

Minh Quan Tran DAO,

Petitioner

v.

Todd BLANCHE, et al.

Respondents

Case No. 4:26-cv-00706

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Petitioner Minh Quan Tran Dao (“Mr. Dao”) faces indefinite detention under a final order of removal that cannot be executed. He has been detained for over six months—196 days to date—at Stewart Detention Center after his abrupt arrest on October 14, 2025. Mr. Dao has serious health issues including partial paralysis from two strokes and ongoing postoperative recovery from open-heart surgery less than a year ago. For over six months, he has languished in detention while his health deteriorates despite the absence of any practical means to effectuate his removal to Vietnam.

For more than twenty-three years, Mr. Dao—a longtime Georgia resident—has lived under a final order of removal. For that entire period, ICE has been unable to execute his removal order because Vietnam will not issue the necessary travel documents. That has not changed. Mr. Dao’s passport applications to the Vietnamese Consulate have twice been denied, most recently on April 16, 2026. ICE has provided no evidence of any plan or timeline to execute his removal. And his health continues to deteriorate at Stewart, where he receives inadequate medical care.

Mr. Dao has now been detained for over six months and provided ample evidence of good reason to believe his removal is not significantly likely in the reasonably foreseeable future. *See*

Akinwale v. Ashcroft, 287 F.3d 1050, 1052 (11th Cir. 2002). His indefinite detention violates 8 U.S.C. § 1231(a) under the Supreme Court’s holding in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and his right to due process under the Fifth Amendment. Mr. Dao has suffered irreparable harm each day in detention since October 14, 2025, and that injury will continue without immediate intervention by this Court. He respectfully requests that the Court GRANT his request for emergency injunctive relief and order his immediate release.

LEGAL FRAMEWORK

The Immigration and Nationality Act (“INA”) provides that after a removal order becomes final, the Government “shall remove the alien from the United States within a period of 90 days.” 8 U.S.C. § 1231(a)(1)(A). This 90-day period is often referred to as the “removal period,” and during it, the Government “shall detain the alien.” *Id.* § 1231(a)(2). In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court addressed two cases in which the Government failed to remove noncitizens during the removal period and long after because no country would accept them. *Id.* at 684-86. The Court recognized that a statute permitting indefinite detention of a noncitizen would raise “a serious due process problem” implicating noncitizens’ fundamental liberty interest in freedom from imprisonment. *Id.* at 690, 692. Accordingly, the Court narrowly construed § 1231(a)(6) to permit detention after the 90-day removal period only for the period “reasonably necessary to secure removal,” establishing a six-month detention period as presumptively reasonable. *Id.* at 699-701.

Post-final order detention under § 1231(a)(6) is therefore neither unlimited nor discretionary: it must “bear a reasonable relation to the purpose for which the individual [was] committed,” *i.e.*, to effectuate removal. *Id.* at 690. Once the presumptive six-month period expires, a noncitizen need only provide “good reason” to believe that removal is not significantly likely in

the reasonably foreseeable future. *Id.* at 702. At that point, the burden shifts to the Government to “respond with evidence sufficient to rebut that showing.” *Id.* Failure to do so requires the petitioner’s release. *Singh v. U.S. Att’y Gen.*, 945 F.3d 1310, 1313 (11th Cir. 2019).

STATEMENT OF FACTS

The following facts are incorporated from Mr. Dao’s Petition and its exhibits.

Mr. Dao’s Arrival to the United States

Mr. Dao was born in Vietnam in 1973. On October 26, 1994, Mr. Dao immigrated to the United States with his parents and two siblings as refugees under the Humanitarian Operation program, a component of UNHCR’s Orderly Departure Program, established to resettle refugees after the Vietnam War. The Humanitarian Operation program facilitated admission of former reeducation camp detainees and their families in the United States. These camps subjected detainees—including Mr. Dao’s father—to forced labor, starvation-level rations, and severe psychological abuse. The enduring impact of this persecution shaped Mr. Dao’s early life and led his family to resettle in Atlanta, Georgia.

Shortly after arriving in the United States, Mr. Dao faced the challenges of adjusting to a new country as a young adult with limited English proficiency and soon ran into trouble with the law. In 1995, he was present when his acquaintances were involved in a fight at a restaurant. During the fight Mr. Dao was shot in the neck and hospitalized. Three years later, on November 19, 1998, Mr. Dao was indicted on two counts under the federal RICO Act. On July 11, 2000, he was sentenced to forty-six months in prison.

After completing his sentence, Mr. Dao was transferred to ICE custody in Alabama around September 13, 2002, pending removal proceedings. On October 22, 2002, an Immigration Judge ordered his removal to Vietnam. Mr. Dao did not appeal.

While detained, Mr. Dao fully cooperated with ICE's efforts to remove him. Despite his compliance, ICE was unable to effectuate his removal and detained him for over seven months after the removal order became final. Mr. Dao filed a pro se habeas petition on April 24, 2003. *See Dao v. Melville*, No. 1:03-cv-01147-JEC, 2003 WL 23825850 (N.D. Ga. July 8, 2003). A month later, on May 29, 2003, ICE released Mr. Dao, placing him on an Order of Supervision. The Government acknowledged in response to Mr. Dao's pro se habeas petition that it had been unable to obtain travel documents for Mr. Dao. *See* Ex. 6 (Thurlow Decl.).

Over the next twenty-three years, even after newly formed U.S.-Vietnam repatriation agreements, ICE was unable to secure travel documents for his removal.

Mr. Dao's Life in Georgia

Under supervised release, Mr. Dao built a stable, productive life in Georgia. He earned a nail technician license, worked in salons, and eventually opened a salon with his wife. He became a devoted stepfather to his wife's two daughters. He and his wife raised two sons of their own. Both are now in college.

In recent years, Mr. Dao has faced serious health issues, including Type II diabetes, high blood pressure, and high cholesterol. In 2018, he suffered his first stroke, followed by a second in 2022, which left him partially paralyzed and unable to walk for months. He requires a cane or walker for mobility. On June 5, 2025, Mr. Dao underwent open-heart surgery to treat severe multivessel coronary artery disease. He remains in active postoperative recovery and relies on a strict daily regimen of eleven prescription medications to manage his condition and prevent life-threatening complications. *See* Ex. 5 (Cardiologist Letter).

October 14, 2025, ICE Detention

On October 9, 2025, Mr. Dao received a letter from ICE summoning him to its Atlanta Office on October 14, 2025, for a “Case Review / update / annual reporting.” The letter provided no further explanation or details regarding the purpose of the meeting. On October 14, 2025, Mr. Dao arrived at ICE’s Atlanta office for what he reasonably believed was a routine check-in, bringing medical records documenting his recent open-heart surgery and ongoing treatment requirements. Without warning or explanation—and after more than twenty-three years of Mr. Dao’s full compliance—ICE abruptly revoked his Order of Supervision, took him into custody, and shortly thereafter transported him to Stewart Detention Center, where he remains detained.

Mr. Dao’s Current Detention

After re-detaining Mr. Dao, ICE waited nearly a month to provide him with documents required for a travel document request on November 12, 2025. Mr. Dao completed the forms immediately, but ICE waited until December 16, 2025, to retrieve it. Soon after, ICE returned to Mr. Dao with additional questions highlighted on the same application. Mr. Dao completed the additional paperwork immediately. ICE never collected it. The additional paperwork remains in Mr. Dao’s possession at Stewart. *See* Ex. 11 (First Dao Decl.); Ex. 14 (Second Dao Decl.).

Mr. Dao’s family was worried about his worsening health in detention and sought to expedite his release to Vietnam. They sought assistance from Mekong NYC, a community-based organization serving Southeast Asian refugees. With the organization’s guidance, Mr. Dao’s passport application was submitted to the Vietnamese Consulate in New York City. *See* Ex. 12 (First Que Chao Thi Dao Decl.). On January 7, 2026, the Vietnamese Consulate emailed a letter stating that Mr. Dao “does not meet the requirements” and it “will not be able to issue a Vietnamese passport or any travel documents for [him].” *See* Ex. 1 (First Vietnamese Consulate Letter).

On January 22, 2026, Mr. Dao filed a habeas petition (“First Habeas Petition”). In their response, Respondents represented to the Court that as of February 12, 2026, they had not yet submitted Mr. Dao’s travel document request to the Vietnamese government and were still in the process of having it translated.

As Mr. Dao approached six months in detention, his sister reached out again to the Vietnamese Consulate in New York City to inquire whether it could approve a passport for Mr. Dao. The Consulate directed her to complete a new passport application on Mr. Dao’s behalf, which she did. On April 16, 2026, the Vietnamese Consulate emailed a second letter confirming it would not issue a Vietnamese passport or travel document for Mr. Dao. *See* Ex. 13 (Second Que Chao Thi Dao Decl.); Ex. 2 (Second Vietnamese Consulate Letter).

The same day, the Magistrate Judge issued a Report and Recommendation, recommending dismissal without prejudice, reasoning that the *Zadvydas* claim was premature because Mr. Dao filed the petition approximately three months after ICE re-detained him. *See Dao v. Bondi*, No. 4:26-cv-00128-CDL-ALS, ECF No. 16 (M.D. Ga. Apr. 16, 2026).

Mr. Dao’s health has deteriorated in detention. His partial paralysis from his two strokes has been compounded by increasing hip and foot pain which has further reduced his mobility. He only sees a doctor at Stewart once every three months. *See* Ex. 14. The doctor at Stewart is not a cardiologist and has not provided any post-operative care as needed following Mr. Dao’s open-heart surgery in June 2025. *Id.* Mr. Dao receives inadequate nutrition in detention and has been consistently sick for the last six months. In the meantime, his family is suffering from the stress of the uncertainty of Mr. Dao’s future—unable to see him in detention or anticipate when he will be freed, if ever. *See* Ex. 13.

ARGUMENT

A TRO or preliminary injunction is appropriate where the movant demonstrates: “(1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the nonmovant; and (4) that the entry of the relief would serve the public interest.” *Schiavo ex. Rel Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005). Where the nonmovant is the Government, the third and fourth requirements “damage to the opposing party” and “public interest” can be consolidated. *Otto v. City of Boca Raton*, 981 F.3d 854, 870 (11th Cir. 2020).

I. Mr. Dao Is Likely to Succeed on the Merits of his *Zadvydas* Claim.

Mr. Dao has clearly stated a claim under *Zadvydas* because he has shown (1) he has been detained for more than six months following his final order of removal and (2) there is good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. *See Akinwale*, 287 F.3d at 1052. Respondents may only overcome this showing with evidence that Mr. Dao’s removal is significantly likely in the reasonably foreseeable future. But they cannot. Respondents’ only rebuttal will be that Mr. Dao’s travel document request “remains pending” and perhaps that ICE has successfully removed some other Vietnamese immigrants to Vietnam. In other words, Respondents have no concrete plan to execute Mr. Dao’s removal. For these reasons, Mr. Dao is likely to succeed on the merits.

First, Mr. Dao has been detained for more than six months following his final order of removal. Since his arrest on October 14, 2025, he has been continuously in ICE custody. The presumptive *Zadvydas* threshold has been satisfied.

Second, Mr. Dao has provided more than good reason to believe his removal is not significantly likely in the reasonably foreseeable future. Good reason is “not an onerous standard.” *Mogos v. Thompson*, No. 5:26-CV-0740-JKP, 2026 WL 475079, at *4 (W.D. Tex. Feb. 13, 2026).

Mr. Dao is not required to show that his deportation will prove “impossible” or “the absence of any prospect of removal—no matter how unlikely or unforeseeable.” *Khader v. Holder*, 843 F. Supp. 2d 1202, 1206 (N.D. Ala. 2011) (quoting *Zadvydas*, 533 U.S. at 702). Courts have considered that “the passage of time” combined with the Government being “no closer to . . . repatriating [petitioner] than they were once they first took him into custody” is sufficient to meet the petitioner’s burden. *Singh v. Whitaker*, 362 F. Supp. 3d 93, 103 (W.D.N.Y. 2019); *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005) (explaining the “passage of six months” suffices as good reason).

Mr. Dao has more than met his initial burden. ICE itself determined his removal was unlikely when it released him on May 29, 2003. In the intervening twenty-three years—and despite the U.S. and Vietnam reaching a 2020 Memorandum of Understanding creating a process for the repatriation of “pre-1995” Vietnamese immigrants like Mr. Dao—ICE has been unable to secure travel documents to effectuate his removal. Nor has it done so during the 196 days it has held him in custody since October 14, 2025, despite Mr. Dao’s full compliance with ICE’s requests for him to complete a travel document application. This is more than sufficient to show his removal is not likely in the reasonably foreseeable future. *See Rudenko v. Secretary, DHS*, No. 2:25-cv-1157-JES-NPM, 2026 WL 291012, at *3 (M.D. Fla. Feb. 4, 2026) (petitioner met initial burden by showing ICE’s past deportation efforts were rejected and no progress was made in fourteen years on supervised release or after 90 days since latest detention).

But Mr. Dao has presented evidence far beyond the passage of time without answer from the Vietnamese government. Vietnam has answered. Mr. Dao’s two passport applications to the Vietnamese Consulate have both been denied, most recently on April 16, 2026. The Consulate has stated, in writing, that it will issue neither a passport nor travel documents for him. *See Exs. 1,*

2. Respondents have produced no evidence that a third attempt—or any continued effort—would yield a different result.

Finally, Respondents’ rebuttal will attempt to persuade the Court to accept that a “pending” travel document request should justify detaining Mr. Dao indefinitely. But the Supreme Court explicitly rejected this argument in *Zadvydas* by overruling the Fifth Circuit’s interpretation of § 1231(a)(6) as permitting ICE’s ongoing “good faith efforts” to effectuate deportation to justify indefinite detention. *See* 533 U.S. at 702. Following *Zadvydas*, the Government cannot “rely on claims of ‘best efforts’ and promises that removal is just around the corner” to justify detention beyond six months. *Hajbeh v. Loiselle*, 490 F. Supp. 2d 689, 693 (E.D. Va. 2007). To meet its burden, the Government must have “specific evidence” that removal is likely in the reasonably foreseeable future, *i.e.*, evidence of a plan for how and when the Government expects to execute that removal. *Khader*, 843 F. Supp. 2d at 1208-09.

Courts nationwide have therefore repeatedly rejected pending travel document requests as sufficient evidence to demonstrate significant likelihood of removal in the reasonably foreseeable future. *See, e.g., Balouch v. Bondi*, No. 9:25-CV-216-MJT, 2025 WL 2871914, at *3 (E.D. Tex. Oct. 9, 2025). So, too, should the Court here. After twenty-three years of supervised release and six months of recent detention in which to execute Mr. Dao’s removal, ICE has produced no evidence that Vietnam intends to accept Mr. Dao, that ICE has obtained a travel document for Mr. Dao, or that ICE has even communicated with the Vietnamese government about Mr. Dao. As of February 12, 2026—after four months of detaining Mr. Dao—ICE had yet to obtain translations necessary to complete the travel document request. *See* Ex. 3 ¶ 15 (Guerra Decl.). And as of April 20, 2026—more than six months after detaining Mr. Dao—the most Respondents could say for their progress was that Mr. Dao’s travel document request “remains pending.” Ex. 4 (Email

Correspondence). There is no plan to deport him by a specified time or date. Courts have found a similar lack of concrete, individualized detail utterly insufficient for the Government to demonstrate that a petitioner will be removed in the reasonably foreseeable future. *See, e.g., Joseph v. Rhoden*, No. 3:25-CV-1579-MMH-PDB, 2026 WL 262589, at *3 (M.D. Fla. Feb. 2, 2026) (rejecting ICE’s generic description for how it facilitates deportation to Mexico absent evidence of a travel document or specific plan for petitioner); *Ambrosi v. Warden, Folkston Ice Processing Ctr.*, No. 5:25-CV-13, 2025 WL 2779210, at *3 (S.D. Ga. Aug. 18, 2025), *report and recommendation adopted*, No. 5:25-CV-13, 2025 WL 2772500 (S.D. Ga. Sept. 29, 2025) (rejecting ICE’s ongoing third country removal efforts after it conceded it did not have “an expected timeline” for petitioner’s removal).

ICE’s success deporting other Vietnamese immigrants to Vietnam likewise cannot demonstrate that Mr. Dao’s removal is significantly likely in the reasonably foreseeable future. Courts nationwide have overwhelmingly rejected ICE’s assertions that removals to Vietnam are in fact occurring as sufficient evidence of an individual petitioner’s likely removal. *See, e.g., Nguyen v. Bondi*, No. EP-25-CV-323-KC, 2025 WL 3120516, at *7 (W.D. Tex. Nov. 7, 2025); *Truong v. Bondi*, Case No. SA-25-CA-01947-XR, 2026 WL 475296, at *4 (W.D. Tex. Feb. 11, 2026); *Pham v. Bondi*, No. CIV-25-1157-SLP, 2025 WL 3243870, at *2 (W.D. Okla. Nov. 20, 2025); *Nguyen v. Hyde*, 788 F. Supp. 3d 144, 150-51 (D. Mass. 2025); *Nguyen v. Rocha*, No. CV-25-04161-PHX-DJH (JFM) (D. Ariz. Nov. 26, 2025); *see also Khader*, 843 F. Supp. 2d at 1208-1209 (same where ICE’s success deporting some noncitizens to Jordan was undercut by Jordan’s documented rejection of others). Such statistics are irrelevant because, as Mr. Dao’s history of repeated travel document denials—including one as recently as this month—shows, Vietnam evaluates repatriation requests on a “case-by-case basis.” *Trinh v. Homan*, 466 F. Supp. 3d 1077,

1089-91 (C.D. Cal. 2020); Ex. 8 ¶¶ 10-13 (Dan Decl.) (describing Vietnam’s factors for issuing travel documents including ability to work, family ties, and social and political history in Vietnam). This is underscored by the number of Vietnamese immigrants currently detained at Stewart who have, like Mr. Dao, been waiting to be deported for well over six months without any sign of progress towards ICE obtaining travel documents for them. Ex. 8 ¶ 9 (documenting thirty-one Vietnamese immigrants detained at Stewart as of February 27, 2026); Ex. 14 ¶¶ 6, 8. With no information about how ICE expects to obtain a different outcome for Mr. Dao and when it will execute his removal, these bare numbers cannot show his removal is significantly likely in the reasonably foreseeable future.

For these reasons, Mr. Dao is likely to succeed on the merits. And in light of the irreparable harm Mr. Dao suffers each day in detention, the Court should order his immediate release.

II. Mr. Dao Will Suffer Irreparable Harm Absent Emergency Injunctive Relief.

Irreparable injury is harm that cannot be undone through monetary remedies. *Cunningham v. Adams*, 808 F.2d 815, 821 (11th Cir. 1987). This Court has recognized that deprivation of liberty in violation of one’s constitutional rights constitutes such injury. *See Y.A.P.A. v. Trump*, 785 F. Supp. 3d 1350, 1358 (M.D. Ga. 2025); *see also Gayle v. Meade*, 614 F. Supp. 3d 1175, 1205 (S.D. Fla. 2020) (“It is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury.”); *Zadvydas*, 533 U.S. at 690 (“freedom from imprisonment ... lies at the heart of the liberty [the Due Process] Clause protects”). And Mr. Dao faces harm even beyond the indefinite deprivation of his liberty. He is also at risk of serious and irreparable health complications due to inadequate care for his medical conditions at Stewart, where concerns about

medical neglect have been frequently reported.¹ This harm is not remote or speculative, but actual, imminent, and life-threatening. *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000). It justifies his immediate release.

Courts throughout this Circuit have held that physical and psychological injury constitute irreparable harm that warrants injunctive relief, *see, e.g., Doe v. Georgia Dep't of Corr.*, 730 F. Supp. 3d 1327, 1349 (N.D. Ga. 2024), including an increased risk of medical complications, *see, e.g., Boulos v. Director, U.S. DHS ICE ERO Miami Field Office*, No. 25-CV-23792, 2026 WL 898838, at *7 (S.D. Fla. Apr. 2, 2026) (inadequate care for and risk of complications with petitioner's ocular condition in detention was irreparable harm); *Ambrosi*, 2025 WL 2779210, at *4 (petitioner's "health concerns and avowed lack of proper medical care" was irreparable harm). Mr. Dao was left partially paralyzed by his two strokes in 2018 and 2022. His mobility has worsened at Stewart, Ex. 14 ¶ 9, and he is at elevated risk for another stroke due to physical and emotional stress in detention and lack of adequate monitoring, Ex. 5. Likewise, he was scheduled for consistent postoperative medical oversight by his cardiologist following his open-heart surgery in June 2025, *id.*, and has missed those appointments while languishing at Stewart where the

¹ See Timothy Pratt, *ICE Prison's 911 Calls Overwhelm a Rural Georgia Emergency System*, The Intercept (Dec. 12, 2025), <https://theintercept.com/2025/12/12/stewart-911-calls-ice-ambulance-emergency/> (documenting increase in requests for medical help from Stewart following "increased detainee populations without changes to medical staffing and capacity"); El Refugio, *Medical Neglect and Abuse in Stewart Detention Center: Historic Failures and Trump-Era Overcrowding before ICE Funding Increase* (July 2025), https://static1.squarespace.com/static/5dedd42f60df274331bcd16b/t/689f686416e7065ca756cda7/1755277412984/SDC_Report_El+Refugio_07-21-2015.pdf (documenting instances of inadequate medical care at Stewart); Sen. Jon Ossoff, *Medical Neglect & Denial of Adequate Food or Water in US. Immigration Detention* (Oct. 2025), https://www.ossoff.senate.gov/wp-content/uploads/2025/10/25.10.24_Sen.-Ossoff-Medical-Neglect-Denial-of-Adequate-Food-or-Water-in-U.S.-Immigration-Detention.pdf (documenting medical neglect and denial of adequate food or water in ICE detention including twenty-two reports substantiated in Georgia); Sen. Warnock, *Warnock Ossoff Press Trump Administration Over Deaths in ICE Custody*, (Sept. 23, 2025), <https://www.warnock.senate.gov/newsroom/press-releases/warnock-ossoff-press-trump-administration-over-deaths-in-ice-custody/> (documenting June 7, 2025, death by suicide at Stewart marking thirteenth death at Stewart since 2006).

facility's medical provider is not a cardiologist and has provided no care for his postoperative recovery, Ex. 14 ¶ 10. Deprived of the care of specialists to attend to his serious health conditions, Mr. Dao faces life-threatening risks from another stroke, his cardiac condition, and postoperative complications. Ex. 5. These risks of medical complications—which could lead to Mr. Dao's serious injury or death at Stewart—cannot be remedied after the fact. *See Boulos*, 2026 WL 898838, at *7 (collecting cases).

III. The Balance of Hardships and Public Interest Weigh Heavily in Mr. Dao's Favor

The final two factors—the balance of hardships and the public interest—“merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). Here, the balance weighs overwhelmingly in Mr. Dao's favor. If injunctive relief is denied, he will continue suffering from the deprivation of his core constitutional right to liberty and the risk of stroke, cardiac, and further medical complications. These harms are immediate, severe, and—by their nature—irreparable.

Respondents, by contrast, cannot claim any cognizable hardship from being required to cease an unlawful detention. As courts have recognized, the Government “cannot suffer harm from an injunction that merely ends an unlawful practice.” *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013); *see also Rojano Gonzalez v. Sterling*, No. 1:25-cv-6080-MHC, 2025 WL 3145764, at *8 (N.D. Ga. Nov. 3, 2025) (balance of equities favored petitioner when injunctive relief would “merely prevent Respondents from applying [an immigration statute] in an unlawful manner to petitioner”). Moreover, the Government faces no hardship from returning Mr. Dao to supervised release while it continues to seek to obtain a travel document to execute his removal. Under his OSUP conditions, Mr. Dao will be required to notify ICE of address changes and his intent to travel out of state. *See, e.g.*, Ex. 7 (2011 OSUP). He will likewise be required to continue assisting

ICE in obtaining travel documents and to report in person as requested by ICE. *Id.* Mr. Dao's history of compliance demonstrates he will do so—just as he did upon receiving ICE's letter for his October 14, 2025, check-in. Under supervised release, Mr. Dao will be known, compliant, and easily reachable. *See Gomes-Afonseca v. Lyons*, 1:26-cv-10215-AK, slip op. at 8 (D. Mass. Feb. 26, 2026) (rejecting ICE's contention that detention was necessary to obtain travel documents and execute removal where petitioner had complied with OSUP and attempted to obtain travel documents of his own volition).

The public interest likewise strongly favors relief for Mr. Dao. Courts nationwide have recognized the public interest in having immigration laws applied “correctly and evenhandedly.” *Tesfamichael v. Gonzales*, 411 F.3d 169, 178 (5th Cir. 2005). And as this Court recently recognized: “It certainly serves the public interest to assure that the Government does not infringe upon someone's fundamental constitutional rights.” *Y.A.P.A.*, 785 F. Supp. 3d at 1358. Those constitutional protections extend to everyone in the United States, regardless of “political view” or subjective determinations of deservingness. *Id.* at 1359. “This foundational principle is part of what has made, and will continue to make, America great.” *Id.*

Because the hardships to Mr. Dao are profound and the Government suffers none from halting unlawful conduct, both the balance of hardships and the public interest weigh decisively in favor of injunctive relief.

CONCLUSION

For the foregoing reasons, the Court should grant Mr. Dao temporary injunctive relief and order Mr. Dao's immediate release pending the merits of his Petition.

Dated: April 28, 2026

Respectfully submitted,

/s/Phi Nguyen

Phi Nguyen, GA Bar. No. 578019

Razeen Zaman*
Oriana Farnham*
ASIAN AMERICAN LEGAL DEFENSE
AND EDUCATION FUND
99 Hudson Street, 12th Floor
New York, NY 10013
pnguyen@aaldef.org
rzaman@aaldef.org
ofarnham@aaldef.org
212-966-5932

*Pro hac vice admission pending