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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 BAO QUOC VU,
12 Petitioner,
13 v.
14 WARDEN, ET AL.,
15 Respondents.
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CASE NO. 1:25-CV-01631-WBS-JDP

RESPONDENTS' OPPOSITION TO MOTION
FOR TEMPORARY RESTRAINING ORDER

DATE: January 26, 2026¹

TIME: 1:30 p.m.

COURT: Hon. William B. Shubb

17 **OPPOSITION TO MOTION FOR TEMPORARY RESTRAINING ORDER**

18 On December 19, 2025, Petitioner Bao Quoc Vu ("the petitioner") filed a motion for
19 temporary restraining order and preliminary injunction. ECF 11 ("Mot."). On December
20 22, 2025, the Court ordered the Respondents to file an opposition on or before January
21 15, 2026, the Petitioner to file a reply on or before January 21, 2026, and set the matter
22 for an in-person hearing on January 26, 2026. ECF No. 13.

23 Petitioner's motion rises or falls on two issues: 1) the length of his detention prior
24 to his removal, and 2) the legality of his potential removal to a third country.
25 Intervening developments have conclusively resolved both issues in Respondents' favor.
26 On January 5, 2026, ICE obtained a travel document and travel itinerary for Petitioner's

27 ¹ As set forth in more detail in the second paragraph, Respondents respectfully request an
28 expedited ruling if possible.

1 removal to Vietnam. The Petitioner's travel to Vietnam is currently scheduled for
2 January 12, 2026. Accordingly, Respondents' respectfully request an expedited ruling by
3 this Court on the morning of January 8, 2026. According to ICE, this timeline would
4 allow for Petitioner's deportation back to his county of citizenship on January 12, 2026.

5 Petitioner's removal to Vietnam is now guaranteed. The Court should deny the
6 motion for a TRO because there is "a significant likelihood that the [petitioner] may be
7 removed in the reasonably foreseeable future." 8 C.F.R. § 241.13. Accordingly, the
8 petitioner has failed to meet his burden to support a temporary restraining order.

9 LEGAL STANDARD

10 The standard for issuing of a temporary restraining order is "substantially
11 identical" to the standard for issuing a preliminary injunction. *Stuhlbarg Int'l Sales Co.*
12 *v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). Preliminary injunctions
13 are extraordinary remedies "never awarded as of right." *Winter v. Nat. Res. Def. Council,*
14 *Inc.*, 555 U.S. 7, 24 (2008). "[P]laintiffs seeking a preliminary injunction face a difficult
15 task in proving that they are entitled to this extraordinary remedy." *Earth Island Inst.*
16 *v. Carlton*, 626 F.3d 462, 469 (9th Cir. 2010) (internal quotation omitted). Petitioner's
17 burden is aptly described as "heavy." *Id.* A preliminary injunction requires "substantial
18 proof" and a "clear showing." *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997).

19 "A plaintiff seeking a preliminary injunction must show that: (1) she is likely to
20 succeed on the merits, (2) she is likely to suffer irreparable harm in the absence of
21 preliminary relief, (3) the balance of equities tips in her favor, and (4) an injunction is in
22 the public interest." *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015).

23 Alternatively, a plaintiff can show "serious questions going to the merits and the balance
24 of hardships tips sharply towards [plaintiff], as long as the second and third ... factors are
25 satisfied." *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017)

26 ARGUMENT

27 The facts in this case are undisputed. Petitioner is an alien who is present in the
28 United States and subject to a final order of removal. Until very recently, the United

1 States has unsuccessfully attempted to remove the petitioner back to Vietnam since
2 2003. This is undisputed. Mot. at 5; Declaration of Deportation Officer Armando
3 Meneses ("Meneses Decl.") at 2.

4 This matter turns on whether removal of the petitioner is presently "reasonably
5 foreseeable." Under 8 C.F.R. § 241.13(i)(2), the United States "may revoke an alien's
6 release under this section and return the alien to custody if, on account of changed
7 circumstances, the [United States] determines that there is a significant likelihood that
8 the alien may be removed in the reasonably foreseeable future." The petitioner argues
9 that removal is not reasonably foreseeable. Specifically, he argues that "[i]t is unlikely
10 respondents have evidence that despite Vietnam's refusal to issue a travel document to
11 Mr. Vu for over 22 years, it is now willing to do so in the reasonably foreseeable future").
12 Mot. at 5. The respondents assert that removal is reasonably foreseeable, and in fact is
13 currently scheduled for January 12, 2026. Meneses Decl. at ¶ 16.

14 The Petitioner's argument regarding his potential deportation to a third country is
15 inapposite, as he is scheduled to be returned to his country of citizenship. Meneses Decl.
16 at ¶ 17.

17 Accordingly, the Court should deny the motion because the petitioner has failed to
18 show that he will succeed on the merits because re-detention was authorized under 8
19 C.F.R. § 241.13.

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CONCLUSION

For the above-stated reasons, the Court should deny the motion for a temporary restraining order.

Dated: January 6, 2026

ERIC GRANT
United States Attorney

By: /s/ ADRIAN T. KINSELLA
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