

1 ROGER H. PONCE
2 PONCE LAW CORP
3 1424 17th St.
4 Bakersfield, CA 93301

5 Attorney for Petitioner

6 IN THE UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA

8 KONG MENG VUE,

9 Petitioner,

10 v.

11 WARDEN OF GOLDEN STATE ANNEX
12 DETENTION FACILITY, *et al.*,

13 Respondents.
14

CASE NO. 1:25-CV-01713-JDP

EMERGENCY MOTION TO ENFORCE
JUDGMENT AND INJUNCTION

15
16 Petitioner Kong Meng Vue, through counsel, respectfully moves the Court for an order enforcing
17 the Court's February 20, 2026 judgment and injunction.

18 I. I. INTRODUCTION

19 On February 20, 2026, this Court granted Mr. Vue's petition for writ of habeas corpus and
20 ordered his immediate release from immigration detention. The Court also expressly **enjoined**
21 **Respondents from re-detaining him unless they first complied with the requirements of 8 C.F.R. §**
22 **241.13(i).** The Clerk entered judgment the same day and closed the case.

23 Despite that injunction, ICE re-detained Mr. Vue on March 4, 2026 when he appeared for a
24 scheduled supervision check-in. ICE has not provided Mr. Vue or his counsel with any documentation
25 showing that the regulatory determination required by § 241.13(i) was made prior to detention.

26 Because the Court's order required ICE to comply with that regulatory process **before** any re-
27 detention, Petitioner respectfully requests that the Court enforce its judgment and require Respondents to
28 demonstrate compliance or immediately release him.

II. BACKGROUND

1. Petitioner was ordered removed in 2004 but was released under supervision and lived in the community for more than twenty years.
2. On November 4, 2025, ICE revoked his supervision and re-detained him.
3. On February 20, 2026, this Court granted his habeas petition and ordered that Respondents immediately release him and **not re-detain him unless they first complied with the regulatory requirements of 8 C.F.R. § 241.13(i).**
4. Judgment was entered and the case was closed that same day.
5. On March 4, 2026, Mr. Vue appeared for a scheduled supervision check-in. During that appointment, ICE officers took him back into custody.
6. Mr. Vue was reportedly told that travel documents had been issued and that ICE intends to remove him.
7. However, neither Mr. Vue nor his counsel has received any written determination showing that ICE made the findings required by § 241.13(i) prior to re-detaining him.

III. LEGAL STANDARD

Federal courts retain inherent authority to enforce their judgments and injunctions. When a party subject to an injunction acts in a manner inconsistent with the court's order, the court may issue further orders to enforce compliance.

Here, the Court's judgment expressly restrained Respondents from re-detaining Mr. Vue unless they first complied with § 241.13(i). That regulation requires ICE to determine that, due to changed circumstances, there is a significant likelihood that the noncitizen may be removed in the reasonably foreseeable future, and to evaluate the factors listed in § 241.13(f) before revoking supervision.

IV. ARGUMENT

The Court's order placed a clear condition on any future re-detention: **ICE must comply with § 241.13(i) before taking Mr. Vue back into custody.**

At present, there is no indication that such compliance occurred.

ICE reportedly claims that travel documents have been issued. Even if that is true, the regulation requires more than simply initiating or progressing the travel-document process. It requires a specific

1 determination, based on regulatory factors, that changed circumstances now create a significant
2 likelihood of removal in the reasonably foreseeable future.

3 Because Mr. Vue has been re-detained without any documentation demonstrating that this
4 determination was made prior to detention, there is a substantial risk that Respondents have acted
5 contrary to the Court's injunction.

6 Immediate judicial review is necessary, particularly because ICE has reportedly indicated that
7 Mr. Vue may be transferred or removed soon.

8 V. REQUESTED RELIEF

9 Petitioner respectfully requests that the Court:

- 10 1. Order Respondents to **show cause** why their re-detention of Mr. Vue does not violate the Court's
11 February 20, 2026 judgment;
- 12 2. Order Respondents to produce the **written determination and supporting analysis required**
13 **under 8 C.F.R. § 241.13(i)**;
- 14 3. **Prohibit Respondents from transferring or removing Mr. Vue** pending the Court's review;
15 and
- 16 4. Order that **Mr. Vue be immediately released** unless Respondents demonstrate that they fully
17 complied with the regulatory prerequisites before detaining him.

18 VI. CONCLUSION

19 Because Mr. Vue has been re-detained after the Court granted habeas relief and enjoined such
20 detention absent regulatory compliance, Petitioner respectfully requests that the Court enforce its
21 judgment and provide the relief requested above.

22
23 DATED: February 5, 2026

Respectfully submitted,

25 By: /s/ Roger H. Ponce
26 ROGER H. PONCE
27 Counsel for Petitioner
28