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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 TAN TRUNG VAY,

12 Petitioner,

13 v.

14 CHRISTOPHER CHESNUT, et al.,

15
16 Respondents.
17

CASE NO. 1:25-CV-01810-SKO

MOTION TO LIFT THE STAY; [PROPOSED
ORDER]

18 Respondents respectfully notify the Court of a material change in circumstances that bears on the
19 continued necessity of the Court's stay of removal and Petitioner's pending habeas petition. On January
20 21, 2026, undersigned counsel was informed that Vietnam issued the requisite travel document to
21 Petitioner and that DHS seeks to schedule and coordinate Petitioner's removal from the United States to
22 Vietnam. Petitioner is a native and citizen of Vietnam, and the issued travel document authorizes his
23 repatriation to that country pursuant to the existing final order of removal. Attached is a copy of the
24 Petitioner's travel document, which was issued on January 10, 2026, and which remains valid through
25 July 10, 2026. Ex. A. Respondents notify the Court of this change in circumstances because it
26 materially affects the basis for the Court's stay of removal and the issues raised in the pending habeas
27 petition, ECF No. 1. Respondents request that the Court lift the stay (ECF No. 4) so that DHS may
28 execute a final removal order for Petitioner. DHS is unable make this transfer due to the Court's stay.

1 Pursuant to 8 U.S.C. § 1252(g), this Court has no jurisdiction to “hear any cause or claim by or on behalf
2 of any alien arising from a decision or action by the Attorney General to execute removal orders....”
3 Furthermore, the execution of final removal orders moots the facts of his pending habeas petition. *See*
4 *Picrin–Peron v. Rison*, 930 F.2d 773, 776 (9th Cir. 1991). The United States respectfully requests that
5 this Court lift the stay preventing Respondents from removing Petitioner from the United States or
6 transferring Petitioner outside of this judicial district.

7 On December 11, 2025, Petitioner filed a petition for a writ of habeas corpus pursuant to 28
8 U.S.C. § 2241, seeking release from custody pending efforts to effectuate his removal. ECF No 1. On
9 December 12, 2025, the Court issued a Minute Order directing that Respondents “shall not remove
10 petitioner from the United States nor transfer petitioner out of this District” pending further order of the
11 Court. ECF No. 4. On January 12, 2026, Respondents filed their response to the habeas petition,
12 addressing Petitioner’s claims demonstrating that Petitioner’s detention and removal are lawful. ECF
13 No. 13. At the time Respondents filed their response, a travel document necessary to effectuate
14 Petitioner’s removal was anticipated but had not yet issued. Subsequent to the filing of Respondents’
15 response, and after the Court’s minute order issued, the Government of Vietnam issued a valid travel
16 document for Petitioner. Enforcement and Removal Operations (“ERO”) intends to remove Petitioner to
17 Vietnam. Cruz Supp. Decl. ¶ 7. The existence of a valid travel document constitutes a material change
18 in circumstances justifying reconsideration of the Court’s temporary non-removal order.

19 The travel document provides additional evidence that there is a significant likelihood that the
20 Petitioner will be removed in the reasonably foreseeable future. As a result, Respondents are able to
21 effectuate removal upon dissolution or modification of the Court’s temporary non-removal order.
22 Concomitantly, in this district, a magistrate judge previously granted a similar motion to lift the stay of
23 removal in *Youb Pek v. Warden of Golden State Annex*, No. 1:25-cv-01696-DC-SCR, Minute Order
24 (ECF No. 23) (E.D. Cal. Jan. 16, 2026) (lifting temporary stay of removal following issuance of the
25 travel document from Cambodia). Respondents submit that the issuance of a valid travel document for
26 Petitioner similarly renders the Court’s stay of removal unnecessary and should be lifted. Accordingly,
27 Respondents respectfully request that this Court lift the stay prohibiting Petitioner’s removal from the
28 United States.

Dated: January 26, 2026

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TAN TRUNG VAY,

Petitioner,

v.

CHRISTOPHER CHESNUT, et al.,

Respondents.

CASE NO. 1:25-CV-01810-SKO

[PROPOSED] ORDER

Based on the Respondents' submission that Petitioner has received a travel document from Vietnam and is subject to a final order of removal, the Court hereby orders that:

1. The Court's prior order prohibiting Respondents from removing Petitioner from the United States or transferring Petitioner out of this District (ECF No. 4) is lifted; and
2. Petitioner's habeas petition is moot as a result of the execution of a final order of removal.

IT IS SO ORDERED.

Dated: _____

HONORABLE SHEILA K. OBERTO
UNITED STATES MAGISTRATE JUDGE