

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

TAM CHI NGUYEN,

Petitioner,

v.

KRISTI NOEM, et al.,

Respondent.

Civil Action No. 6:25-CV-00057-H

**RESPONSE TO EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER**

Petitioner filed Emergency Motion for Temporary Restraining Order late last night alleging that the Government had moved Petitioner out of this jurisdiction without notice and requesting that the Court order petitioner to be returned to this Court's jurisdiction. The Court ordered the Government to respond by 10 a.m. this morning. The Government confirms that, due to an oversight on the ground and the availability of a charter flight to Vietnam (the country to which Petitioner has previously been ordered removed), petitioner was indeed moved outside of this jurisdiction. As described further below, this was the product of an oversight which the Government is in the process of rectifying—and the Government is returning Petitioner to this Court's jurisdiction imminently.

The Dallas Field office for Enforcement and Removal Operations (ERO) was informed that a charter flight to Vietnam was scheduled for July 15, 2025. All detainees with final orders of removal to Vietnam were to be moved for the flight. ERO had been

made aware of the representation made to this Court and a flag was placed within their system advising that petitioner should not be removed from the jurisdiction. Unfortunately, officers arranging transportation to Louisiana for the removal flight missed the note and Petitioner was inadvertently included in that group of detainees. Due to that oversight, Petitioner was moved out of this district.

ERO is currently taking steps to correct this error. Petitioner is in transit back to Texas and should arrive later this evening. Moreover, additional safeguards will be put in place to ensure that the Government does not move Petitioner again without the promised notice, absent further order of this Court and/or dismissal of the habeas petition. The Government acknowledges that, pursuant to its prior representations, Petitioner should not and will not be removed from this Court's jurisdiction without providing the Court with three days' notice (absent further order of this Court and/or dismissal of the habeas petition).

In sum, the Government acknowledges that Petitioner was moved from this jurisdiction without notice and is working to rectify that by bringing Petitioner back to this jurisdiction. Indeed, Petitioner is in transit back to the jurisdiction and has not been removed. The Government will provide subsequent notice to this Court and Petitioner's counsel when Petitioner has been returned to the Eden Detention Center. And finally, additional safeguards to prevent this error from reoccurring are being put in place. For these reasons, the Government respectfully submits that the Petitioner's emergency motion should be denied as moot due to the Government's imminent return of Petitioner to this jurisdiction.

Respectfully submitted,

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Attorneys for Respondent

CERTIFICATE OF SERVICE

On July 15, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Ann E. Cruce-Haag
ANN E. CRUCE-HAAG
Assistant United States Attorney