

ERIC GRANT
United States Attorney
DAVID W. SPENCER
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KONG MENG VUE,

Petitioner,

v.

WARDEN OF THE GOLDEN STATE
ANNEX, *et al.*,

Respondents.

CASE NO. 1:25-CV-1713-JDP

**OPPOSITION TO EMERGENCY MOTION TO
ENFORCE JUDGMENT AND INJUNCTION**

I. INTRODUCTION

The Court should deny Petitioner Kong Meng Vue's emergency motion to enforce the Court's judgment and injunction (ECF 23) because Respondents fully complied with their own regulations, as ordered, before re-detaining Petitioner. Specifically, ICE released Petitioner on February 20, 2026, in compliance with this Court's order directing his immediate release. Shortly thereafter, ICE obtained travel documents from Laos. Based on this changed circumstance, and in compliance with its regulations, ICE re-detained Petitioner on March 4, 2026, and plans to remove Petitioner to Laos within the coming days.

II. FACTUAL BACKGROUND

On February 20, 2026, this Court granted Petitioner's petition for habeas corpus and ordered Respondents to immediately release Petitioner from custody. ECF 21, at 7. Respondents immediately complied with the Court's order. *See* Exhibit 1, at 1 (noting that Petitioner was released on supervision

1 on or about February 20, 2026, the same day as this Court's order). The Court's order also enjoined
2 Respondents from re-detaining Petitioner "unless they first comply with all applicable requirements set
3 forth in 8 C.F.R. § 241.13(i)"—one of ICE's regulations applicable to revocation of an alien's release.
4 ECF 21, at 7.

5 On March 4, 2026, Respondents re-detained Petitioner. *See* Exhibit 1, at 1. They did so because
6 ICE obtained a travel document from Laos—meaning that ICE now "has the ability and means to
7 effectuate [Petitioner's] removal." *Id.*; *see also* Exhibit 2 (travel document from the government of
8 Laos). At the time of the revocation of Petitioner's release, ICE served Petitioner with a copy of a
9 Notice of Revocation of Release, which notified Petitioner of the reasons for the revocation of his
10 release. *See* Exhibit 1, at 1-2. ICE also conducted an informal interview at the time of revocation in
11 which they gave Petitioner an opportunity to respond to the reasons for his revocation of release or
12 provide any evidence or information supporting Petitioner's response. *See* Exhibit 1, at 3. Petitioner did
13 not provide any information or documentation during this interview, leaving ICE's determination that it
14 now has the ability and means to effectuate his removal uncontested. *See id.* Also on March 4, 2026,
15 ICE served Petitioner with a Notice of Imminent Removal explaining that ICE is now in possession of a
16 travel document to effect Petitioner's removal and expects his removal to occur during the month of
17 March 2026. *See* Exhibit 1, at 4-5.

18 III. ARGUMENT

19 Petitioner's motion to enforce should be denied because Respondents fully complied with this
20 Court's order and injunction. This Court's injunction expressly permitted Respondents to re-detain
21 Petitioner provided "they first comply with all applicable requirements set forth in 8 C.F.R. § 241.13(i)."
22 ECF 21, at 7.

23 The relevant portions of that subsection require: (1) a determination by ICE that, "on account of
24 changed circumstances, ... there is a significant likelihood that the alien may be removed in the
25 reasonably foreseeable future"; (2) that ICE provide notification to the alien "of the reasons for
26 revocation of his ... release"; and (3) that ICE "conduct an initial informal interview promptly after [the
27 alien's] return to [ICE] custody" in which the alien is given "an opportunity to respond to the reasons for
28 revocation stated in the notification" and to present any evidence or information that the alien "believes

1 shows there is no significant likelihood he or she be removed in the reasonably foreseeable future.” 8
2 C.F.R. § 241.13(i)(2)(3).

3 Respondents complied with each of these requirements with regard to Petitioner’s re-detention.
4 First, ICE determined that “on account of changed circumstances, ... there is a significant likelihood that
5 the alien may be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2). This
6 determination is reflected in the Notice of Revocation of Release provided to Petitioner. *See* Exhibit 1,
7 at 1. The Notice states that changed circumstances exist in that ICE now “has the ability and means to
8 effectuate your removal” because “ICE has obtained a travel document and scheduled your removal to
9 take place.” *Id.*; *see also* Exhibit 2 (travel document from the government of Laos). That ICE was
10 correct in its determination that “there is a significant likelihood that [Petitioner] may be removed in the
11 reasonably foreseeable future” (8 C.F.R. § 241.13(i)(2)) is reflected in ICE’s Notice of Imminent
12 Removal in which ICE explains that it expects to remove Petitioner to Laos this month. Exhibit 1, at 3.
13 More specifically, ICE has informed the undersigned that Petitioner is currently scheduled for a removal
14 flight in the coming week.

15 Second, ICE complied with the regulation’s requirement that “[u]pon revocation, the alien will
16 be notified of the reasons for revocation of his or her release.” 8 C.F.R. § 241.13(i)(3). ICE provided a
17 copy of its Notice of Revocation of Release to Petitioner at the time his release was revoked on March 4,
18 2026, as reflected in the Proof of Service completed by ICE Deportation Officer David Valdez. *See*
19 Exhibit 1, at 2.

20 Third, ICE complied with the requirement that it conduct an informal interview with Petitioner to
21 give him the opportunity to respond to the reasons for revocation in the notification and provide any
22 supporting evidence or information. This interview was conducted on March 4, 2026, by ICE
23 Deportation Officer David Valdez, as reflected in the form entitled Alien Informal Interview Upon
24 Revocation of Supervision Under 8 C.F.R. § 241.4(l); 8 C.F.R. § 241.13(i). *See* Exhibit 1, at 3.
25 Petitioner elected not to provide any oral response, written statement, or documents during his interview.
26 *See id.*

1 IV. CONCLUSION

2 Because ICE fully complied with its own regulations and this Court's order in re-detaining
3 Petitioner after it obtained travel documents from the government of Laos permitting ICE to
4 immediately effectuate Petitioner's order of removal, his emergency motion to enforce this Court's
5 judgment should be denied.

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7 Dated: March 9, 2026

ERIC GRANT
United States Attorney

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9 By: /s/ David Spencer
10 DAVID W. SPENCER
Assistant United States Attorney
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