

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

DANH TRINH,

Petitioner,

Case No.

v.

JASON STREENAL, et al.

Respondents.

_____ /

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Petitioner, Danh Trinh, by and through undersigned counsel, respectfully moves this Honorable Court for the entry of an emergency temporary restraining order enjoining his continued unconstitutional detention and ordering his immediate release, and in support thereof states as follows:

INTRODUCTION

Petitioner remains in immigration detention more than eight months after being taken into custody pursuant to a final order of removal.

On or about, May 26, 2026, in the Middle District of Florida previously denied Petitioner's earlier habeas petition solely because detention had not yet exceeded the presumptively reasonable six-month period under *Zadvydas v. Davis*,

533 U.S. 678 (2001), expressly without prejudice to refiling once that threshold was met and the constitutional claim became ripe. That circumstance has now materially changed

Respondents admit that no travel document has yet been issued and that removal remains contingent upon unresolved foreign processing. Despite asserting that ICE conducts “frequent charter flights” to Vietnam, Petitioner remains detained with no executable removal plan presently in place. Continued detention under these circumstances violates the Fifth Amendment and warrants immediate emergency intervention.

FACTUAL BACKGROUND

Petitioner has remained in ICE custody since October 31, 2025. Respondents acknowledge that his detention has now exceeded 180 days.

This is Petitioner’s second habeas petition challenging his continued detention. The prior petition was denied without prejudice because, at that time, detention had not yet exceeded six months and the Court determined the claim under *Zadvydas* was premature.

Respondents now attempt to justify continued detention by asserting that Petitioner’s travel document request packet has been completed and forwarded through agency channels for processing in Vietnam.

Petitioner does not possess valid travel documents. Respondents have not

produced evidence establishing that the Government of Vietnam has formally accepted Petitioner for repatriation. Respondents have not shown that Petitioner has been placed on a confirmed removal manifest. Respondents have not demonstrated that all legal and logistical prerequisites necessary to effectuate removal have been completed.

Instead, Respondents rely entirely on speculation that removal may occur in the future. Respondents also assert that ICE regularly conducts charter flights to Vietnam. If such removals are as frequent and routine as Respondents suggest, Petitioner's prolonged detention only further underscores the speculative nature of their position. Had removal truly been imminent, it would have already occurred. Instead, Petitioner remains confined while Respondents continue attempting to secure the conditions necessary to effectuate removal.

LEGAL STANDARD

A temporary restraining order is appropriate where the moving party demonstrates a substantial likelihood of success on the merits, irreparable injury absent emergency relief, that the threatened injury outweighs any harm to the opposing party, and that the requested relief serves the public interest. The deprivation of constitutional liberty interests constitutes irreparable harm.

ARGUMENT

I. PETITIONER HAS A SUBSTANTIAL LIKELIHOOD OF SUCCESS ON

THE MERITS

Under *Zadvydas v. Davis*, detention following a final order of removal is limited to the period reasonably necessary to effectuate removal. Once detention exceeds six months and the detainee provides good reason to believe that removal is not significantly likely in the reasonably foreseeable future, the burden shifts to the government to rebut that showing.

Petitioner has satisfied that threshold. Respondents concede detention has now extended well beyond six months. The prior procedural barrier identified by this Court no longer exists. The burden therefore shifts to Respondents to establish a significant likelihood of removal in the reasonably foreseeable future. They have failed to meet that burden. Respondents do not present evidence of issued travel documents. They do not present evidence of formal acceptance by Vietnam. They do not establish that removal is imminent. Instead, they offer only speculation that a future chain of events may eventually permit removal.

That is insufficient under *Zadvydas*. Speculation regarding future diplomatic or administrative developments does not constitute evidence of a significant likelihood of removal in the reasonably foreseeable future. The fact that Respondents continue attempting to secure removal does not cure the constitutional defect. The relevant inquiry is not whether efforts continue, but whether removal is realistically likely. Based on Respondents' own admissions, it

is not. Petitioner therefore has a substantial likelihood of success on the merits.

II. PETITIONER IS SUFFERING IRREPARABLE HARM

Petitioner continues to suffer the ongoing deprivation of his physical liberty each day he remains unlawfully detained. Loss of liberty constitutes irreparable harm as a matter of law. No monetary remedy can compensate for unconstitutional confinement. Absent emergency intervention, Petitioner will remain incarcerated while Respondents continue pursuing uncertain and speculative removal efforts. That harm is immediate, ongoing, and irreparable.

III. THE BALANCE OF EQUITIES FAVORS PETITIONER

The balance of equities overwhelmingly favors Petitioner. Petitioner faces continued unconstitutional confinement. Respondents, by contrast, suffer no cognizable harm from compliance with constitutional limitations on detention. If lawful removal becomes realistically executable, Respondents retain the enforcement tools authorized by immigration law. Administrative convenience cannot justify prolonged unconstitutional detention.

IV. THE PUBLIC INTEREST SUPPORTS IMMEDIATE RELIEF

The public has a compelling interest in ensuring that government actors comply with constitutional requirements. There is no public interest in unlawful detention. The public interest is best served by enforcement of constitutional protections and adherence to the limitations imposed by the Supreme Court

in *Zadvydas*.

V. EMERGENCY RELIEF IS NECESSARY

Emergency relief is necessary because each additional day of unconstitutional detention compounds the irreparable deprivation of liberty. Absent immediate judicial intervention, Petitioner will remain detained despite Respondents' inability to establish that removal is significantly likely in the reasonably foreseeable future. The requested relief is necessary to preserve the Court's ability to provide meaningful habeas relief.

CONCLUSION

Petitioner has now been detained well beyond the presumptively reasonable detention period recognized by the Supreme Court. Respondents have failed to establish that removal is significantly likely in the reasonably foreseeable future. Continued detention therefore violates the Fifth Amendment and federal habeas principles.

WHEREFORE, Petitioner respectfully requests that this Court enter an emergency temporary restraining and award such other and further relief as this Court deems just and proper.

Dated: July 23, 2026

Respectfully submitted,

/s/ Yaritssa Plasencia

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23

the foregoing document with the Clerk of

will send a notice of electronic filing to all counsel of record.

/s/ Helen L. Parsonage

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