

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HUNG QUOC NGUYEN

PETITIONER,

v.

KRISTI NOEM, et al.,

RESPONDENTS.

Case No. 4:25-CV-03325

EMERGENCY MOTION FOR TRO AND/OR PRELIMINARY INJUNCTION

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INTRODUCTION

Petitioner, Hung Quoc Nguyen, a devoted son to his elderly mother and contributing member of society, by and through undersigned counsel, respectfully moves this Court for an emergency Temporary Restraining Order (“TRO”) and/or a Preliminary Injunction. Mr. Nguyen, a pre-1995 Vietnam immigrant who was released eighteen years ago after the statutory removal period ended, has been detained in overcrowded ICE custody for nearly two months. Since his detention and the initiation of this case, another Vietnamese national in his 50s died after being unnecessarily detained by ICE for seven weeks. Mr. Nguyen’s health is rapidly deteriorating, and he has more than sufficient reason to fear his fate could be the same. These things along with the continued depravation of his liberty without a lawful purpose has prompted the need for the instant motion.

For these reasons and those stated below, Mr. Nguyen respectfully requests this Court order ICE to release him from custody and enjoin ICE from re-detaining him until the circumstances that has prevented his removal for years has in fact changed and the “moment of removal” has arrived. Alternatively, Mr. Nguyen respectfully requests the Court set this matter for an evidentiary hearing.

OVERVIEW OF THE RELEVANT LEGAL ISSUES

For more than eighteen years, Mr. Nguyen did everything the United States government asked of him. After a conviction in 1999, he was ordered removed to Vietnam on September 10, 2001—a country that would not take him back. Recognizing this reality, the government released him 109 days later, on December 28, 2001.

individual was nowhere near the first one in ICE custody over the past few months.⁴ Nor is it at all surprising given the consistent reports of overcrowded conditions in ICE detention facilities across the country.⁵

Since his detention by ICE more than 50-days ago, Mr. Nguyen has been stuck in an unsanitary, overcrowded ICE detention facility.⁶ During this extended and unnecessary detention, Mr. Nguyen has experienced significant weight loss, been sick with a fever multiple times, and has had an overall demonstrable deterioration of his physical and mental health.⁷

The fear that Mr. Nguyen may be the next Vietnamese national who dies in ICE custody is all too real for both him and his family. The very real possibility of this is precisely why he seeks emergency consideration of his habeas petition and motion for a preliminary injunction.

ARGUMENT AND AUTHORITIES

“The Fifth Amendment's Due Process Clause forbids the Government to ‘depriv[e]’ any ‘person . . . of . . . liberty . . . without due process of law.’”⁸ “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—

⁴ (Dkt. No. 1-2 pp. 75-89.)

⁵ (*Id.*)

⁶ (Dkt. No. 1-2 pp. 75-89.)

⁷ (*See generally*, Pet’r’s App. to TRO at pp. 8-27.)

⁸ *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (quoting U.S. Const. Amend. 5).

