

1 Stacy Tolchin (CA SBN #217431)  
2 *Email: Stacy@Tolchinimmigration.com*  
3 Law Offices of Stacy Tolchin  
4 776 E. Green St., Suite 210  
5 Pasadena, CA 91101  
6 Telephone: (213) 622-7450  
7 Facsimile: (213) 622-7233

8 Counsel for Petitioner

9  
10 **UNITED STATES DISTRICT COURT FOR THE**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12

13 Long TON,

14 Petitioner,

15 v.

16 Kristi NOEM, Secretary, Department of  
17 Homeland Security; Todd LYONS, in his  
18 official capacity as Acting Director of U.S.  
19 Immigration and Customs Enforcement; Pam  
20 BONDI, Attorney General of the United  
21 States; Ernesto SANTACRUZ Jr., Acting  
22 Director, Los Angeles ICE Field Office; and  
23 Fereti SEMAIA, Warden, Adelanto ICE  
24 Processing Center.

25 Respondents.  
26  
27  
28

No. 5:25-cv-02894-SB-AGR

PETITIONER'S REPLY TO  
OPPOSITION TO APPLICATION  
FOR TEMPORARY  
RESTRAINING ORDER AND  
ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION

Immigration Case

1 Petitioner replies to Respondent's November 6, 2025 Opposition to his *Ex*  
2 *Parte* Application for Temporary Restraining Order. Dkt # 9.

3 There has been no progress in securing Petitioner's removal from the United  
4 States. Respondents report that after ICE's June 3, 2025 request to China, four  
5 months passed without any progress or communication regarding Petitioner's  
6 removal. Dkt # 9. Respondents then followed up with an email on October 10,  
7 2025, and on October 23, 2025, Petitioner was "added to the Hong Kong travel  
8 document request list" and a "request" was mailed out the next day. *Id.* There has  
9 been no approval of a travel document, and Respondents provide no explanation as  
10 to why they believe that the request *will* be approved. Rather, Respondents state that  
11 "ICE expects that a travel document will soon be issued for Petitioner, and ICE  
12 believes it will be able to effectuate his removal to China in the reasonably  
13 foreseeable future, consistent with China issuing such travel documents for Hong  
14 Kong nationals." Dkt # 9 at 3. Further, Respondents state that "[b]eyond the new  
15 request for travel documents, Respondents do not at this point have further evidence  
16 to submit to demonstrate that such travel documents to China will likely be issued  
17 for the Petitioner. But the Respondents believe that these documents can be  
18 obtained." *Id.* at 5. No evidence is produced to substantiate this belief.

19 In fact, Respondents fail entirely to address Petitioner's contention that he  
20 has reason to believe that China will not issue a travel document because  
21 Vietnamese refugees born in Hong Kong do not have a right of return to Hong  
22 Kong or China. Dkt # 7 at 6-7. Respondents do not present any argument or  
23 evidence that China accepts Vietnamese refugees born in Hong Kong to refute the  
24 letter from Dr. Jana Lipman (Exh. P.). In addition, Petitioner now includes a letter  
25 from the United Nations High Commissioner for Refugees (UNHCR) stating  
26 "generally, Indochinese (including Vietnamese) refugee children born in Hong  
27 Kong, upon their resettlement to a country like the United States, would not have  
28 any claim to legal status in Hong Kong nor the right to return there." Tolchin Supp.

1 Dec. Exh. Q. Hence, ICE is on a fishing expedition requesting authorization for a  
2 travel document when Petitioner has no right of return to China/Hong Kong. His  
3 detention is unlawful and injunctive relief is required. *Vaskanyan v. Janecka*, No.  
4 5:25-CV-01475-MRA-AS, [2025 WL 2014208](#), at \*4 (C.D. Cal. June 25, 2025).

5 Last, Petitioner otherwise meets the standard for injunctive relief. He is  
6 clearly suffering irreparable harm while detained. Respondents may remove  
7 Petitioner from the United States if they are able to do so in the future. Respondents  
8 may keep Petitioner under the terms of his order of supervision and require his  
9 ongoing reporting, just as he has done for years. Petitioner's constitutional right to  
10 liberty is at issue, and his detention violates the immigration laws. It is in the public  
11 interest to protect his rights and require adherence to the law. *See Meza v. Bonnar*,  
12 No. 18-CV-02708-BLF, [2018 WL 2554572](#), at \*4 (N.D. Cal. June 4, 2018); *Vargas*  
13 *v. Jennings*, No. 20-cv-5785-PJH, [2020 WL 5074312](#), at \*4 (N.D. Cal. Aug. 23,  
14 2020); *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, [2025 WL 1993771](#), at \*6  
15 (E.D. Cal. July 16, 2025).

16 As such, the Court should grant the application and order that Petitioner be  
17 released under the terms of his original order of supervision.

18  
19 Dated: November 6, 2025

Respectfully Submitted,

S/Stacy Tolchin

20  
21 Stacy Tolchin (CA SBN #217431)  
22 Law Offices of Stacy Tolchin  
23 776 E. Green St., Ste. 210  
24 Pasadena, CA 91101  
25 Telephone: (213) 622-7450  
26 Facsimile: (213) 622-7233  
27 Email: [Stacy@Tolchinimmigration.com](mailto:Stacy@Tolchinimmigration.com)  
28 Counsel for Petitioner

**WORD COUNT CERTIFICATION**

The undersigned, counsel of record for Plaintiff certifies that this Memo contains  
567 words, which complies with the word limit of L.R. 11-6.1.

s/ Stacy Tolchin  
Stacy Tolchin  
Counsel for Petitioner