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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

PHU VAN TA,
Petitioner,
v.
KRISTI NOEM, Secretary of
Homeland Security, et al.,
Respondents.

No. 5:25-cv-02902-MEMF-JDE

**JOINT STATUS REPORT RE: ORDER
DATED JANUARY 9, 2026 [DKT. 20]**

Honorable John D. Early
United States Magistrate Judge

1 Petitioner Phu Van Ta (“Petitioner”) and Respondents Kristi Noem, in her official
2 capacity as Secretary of Homeland Security, Pamela J. Bondi, in her official capacity as
3 Attorney General of the United States, Thomas Giles, in his official capacity as Los
4 Angeles Field Office Director, Bureau of Immigration and Customs Enforcement, James
5 Pilkington, in his official capacity as Assistant Field Office Director, Adelanto Detention
6 Facility, and “Warden, Geo Group Inc., Adelanto Detention Facility” (collectively the
7 “Respondents”) (collectively with the Petitioner, the “Parties”), through their counsels of
8 record, jointly submit this status report in response to the Court’s Order dated January 9,
9 2026 (Dkt. 20).

10 Counsel for the Parties have complied with Court’s Order and completed a
11 videoconference on January 23, 2026, at 3:00 p.m. where they discussed whether a
12 stipulated resolution could be reached and, if not then what issues remain to be decided
13 in the Habeas Petition. Dkt. 1.

14 The Parties cannot agree on a stipulated resolution. Nor do they agree about what
15 issues remain to be decided. They therefore separately set out their views on that score,
16 below.

17 **I. Petitioner’s Position**

18 Petitioner believes that all substantive issues raised by his petition remain to be
19 decided. These include both the merits of his claims and the nature of relief required to
20 finally cure the Respondents’ federal violations.

21 Petitioner believes that mootness has already been resolved by the Court’s ruling
22 that neither the TRO nor the preliminary injunction moot the case (ECF No. 19 at 3),
23 though he does not object to the Respondents’ re-raising the issue if there are relevant
24 changed circumstances.

25 **II. Respondents’ Position**

26 Petitioner filed his Habeas Petition on October 31, 2025. Dkt. 1. After a TRO was
27 entered, Petitioner was released from the government’s custody at Desert View Annex in
28 Adelanto on November 11, 2025, and Respondents have not re-detained Petitioner.

1 Respondents contend this Habeas Petition is moot and the case must be dismissed
2 because Plaintiff is not in custody. *See* 28 U.S.C. § 2241(c) (“The writ of habeas corpus
3 shall not extend to a prisoner unless [h]e is in custody.”). Regardless of the District
4 Court’s analysis during its issuance of a preliminary injunction, factual events of this
5 case have evolved, but none of these facts include Petitioner being re-detained by the
6 government. Petitioner cannot argue that he is in the government’s custody. Separately,
7 Petitioner is challenging the June 6, 2011, final order of removal at the Board of
8 Immigration Appeals (“BIA”). He applied at the BIA for a stay of his removal, and on
9 January 8, 2026, the BIA entered a stay order. Respondents acknowledge that the BIA
10 stay order means that Petitioner’s removal is not imminent as of the filing of this Joint
11 Status Report. Regardless, this Court cannot provide Petitioner habeas relief as he is not
12 in custody.

13 Further litigation of a matter that is moot wastes the Court and counsels’
14 resources. Based on the discussion on January 23rd, Respondents anticipate that
15 Petitioner will request a permanent injunction prohibiting the United States of America
16 from ever violating his constitutional rights for the rest of his life. In addition,
17 Respondents anticipate that Petitioner will request a permanent injunction altering the
18 conditions of his supervised release. Respondents contend the above anticipated relief is
19 not available under habeas jurisdiction.

20 Because Petitioner refuses to accept that habeas jurisdiction is limited,
21 Respondents cannot reach a stipulated resolution.

22 Dated: January 27, 2026

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

/s/ Michael T. Drake
MICHAEL T. DRAKE
Deputy Federal Public Defender

Attorneys for Petitioner

1 Dated: January 27, 2026

Respectfully submitted,

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3 Deputy Attorney General
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6 DAVID M. HARRIS
7 Assistant United States Attorney
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12 /s/ Alexander L. Farrell

13 ALEXANDER L. FARRELL
14 Assistant United States Attorney

15 Attorneys for Respondents

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17 * Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer attests that all other signatories
18 listed, and on whose behalf the filing is submitted, concur in the filing's content and
19 have authorized the filing.
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