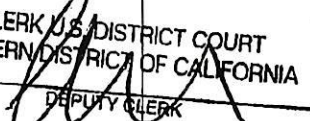


FILED

FEB 12 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Petitioner, Le Tuan Thanh

Case No. 1:25-CV-01855-KES-
EPG-HC

V.

Warden of the Golden State Annex
Detention Facility, Current or Acting
Field Office Director, San Francisco
Field Office, United States Immigration
and Custom Enforcement; Current or
Acting Director, United States
Immigration and Custom Enforcement;
Current or Acting Secretary, United
States Department of Homeland security
;and the Current or Acting United States
Attorney General.

Respondents.

**MOTION FOR A TEMPORARY
RESTRAINING ORDER**

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INTRODUCTION

1. Petitioner is *Vietnam* National that has been living in the country for ~~40~~ years, currently detained by Immigration and Customs Enforcement (ICE) at the Golden States Annex detention Center pending removal proceedings. His petition for adjustment of Status I-485 thru his Father is currently pending.

2. Petitioner has been detained in immigration custody for over 6 months now even though no neutral decision maker – whether a federal judge or immigration judge (“IJ”)– has conducted a hearing to determinate whether this lengthy incarceration is warranted based on danger or flight risk.

3. Petitioner’s prolonged detention without a hearing on either or not he represents a danger to the society or flight risk violates the Due Process Clause of the 5th Amendment.

4. The Petitioner was arrested during his interview for adjustment of Status without any warning or any respect to his due Process rights.

5. Petitioner is entitled of relief, and the court posses the Authority under 28 U.S.C ARTICLE 2241 to order his release from the Respondent(s) unlawful detention .This is why the petitioner comes in front of this Honorable Court, to present a motion for a Temporary Restraining Order , ordering his immediate release or the opportunity to receive a bond hearing.

JURISDICTION

6. The Petitioner is detained in the custody of Respondents at Golden States Annex detention center .

7. This action arises under the Due Process Clause of the 5th Amendment of the U.S Constitution. Jurisdiction is proper under 28 U.S.C Article 1331(federal question) , 2241 (Habeas corpus); U.S Const. Art I, 2 (Suspension Clause) ; and 5 U.S.C

PAGE 2

Article 702 (Administrative Procedure Act) This Court may grant relief under the
PAGE 2

Habeas corpus statutes , 28 U.S.C Article 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C Article 2201 *et seq.*, and the All Writs Act 28 U.S.C Article 1651.

8. Congress has preserved judicial review of challenges to prolonged immigration detention . *See Jennings v. Rodriguez*, 138 S. Ct 830, 839-841 (2018) (holding that 8 U.S.C Article 1226 (e) , 1252(b)(9) do not bar review of challenges to prolonged Immigration detention) ; *see also id.* At 876 (Breyer, J., dissenting). (“8 U.S.C Article 1252(b)(9)... by its terms applies only with respect to review of an order of removal”).

VENUE

9. Venue is proper in this District because this is the district in which Petitioner is confined *See Doev. Garland* , 109 F.4th 1188, 1197-99 (9th Cir. 2024).

LEGAL SUPPORT

A. Due Process and prolonged detention exceeding 6 months without a bond hearing is unconstitutional.

10. It is well established that the due process Clause of the 5th Amendment protect anyone present in the Country legally or illegally. Therefore before being arrested,

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Petitioner should have been afforded not only a notice from ICE of their intention to arrest him, but also the opportunity to be heard and the determination that he's in fact a danger to the community or a flight risk.

1 Detention without a bond hearing is unconstitutional when it exceeds six months.
2 See *Demore*, 538 U.S. at 529-30 (upholding only "brief" detentions under
3 Section 1226 (c), which last "roughly a month and a half in the vast majority of cases
4 in which it is invoked, and about 5 months in the minority of cases in which the
5 noncitizen chooses to appeal"); *Zadvydas*, 533 U.S. at 701 ("Congress previously
6 doubted the constitutionality of detention for more than 6 months"). *Rodriguez v*
7 *Nielsen*, case No. 18-CV-04187-TSH, 2019 WL 7491555, at *6 (N.D. Cal. Jan. 7,
2019) ("Detention becomes prolonged after 6 months and entitles the Petitioner
to a bond hearing").

Request for Relief

GOLDEN STATE ANNEX
611 Frontage Road
McFarland, Ca. 93250

February 8, 2026

Dear United States Magistrate Judge Erica P. Grosjean

Le Tuan Thanh 

Case: 1:25-cv-01855-KES-EPG

My name is **Le Tuan Thanh**  and I've been detained here at the Golden State Annex since 7/1/2025. I've been to my 90 & 180 days review and was denied to be released. I would like for your **Magistrate Judge Erica P. Grosjean** to into look at my case.

I was convicted back in 1993 and was released from ICE after doing my term on 2007. I'm the main provider and have worked since I've been released. I've paid all my taxes and I am a very productive resident in the State of Texas .

Since been released, I've done all my requirements with parole and discharged my parole number. I've also reported to ICE for the last 18 years, once a year and on June 1st of every year. I've been reporting meet all ICE requirements. I was detained by ICE Officers on the 7/1/2025 on my yearly check in and I'm currently awaiting my Travel Documents from Vietnam.

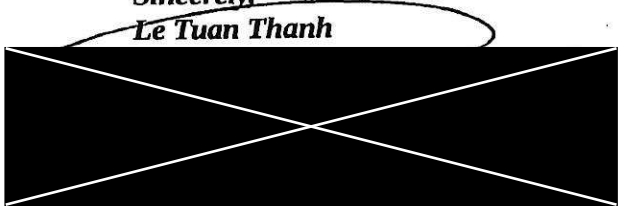
I would like to request **Magistrate Judge Erica P. Grosjean** to review my case and consider releasing me so I can be with my family while I await my Travel Documents. I am not a danger to society or a flight risk as I've done everything ICE has required me to do and my past convictions was while I was just a teenager and I've changed.

Enclosing, I appreciate you **Magistrate Judge Erica P. Grosjean** for your time and consideration for releasing me back to my family while I await my travel documents.

Upon my release, I will be staying at the address listed below:



Sincerely,

Le Tuan Thanh 

**GOLDEN STATE ANNEX
611 Frontage Road
McFarland, Ca. 93250**

February 8, 2026

Le Tuan Thanh 

Case: 1:25-cv-01855-KES-EPG

Dear United States Magistrate Judge Erica P. Grosjean,

We are the family members of **Le Tuan Thanh** . We are writing this letter in support of **Le Tuan Thanh** to be released back with his family.

He has a wife and 2 kids that needs him home, He is the main provider for his family. Since his released from Ice Detention back 2007, he has been a good productive resident, a great father and husband to his family.

He is also a good member to the family and helps his parents out and siblings. We understand his situation, but for the meantime, Vietnam has not issued him his travel documents. While he is awaiting his travel documents, we would like to request **Magistrate Judge Erica P. Grosjean** to consider releasing him back to his family, because his kids and wife needs him home and he is not a threat to society or a flight risk.

We understand he has been reporting to ICE for the last 18 years and has met all their requirements. In doing so, there should be no worries for **Le Tuan Thanh** getting himself in trouble. We can assure you that upon release, He is more than willing to report monthly as before to ICE if required by ICE.

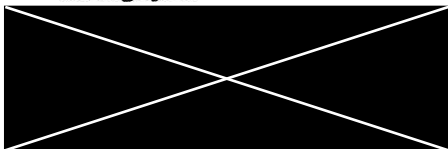
Le Tuan Thanh will be staying to the address listed below:



Sincerely,

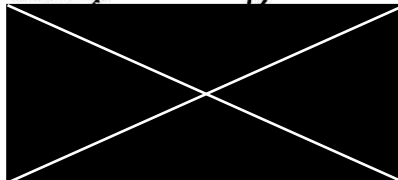
Parents: Mother

Le Nguyen



Sister In-Law:

Hoa Le

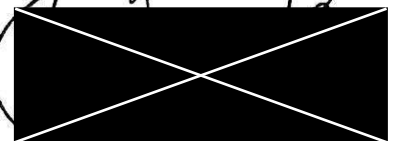


Siblings:

Randy Le



Johnny Le



GOLDEN STATE ANNEX
611 Frontage Road
McFarland, Ca. 93250

February 8, 2026

Le Tuan Thanh 

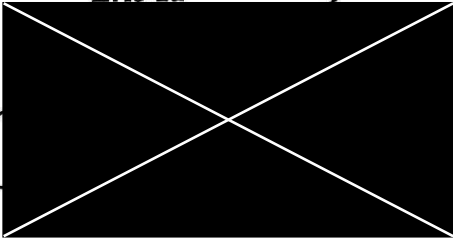
Case: 1:25-cv-01855-KES EPG

Dear United States Magistrate Judge Erica P. Grosjean

My name is **Eric Ta**, I'm writing this letter in support of **Le Tuan Thanh** to be released back with his family. I am the owner of  **in Terrell Tx**, Mr. Le have been working for me over six years as a Manager at my Nails Salon , I do have an opening position for Mr. Le to work once he is release from ICE.

If your **Magistrate Judge Erica P. Grosjean** have any questions, please contact me at the importation below. Thanks You for your time in addressing my letter.

Sincerely,
Eric Ta



GOLDEN STATE ANNEX
611 Frontage Road
McFarland, Ca. 93250

February 8, 2026

Le Tuan Thanh 

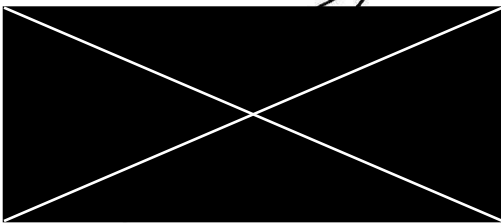
Case: 1:25-cv-01855-KES EPG

Dear United States Magistrate Judge Erica P. Grosjean

My name is **Lien Ta**, I'm writing this letter in support of **Le Tuan Thanh** to be released back with his family. I am the owner of  **in Rockwall Tx**, Mr. Le have been working for me over six years as a Manager at my Nails Salon , I do have an opening position for Mr. Le to work once he is release from ICE.

If your **Magistrate Judge Erica P. Grosjean** have any questions, please contact me at the importation below. Thanks You for your time in addressing my letter.

Sincerely,
Lien Ta



GOLDEN STATE ANNEX
611 Frontage Road
McFarland, Ca. 93250

February 8, 2026

Le Tuan Thanh 

Case: 1:25-cv-01855-KES EPG

Dear United States Magistrate Judge Erica P. Grosjean

My name is **Quyen Nguyen**, I'm writing this letter in support of **Le Tuan Thanh** to be released back with his family. I am the owner of  **in Dallas Texas**, I do have an opening position for Mr. Dung to work once he is released from ICE.

If your **Magistrate Judge Erica P. Grosjean** have any questions, please contact me at the information below. Thanks You for your time in addressing my letter.

Sincerely,

Quyen Nauven

