UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Tai Thien HA,

Petitioner,

v.

PAMELA BONDI, in their official capacity as Attorney General of the United States;
MARKWAYNE MULLIN, in her capacity as Secretary of the United States Department of Homeland Security;
TODD M. LYONS, in his official capacity as Acting Director of the United States Immigration and Customs Enforcement;
KELEI WALKER in her official capacity as Acting Director, Denver Field Office, U.S. Immigration and Customs Enforcement;

Respondents.

Case No. 26 CV 1238

MOTION AND MEMORANDUM OF LAW IN SUPPORT FOR TEMPORARY RESTRAINIING ORDER AND EMERGENCY PRELIMINARY INJUNCTION

EXPEDITED HANDLING REQUESTED

MOTION FOR TEMPORARY RESTRAINING ORDER PRELIMINARY INJUNCTION AND MEMORANDUM OF LAW

MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Pursuant to Rule 65(a) and (b) of the Federal Rules of Civil Procedure and D.C.COLO.LCivR 65.1, Petitioner Tai Thien Ha, through undersigned counsel, respectfully moves this Court for a **temporary restraining order** and, upon further briefing and hearing, a **preliminary injunction** enjoining Respondents from arresting, re-detaining, or modifying the conditions of Petitioner's release absent constitutionally adequate process.

I. BASIS FOR RELIEF

This motion is brought under 28 U.S.C. § 2241 and Rule 65 of the Federal Rules of Civil Procedure. Mr. Ha, a longtime lawful permanent resident who has lived in Colorado for over thirty years and has been on supervised release under an Order of Supervision ("OSUP") for twenty-two years, is scheduled to report to the ICE Denver Field Office on March 25, 2026—the date of this filing. Credible and recent evidence establishes that ICE is re-detaining individuals at routine check-in appointments without individualized assessment of flight risk, danger, or foreseeability of removal.

Mr. Ha seeks relief on three independent grounds, each set forth in the accompanying Memorandum of Law:

(1) **Procedural Due Process:** Mr. Ha's twenty-two years of supervised release has generated a protected liberty interest under the Fifth Amendment's Due Process Clause. The three-factor Mathews v. Eldridge balancing test compels a pre-deprivation hearing before ICE may revoke his OSUP. See Mathews v. Eldridge, 424 U.S. 319, 335 (1976); Zadvydas v. Davis, 533 U.S. 678, 690 (2001); Morrissey v. Brewer, 408 U.S. 471, 482–83 (1972).

(2) **Statutory Violation—No Reasonably Foreseeable Removal:** Mr. Ha's removal to Vietnam has not been reasonably foreseeable for over twenty years. Under 8 C.F.R. § 241.13(i)(2), ICE may not re-detain him absent clear evidence of changed individual circumstances making removal significantly likely. No such evidence exists. See Zadvydas v. Davis, 533 U.S. at 699–700; 8 U.S.C. § 1231(a)(6).

(3) **Statutory and Substantive Due Process—Pardon Waiver:** Mr. Ha received a full and unconditional pardon from the Governor of Minnesota on January 3, 2024, for the sole offense underlying his removal order. INA § 237(a)(2)(A)(vi), 8 U.S.C. § 1227(a)(2)(A)(vi), provides that the removal provisions of § 237(a)(2) "shall not apply" to an alien who has been granted such a pardon. Executing the removal order on this legally extinguished ground is substantively unlawful.

II. STANDARD FOR RELIEF

A temporary restraining order is warranted upon a showing of: (1) likelihood of success on the merits; (2) likelihood of irreparable harm absent preliminary relief; (3) that

the balance of equities tips in the movant's favor; and (4) that an injunction is in the public interest. Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008). Each factor is addressed in the accompanying Memorandum of Law, which is incorporated herein by this reference. As set forth therein, all four factors are satisfied and weigh decisively in Mr. Ha's favor.

III. GROUNDS FOR EMERGENCY TREATMENT AND EXPEDITED RULING

Mr. Ha is scheduled to report to the ICE Denver Field Office on the date of this filing, March 25, 2026. Based on well-documented and recent reports—supported by declarations of immigration practitioners and experts attached as Exhibits 15 and 16—ICE is currently re-detaining individuals at routine check-ins without first determining whether removal is reasonably foreseeable or whether circumstances have changed. Once detained, Mr. Ha faces the immediate prospect of transfer to an out-of-state ICE facility within hours, placing him beyond the practical reach of this Court's process and severing his contact with counsel, his two U.S. citizen children, and his business.

The irreparable harm is not merely speculative—it will materialize within hours of Mr. Ha's required check-in. Once transferred, even a swift TRO will be insufficient to prevent the cascade of harm: separation from his children, loss of his small business, and detention under conditions this Court has recognized as "more akin to incarceration than civil confinement." See Mendoza Gutierrez v. Baltasar, 2025 WL 2962908, at *9 (D. Colo. Oct. 17, 2025). Accordingly, Mr. Ha respectfully requests that the Court act on this motion on an emergency basis before 1:00 p.m. on March 25, 2026, or as soon thereafter as the Court is able.

MEMORANDUM IN SUPPORT OF TRO AND EMERGENCY PRELIMINARY INJUNCTION

I. INTRODUCTION

Mr. Tai Thien Ha came to the United States in 1994, at eleven years old, as the child of a refugee. Ex. 6. He became a lawful permanent resident in 1995, with his status backdated to his date of arrival. Ex. 2. As a teenager in 2000, he committed a single offense—a drive-by shooting under Minnesota law. *Id.* He was convicted in February 2002 and served a 48-month sentence. *Id.* After his release from prison, ICE detained him and removal proceedings were initiated. *Id.* He was ordered removed to Vietnam on July 7, 2003. Ex. 12. ICE detained him for the statutory period of ninety days before releasing him on ISAP or ("Intensive "). Ex. 2. Vietnam refused to issue a travel document, as it was bound by a bilateral agreement governing the repatriation of Vietnamese nationals who entered the United States before 1995—a category that squarely includes Mr. Ha. The Vietnamese embassy sent Mr. Ha a letter to that effect in 2005. Ex. 17. ICE recognized that his removal was not reasonably foreseeable and placed him on an Order of Supervision in 2004. Ex. 5.

The twenty-two years since have been a story of rehabilitation. Mr. Ha built a career as a nail technician in Colorado and eventually opened his own business, [redacted] which currently employs six technicians. Exs. 6, 11. He married a U.S. citizen in 2014. Ex. 6. His two children, now aged 13 and 10, are United States citizens. Exs. 8–9. He has fully complied with every condition of his OSUP, and has never been charged with another crime. Ex. 2. He has transformed the life he began building at seventeen into becoming a community stalwart and business owner that employs six people in Denver, Colorado. Ex. 11.

On December 18, 2023, Governor Tim Walz, Attorney General Keith Ellison, and Chief Justice Hudson of the Minnesota Supreme Court unanimously granted Mr. Ha a pardon during a pardon hearing—one of the rarest acts in Minnesota's justice system, where only approximately 800 pardons were granted over nearly four decades. Ex. 7. The Certificate of Pardon Extraordinary was signed on January 3, 2024. *Id.* The district court set aside his conviction on January 12, 2024, and Mr. Ha received official documentary proof on January 24, 2024. *Id.* He filed a Motion to Reopen his removal proceedings on March 11, 2024, just 47 days after receiving that proof. Ex. 2. The Immigration Judge denied the MTR on April 10, 2024, without substantively addressing equitable tolling and relying solely on the departure bar. Ex. 3. The Immigration Judge never discussed or analyzed whether Mr. Ha would even be removable after having his conviction vacated. *Id.* Mr. Ha appealed to the BIA on April 29, 2024. Ex. 4. That appeal has been pending for nearly a year and eleven months.

Yet Mr. Ha is scheduled to check-in at the ICE Denver Field Office on March 25, 2026—the day after this motion is filed—and credible, recent reports confirm that ICE is re-detaining individuals at routine check-ins regardless of whether their removal is foreseeable or their circumstances have changed. Exs. 5, 17. ICE has also been subject to explicit arrest quotas from the current administration, pressuring agents to arrest as many people as possible without regard to individual circumstances or likelihood of removal based on individualized assessments. There is also good reason to believe that ICE does not currently have a travel document for Mr. Ha, as they asked *him* to provide a travel document at the end of his last check-in in September 2025.

Respondents must be enjoined from depriving Petitioner of his liberty unless and until they appear before a neutral adjudicator and establish clear evidence that removal to Vietnam has

become foreseeable—a showing they have not been able to make in over twenty years—or that changed circumstances otherwise justify his re-detention. Given the irreparable harm Mr. Ha faces from the loss of his profound liberty interest, his strong likelihood of success on the merits, and the pendency of a BIA appeal that could extinguish the removal order entirely, this Court should grant Mr. Ha's request to prevent his detention.

II. JURISDICTION

This Court's authority to grant injunctive relief is not barred by 8 U.S.C. § 1252(f)(2):

> [N]o court shall enjoin the removal of any alien pursuant to a final order under this section unless the alien shows by clear and convincing evidence that the entry or execution of such order is prohibited as a matter of law.

8 U.S.C. § 1252 (2025). First, the text of § 1252(f)(2) applies to injunctions of removal orders, not challenges to *detention* while removal proceedings are ongoing. *See also Ozoanya v. Reno*, 979 F. Supp. 447, 451–52 (W.D. La. 1997) (separately discussing § 1252(f)(2)'s preclusion of authority and jurisdiction over detention claims). Courts frequently recognized that the INA's jurisdictional bars against challenges to removal orders do not cover challenges to detention. *See, e.g.*, *Hamama v. Adducci*, 912 F.3d 869, 875 (6th Cir. 2018) (discussing § 1252(g)) ("Petitioner's removal-based claims did not challenge any detention and did not seek release from custody. Rather, they sought 'a stay of removal[].'"). This TRO first seeks to prevent the government's re-detention of Mr. Ha. Second, to the extent Mr. Ha does challenge the legality of his removal in the face of the pardon waiver statute under 8 U.S.C. § 1227(a)(2)(A)(iv), he can by clear and convincing evidence that that execution of his removal order is prohibited as a matter of law.

III. STATEMENT OF FACTS

Mr. Tai Thien Ha entered the United States on June 15, 1994, at age eleven, as the child of a refugee. Ex. 6. He became a lawful permanent resident in 1995; that status was backdated to his date of arrival. Ex. 2. He has lived in the United States for over thirty years and has called Colorado home for decades. Ex. 6.

In 2000, at the age of seventeen, Mr. Ha committed a drive-by shooting offense. Ex. 2. He was convicted in February 2002 of Felony Drive-By Shooting, Minn. Stat. § 609.66 Subd. 1e, in Hennepin County. *Id.* DHS initiated removal proceedings on July 12, 2002, and an order of removal to Vietnam was entered on July 7, 2003. Ex. 12.

Mr. Ha spent approximately ninety days in ICE detention following his removal order. Ex. 2. Vietnam refused to issue a travel document. Ex. 17. Vietnam and the United States did not have an agreement to repatriate deportees. *Id.* Several years later the United States and Vietnam had negotiated a bilateral agreement, effective January 22, 2008, whereby Vietnamese nationals who entered the United States prior to 1995 would not be subject to physical deportation. Because Mr. Ha entered in June 1994, he fell squarely within the protected class. ICE recognized that his removal was not reasonably foreseeable and placed him on an Order of Supervision ("OSUP") in 2004. Ex. 5. He was subject to the Intensive Supervision Appearance Program ("ISAP") from September 2004 through July 2006 and electronic monitoring before that. *Id.* For over twenty years—from 2004 to the present—Mr. Ha has fully complied with every condition of his OSUP. He has never been charged with or convicted of a subsequent crime.

Mr. Ha rebuilt his life in [redacted] Colorado. He developed a twenty-year career as a nail technician. Exs. 6, 11. Through years of hard work and saving, he opened his own business—[redacted]—which now employs up to six nail technicians. Ex. 6. He

married a U.S. citizen in 2014. *Id.* His two children, aged 12 and 7, are United States citizens. Exs. 8–9. He has been a devoted father, husband, employer, and community member. Ex. 11.

In October 2015—nearly twelve years after his removal order—Mr. Ha, uncertain of his exact legal status, applied for a Form I-90 to replace his green card. Ex. 13. USCIS processed and approved the application. *Id.* He received the green card on September 12, 2016, *id.*, and used it to travel outside the United States for the first time since his arrival—relying on USCIS's official issuance of the card as legal authorization to do so as well as a conversation with an enforcement and removal officer in Denver, Colorado where he would do his check-ins. Ex. 6. He returned to the United States using the green card on January 11, 2017, entering with inspection and admission. *Id.* Only after his return did USCIS recognize its error and rescind the issued green card. *Id.* At that point, Mr. Ha became aware of his situation and began seeking means to restore his status. *Id.* He filed an I-485 and I-601 waiver in October 2021 based on his marriage to a U.S. citizen; that application was denied in 2022 based on the prior aggravated felony finding and the government's position that his departure triggered the deportation bar under INA § 212(a)(9) and he had not properly filed a waiver. Ex. 14.

The urgency of restoring his status became more pressing in November 2020, when the United States and Vietnam entered a new Memorandum of Understanding that, for the first time, established a process to deport Vietnamese nationals who had entered the United States prior to 1995—including Mr. Ha. This development transformed a removal order that had been practically unenforceable for over fifteen years into one that is now potentially executable.

Determined to pursue every avenue, Mr. Ha applied for a pardon with the State of Minnesota on June 1, 2023. Ex. 7. He explained in his application that he was only seventeen

years old when he fired a weapon at another vehicle; that prison gave him focus; that he had completed his GED, built a career, and eventually opened a business that employs six people; and that his family and employees depend on him. *Id.* On December 18, 2023, all three members of the Minnesota Board of Pardons—Governor Tim Walz, Attorney General Keith Ellison, and Chief Justice Hudson of the Minnesota Supreme Court—voted unanimously to grant the pardon. *Id.* The Certificate of Pardon Extraordinary was signed on January 3, 2024. *Id.* The district court formally set aside the conviction on January 12, 2024. *Id.* Mr. Ha received official documentary proof from the Board of Pardons on January 24, 2024. *Id.*

Moving with diligence, Mr. Ha filed a Motion to Reopen his removal proceedings on March 11, 2024—just 47 days after receiving documentary proof of his pardon and the setting aside of his conviction. Ex. 2. The Immigration Judge denied the MTR on April 10, 2024, using a form order checking boxes for untimeliness and the departure bar, adding only a single sentence: "Respondent's pardon does not impact the fact that he left the US while subject to a removal order." Ex. 3. The Immigration Judge provided no reasoning regarding equitable tolling and no analysis of the circumstances of Mr. Ha's departure—which occurred after USCIS issued him a green card and he entered with inspection. *See id.*

Mr. Ha timely appealed to the BIA on April 29, 2024, raising four independent grounds for reversal, including the invalidity of the departure bar as applied to his motion to reopen and the doctrine of entrapment by estoppel. Ex. 4. The BIA brief was filed June 5, 2024. *Id.* That appeal has been pending for approximately a year and eleven months and remains unresolved.

Mr. Ha is scheduled to attend a check-in at the ICE Denver Field Office on March 25, 2026. *See* Ex. 5. In light of credible and recent reports of ICE re-detaining individuals at their

routine check-ins, Ex. 16, it appears likely that Mr. Ha will be arrested despite the fact that his removal is not reasonably foreseeable and he is neither a flight risk nor a danger to the community. If arrested, he faces the real possibility of immediate transfer outside of Colorado with little or no notice, far away from his two U.S. citizen children and his business, [redacted] which employs six people who depend on him.

IV. LEGAL STANDARD FOR EX PARTE TRO AND PRELIMINARY INJUNCTION

For a preliminary injunction under Rule 65(a), the moving party must demonstrate: (1) likelihood of success on the merits; (2) likelihood of irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in favor of the moving party; and (4) an injunction is in the public interest. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008).

V. ARGUMENT

A. Mr. Ha Is Likely to Succeed on the Merits.

1. Procedural Due Process Requires a Pre-Deprivation Hearing Before Mr. Ha Can Be Re-Detained.

Courts analyze procedural due process claims in two steps: first, is there a protected liberty interest under the Due Process Clause; second, are the procedures necessary to ensure that any deprivation of that protected liberty interest accords with the Constitution. *Ky. Dep't of Corrections v. Thompson*, 490 U.S. 454, 460 (1989). Mr. Ha's liberty interest is well-established in fact and law, as he has spent two decades exercising his liberty while on conditional release. *See Morrissey v. Brewer*, 408 U.S. 471, 48–83 (1972). And, under the three-factor test

established in *Mathews v. Eldridge*, 424 U.S. 319 (1976), Mr. Ha is entitled to a pre-deprivation hearing before being re-detained for his removal process.

a. Mr. Ha's liberty interest is protected, regardless of his conditional release.

Mr. Ha has a profound and well-established liberty interest in his continued supervised release that has existed for over twenty-two years. The Supreme Court has recognized that "freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This liberty interest is not diminished by the supervised nature of Mr. Ha's release. *Id.* at 679; *Young v. Harper*, 520 U.S. 143, 146–47 (1997); *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972).

It is well-established that individuals released from incarceration have a protected liberty interest in their continued freedom. *Morrissey*, 408 U.S. at 482 (finding conditional release allows persons to "be gainfully employed and [be] free to be with family and friends and form the other enduring attachments of normal life"); *Boutwell v. Keating*, 399 F.3d 1203, 1210 (10th Cir. 2005) (finding conditional release to be a "fundamental change" from confinement); *Singh v. Noem*, 2026 WL 766228, at *6–7 (D.N.M. Mar. 18, 2026) (connecting noncitizen's conditional release to "the line of Supreme Court cases finding a protected liberty interest in parole, probation, and pre-parole"); *Villanueva v. Tate*, 801 F. Supp. 3d 689, 704 (S.D. Tex. 2025) ("individuals who have been conditionally released from detention have a protected interest in their continued liberty" even when subject to extensive conditions of release).

Conditional release, such as OSUP, creates an "implicit promise" that such release will be revoked only if the individual "fails to live up to the [] conditions." *Morrissey*, 408 U.S. at 482. During his twenty-two years of release, Respondents have created a reasonable expectation that Mr. Ha is permitted to live and work in the United States without being subject to arbitrary arrest. This expectation creates constitutionally protected liberty and property interests. *Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972); *Sahil v. De Anda-Ybarra*, 2026 WL 560216, No. 2:26-cv-00434-DHU-JFR, at *3 (D.N.M. Feb. 27, 2026) (evaluating protected liberty interest while on conditional release by considering range of liberty, ability to "form [] enduring attachments of normal life," and time released); *Guillermo M. R. v. Kaiser*, 791 F. Supp. 3d 1021, 1030–33 (N.D. Cal. 2025) (holding that noncitizens on conditional release possess a liberty interest in continued freedom that grows over time, and a due process right to a hearing before being re-detained).

Because of this, Courts have held that the liberty interest of individuals on OSUP, like Mr. Ha., who are re-detained is "stronger than the usual *Zadvydas* petitioner." *Trejo v. Warden of ERO El Paso East Montana*, 807 F.Supp.3d 697, 707 (W.D. Tx. 2025) ("Trejo was released pursuant to an OSUP and lived at liberty in the United States for nearly six and a half years."); *Rodriguez Romero v. Ladwig*, 2026 WL 321437, at *11–12 (M.D. La. Feb. 6, 2026) (joining courts recognizing that noncitizens have an "overwhelming liberty interest" in continued release under an Order of Supervision).

b. Mr. Ha's Protected Liberty Interest Mandates a Pre-Deprivation Hearing.

Because Mr. Ha has developed this profound and weighty liberty interest over more than two decades, the Due Process Clause demands a pre-deprivation hearing before ICE may re-

detain him. The Supreme Court has held that "the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) (emphasis in original). Under the three-part balancing test of *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), the balance weighs decisively in Mr. Ha's favor.

First, his private liberty interest is profound. In *Sahil*, two years of conditional release established a profound liberty interest as it enabled the Petitioner to work and establish familial and communal relationships. 2026 WL 560216 at *3. In *Singh v. Carnes*, three years of conditional release also satisfied the protected liberty standard established in *Morrissey* as the Petitioner was able to "work, develop community ties, and 'be with family and friends[],'" all markers of a significant liberty interest. 2026 WL 599138, No. 1:26-cv-00235-DHU-GJF, at *3 (D.N.M. Mar. 3, 2026). In *Trejo*, six and a half years on release of OSUP release was sufficient for the court to determine the Petitioner possessed "a cognizable interest in his continued freedom from detention." *Trejo*, 807 F.Supp.3d at 710.

Mr. Ha has been released for over twenty two years. He has established a family and is currently raising his two U.S. citizen children. Exs. 6, 8–9. He operates a small business with six employees, with Mr. Ha's handling essential administrative work and clientele. Ex. 6. Mr. Ha developed this liberty interest while relying on an "implicit promise" that his freedom will only be stripped if he violates a condition of his release. *Morrissey*, 408 U.S. at 382. Mr. Ha has violated no such conditions, and continues to fully comply with all requirements set forth by immigration authorities.

Furthermore, Mr. Ha has a profound interest in avoiding physical restraint through re-detention, which he does not face while on conditional release. *Foucha v. Louisiana*, 504 U.S.

71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause."); *Zadvydas*, 533 U.S. at 690 ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects."); *Cooper v. Oklahoma*, 517 U.S. 348 (1996).

Second, the risk of erroneous deprivation is significant: if ICE is permitted to arrest Mr. Ha unilaterally to satisfy arrest quotas, and he has no pre-deprivation opportunity to be heard, he will "already have suffered the injury he is now seeking to avoid." *Jorge M.F. v. Jennings*, 534 F. Supp. 3d 1050, 1055 (N.D. Cal. 2021). OSUP revocation is left purely to the discretion of the Executive Associate Commissioner, leaving Mr. Ha with no other opportunity to have his position hears. *See* 8 C.F.R. § 241.4(1). The "risk of error is considerable when just determinations are made after hearing only one side." *Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir. 1989). Furthermore, it is well established that erroneous deprivation is most likely when liberty can be revoked without review or a neutral arbiter. *See, e.g.*, *Goldberg v. Kelly*, 397 U.S. 254, 271 (1970) ("And, of course, an impartial decision maker is essential.").

The risk of erroneous deprivation is particularly high "where ICE previously released Petitioner and has not shown a change in circumstances or otherwise explained why re-detention is necessary." *Sahil v. De Anda-Ybarra*, 2026 WL 560216 at *3. In such cases, "a pre-deprivation hearing would likely attenuate this risk." *Id.*; *Singh v. Carnes*, 2026 WL 599138, No. 1:26-cv-00235-DHU-GJF, at *2–3 (D.N.M. Mar. 3, 2026).

Third, the burden on the government is de minimis—ICE routinely conducts these reviews and a pre-deprivation hearing "could reduce administrative costs by potentially avoiding

an erroneous deprivation of liberty." *Guillermo M. R. v. Kaiser*, 791 F. Supp. 3d at 1037; *Sahil v. De Anda-Ybarra*, 2026 WL 560216 at *4 ("the effort and costs of providing Petitioner this simple procedural safeguard is minimal"). Further, requiring a pre-deprivation hearing "does not undermine the Government's interest in enforcing its immigration laws," but merely "ensures its enforcement tactics comport with due process." *Sahil v. De Anda-Ybarra*, 2026 WL 560216 at *4; *Singh v. Carnes*, 2026 WL 599138, at *3.

Mr. Ha's detention would also not serve either of the two interests of immigration detention established in *Zadvydas*, flight risk or danger to the community. 533 U.S. at 690–91. Mr. Ha has been on supervised release for two decades and has complied with all requirements. The very concern of this motion is that Mr. Ha's continued compliance in attending his March 25, 2026 check-in will result in his detention. There is no indication that he is a flight risk, as his young children, business, and life are all exclusively in the United States. Ex. 6, 11. Further, the Court in *Zadvydas* made clear that preventive detention based on dangerousness is limited only to "specially dangerous individuals and subject to strong procedural protections." *Id.* There is no evidence that Mr. Ha poses a danger to the community, as he had complied with the requirements of his conditional release and would not be re-detained on the grounds of a new offense, but instead under the color of his twenty year old removal order.

Recent courts in this Circuit have found due process violations in situations like Mr. Ha's, where re-detention in immigration custody occurs without a pre-deprivation hearing while the person was on conditional release. *Sahil v. De Anda-Ybarra*, 2026 WL 560216 at *2–4 (granting TRO requiring pre-deprivation hearing before re-detention by ICE); *Singh v. Carnes*,

2026 WL 599138, at *2–3 ("On balance, the Court finds that under the three *Mathews* factors, Petitioner should have received a pre-deprivation hearing prior to being re-detained.").

Other courts have similarly found that pre-deprivation hearings are constitutionally required procedures for people on conditional release. *See Guillermo M. R. v. Kaiser*, 791 F. Supp. 3d at 1021 (holding noncitizens on conditional release have a "due process right to a hearing prior to being re-incarcerated"); *Ahmed v. Noem*, 2026 WL 764782, at *4 (E.D. Cal. 2026) (ordering Respondents to hold a pre-deprivation bond hearing before an immigration judge at which the government bears the burden); *Singh v. Warden Of The Golden State Annex Detention Facility*, 2026 WL 731053, at *7 (E.D. Cal. Mar. 16, 2026) (same); *Garcia v. Andrews*, 2025 WL 1927596, at *6 (E.D. Cal. July 14, 2025) ("prior to any redetention . . . Petitioner is entitled to notice of the reasons for revocation of his release and a hearing before an immigration judge to determine whether detention is warranted").

2. Removal to Vietnam Is Not Reasonably Foreseeable.

Mr. Ha's removal order to Vietnam was entered in 2003. Ex. 12. Vietnam refused to issue a travel document then, and it has not done so in the more than twenty years since. This is not a matter of administrative delay. The bilateral agreement between the United States and Vietnam governing repatriation explicitly covers Vietnamese nationals who entered the United States before 1995. Mr. Ha entered in June 1994 and is therefore protected from repatriation under that treaty. Ex. 6. On information and belief, the Respondents do not have a current valid travel document for him, as they requested that he file for a travel document at his last check-in. However, the current procedures on the Vietnamese embassy require him to provide a green card or other documents, which he does not have.

The Supreme Court has been clear: "if removal is not reasonably foreseeable . . . continued detention [is] unreasonable and no longer authorized by statute." *Zadvydas v. Davis*, 533 U.S. at 699–700. ICE itself recognized this when it detained Mr. Ha after his removal order was issued, only to release him after determining that removal was not foreseeable. If Respondents had reason to effectuate Mr. Ha's removal order at the time it was issued over two decades ago, they would have exercised the opportunity. However, nothing has changed to make removal any more foreseeable today than it was when ICE acknowledged it could not effectuate the order. Absent clear evidence that his removal to Vietnam has become foreseeable after twenty-two years—evidence that does not exist—any detention now would clearly violate the statute and the Due Process Clause. *See* 8 U.S.C. § 1231(a)(6); 8 U.S.C. § 1231(b)(2)(E); *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1004 (W.D. Wash. 2019).

Under 8 C.F.R. § 241.13(i)(2), ICE may only re-detain Mr. Ha if, "on account of changed circumstances," it determines there is a significant likelihood that he may be removed in the reasonably foreseeable future. District courts have generally held that § 241.13(i)(2) places "the burden on ICE to first establish changed circumstances that make removal significantly likely in the reasonably foreseeable future." *See Roble v. Bondi*, 803 F.Supp.3d 766, 772–73 (D. Minn. 2025) (collecting cases). A hundred District Court cases have held that such revocations of OSUP are a violation of § 241.13. Ex. 15.

The only changed circumstance since ICE acknowledged in 2009 that it could not effectuate his removal is the November 2020 MOU between the United States and Vietnam, which established a process for deporting pre-1995 arrivals. Absent evidence of individual circumstances applying this MOU to Mr. Ha's case, Respondents are unable to prove "changed

circumstances." Other courts, including District Courts in this Circuit, have held that broad evidence regarding a class of persons does not speak to the specific circumstances regarding an individual's likelihood of removal, as required by § 241.13(i)(2). *See Kong v. U.S.*, 62 F.4th 608, 619–20 (1st Cir. 2023) (interpreting § 241.13(i)(2) as requiring "an individualized determination"); *PHU CAO v. Bondi*, 2026 WL 637617, at *4 – 5 (W.D. Okla. Mar. 6, 2026) (rejecting evidence of "a general indication that removals to Vietnam were likely because removals were occurring more frequently in 2025 than in recent years"); *Ye v. Bondi*, 2025 WL 4034264, at *4–5 (W.D. Okla. Nov. 18, 2025) (rejecting evidence that removal of Chinese nationals increased four times from the previous year); *Liu v. Carter*, 2025 WL 1696526, at *1–3 (D. Kan. June 17, 2025) (rejecting evidence of "an increase in removals to China as the necessary 'changed circumstances'"); *Roble*, 803 F.Supp.3d at 773–74 (rejecting evidence that third country removal assistance was requested from ERO HQ").

It has been more than three years since that MOU was signed, and ICE has done nothing regarding Mr. Ha's case. Even if ICE has a new policy of maximizing arrests under a daily quota system, that does not constitute a changed circumstance that renders *removal* more foreseeable. ICE has failed to even attempt to seek a travel document in the three years since the MOU was signed, which speaks for itself. And even if ICE claims to have sought such a travel document, they must still present evidence of "what concrete steps ICE has taken to process [Mr. Ha's] particular travel document" to effectuate his removal to Vietnam. *See Nguyen v. Hyde*, 788 F.Supp.3d 144, 152 (D. Mass. 2025) (requiring more than evidence that the U.S. requested a travel document from Vietnam without having received said travel document).

a. Mr. Ha's pardon and subsequently filed Motion to Reopen makes his removal less foreseeable or likely.

Mr. Ha's removal becomes even more unlikely given the issuance of a pardon for the sole ground of removal. Exs. 6, 2, 4. As explained in his motion to reopen, the pardon waiver means that he is no longer subject to removal based on his criminal conviction. Ex. 2. While it is true that the Immigration Court denied his Motion to Reopen in the first instance, this denial was not based on any analysis of whether Mr. Ha is in fact removable, rather the basis of the decision was premised on 1) the departure bar, a regulatory bar that has been found to not apply to statutory grounds for reopening in nearly every single federal circuit court to look at it, and 2) ostensibly based on timing, though the court provided no analysis why it shouldn't be equitably estopped given that Mr. Ha filed the Motion to Reopen with 90 days of his receiving the pardon, an extraordinary circumstance that was not available to him before and which vitiates the removability ground. *See* Ex. 3.

b. The Pardon Waiver Statute Independently Prevents Removal.

The Governor's pardon is not merely a factor to weigh in a motion to reopen. It is a self-executing legal event that, by one reading of the plain text of the INA itself, eliminates the ground of removal on which Mr. Ha's order rests. Congress said so explicitly, and the consequences of that statutory command have not been fully reckoned with by Respondents. While this would be a matter of first impression, unsurprising given the rarity of pardons generally, and rarity for motions to reopen based on a pardon to be denied based on timeliness, the language supports that Mr. Ha is no longer removable and his order of removal has already been "waived" by the statute.

Interpretations of INA § 237(a)(2)(A)(vi) are governed by the Rule of Lenity, which favors statutory interpretations beneficial to the person at risk of detention. While normally a canon reserved for criminal detention or imprisonment, the Supreme Court has repeatedly emphasized the "longstanding principle of construing any lingering ambiguities in deportation statutes in favor of the alien[]." *I.N.S. v. St. Cyr*, 533 U.S. 289, 320 (2001) (quoting *I.N.S. v. Cardoza-Fonseca*, 480 U.S. 421, 449 (1987)). Furthermore, this Court has "previously recognized that ICE detention is 'more akin to incarceration than civil confinement.'" *Mendoza Gutierrez v. Baltasar*, 2025 WL 2962908, at *9 (D. Colo. Oct. 17, 2025) (citing *L.G. v. Choate*, 744 F. Supp. 3d 1172, 1182 (D. Colo. 2024) and *Daley v. Choate*, 2023 WL 2336052, at *4 (D. Colo. Jan. 6, 2023)).

(i) The Plain Text of INA § 237(a)(2)(A)(vi) Is Mandatory and Self-Executing.

INA § 237(a)(2)(A)(vi) states: "The provisions of this paragraph relating to the removal of aliens shall not apply to an alien with respect to a criminal conviction if the alien subsequent to the criminal conviction has been granted a full and unconditional pardon by the President of the United States or by the Governor of any State." (Emphasis added.) The provision is unambiguous on its face. Three features of the text demand attention.

First, the operative command is mandatory, not discretionary: "shall not apply." Congress did not say the provisions "may" be waived, or that an immigration judge "has discretion" to consider a pardon, or that a pardon "creates a basis for reopening." The statute says the removal provisions of § 237(a)(2)—the entire paragraph—shall not apply.

Second, the pardon waiver applies "with respect to a criminal conviction." Mr. Ha's 2002 conviction for Felony Drive-By Shooting under Minn. Stat. § 609.66 Subd. 1e is the only criminal conviction that ever formed the basis for his removal order. The Governor of Minnesota granted him a full and unconditional pardon for that conviction. The district court formally set it aside. There is no conviction remaining "with respect to" which § 237(a)(2) could apply.

Third, the provision requires only that the pardon be "full and unconditional." The Certificate of Pardon Extraordinary issued on January 3, 2024, is exactly that—granted unanimously by the Governor, the Attorney General, and the Chief Justice of the Minnesota Supreme Court, with no conditions attached. The statutory trigger has been satisfied.

(ii) The Pardon Eliminates the Legal Basis for the Removal Order by Force of Statute, Without Requiring a Successful Motion to Reopen.

Respondents may argue that the pardon's effect on the removal order must be channeled through administrative proceedings—specifically, that Mr. Ha must obtain a successful motion to reopen before the pardon has any legal consequence. This argument confuses procedure with substance, and gets the relationship between the two exactly backwards.

The motion to reopen is a procedural vehicle—the means by which an adjudicator is asked to give formal recognition to a legal reality. But the legal reality itself is created by the pardon and § 237(a)(2)(A)(vi), not by an administrative ruling. When the Governor signed the Certificate of Pardon Extraordinary on January 3, 2024, § 237(a)(2)(A)(vi)'s command—"shall not apply"—became operative as a matter of federal statutory law. No adjudicator needs to say so for it to be true. The Supreme Court has long recognized that a pardon "relieve[s] the

[recipient] from the consequences of his offense." Ex parte Garland, 71 U.S. 333, 380 (1866). And the Court has made clear that "the power of the President to pardon is not subject to legislative control," id., a principle equally applicable to gubernatorial pardons as to their state-law equivalents.

The practical consequence is this: Respondents currently seek to execute a removal order predicated on a conviction for which § 237(a)(2)—by its own terms—"shall not apply." Executing that order is not merely procedurally improper. It is substantively unlawful. As the Ninth Circuit held in *Cardoso-Tlaseca v. Gonzales*, 460 F.3d 1102, 1107 (9th Cir. 2006), "Removal is not legally executed where [the] criminal court subsequently vacates a conviction that constituted a 'key part' of the order." That logic applies with full force here—and then some. A vacatur is a judicial act addressing procedural defects in the conviction. A governor's pardon is an act of executive grace and a constitutional exercise of sovereign authority that extinguishes the conviction's legal consequences entirely. *Burdick v. United States*, 236 U.S. 79, 94 (1915) ("a pardon carries an imputation of guilt; acceptance a confession of it" but its grant "blots out the offense" for purposes of its legal consequences). If a vacatur prevents lawful execution of a removal order, a pardon—which operates more broadly—must do the same.

Furthermore, Congress expressly provided in INA § 237(a)(2)(A)(vi) for the precise situation presented here. This is not a case of equitable argument, or changed circumstances, or a discretionary weighing of factors. It is a case where a specific statutory provision—enacted by Congress for exactly this purpose—commands that the removal ground "shall not apply." The INA's general removal machinery cannot override a specific statutory carve-out. *See Dada v. Mukasey*, 554 U.S. 1, 18 (2008) (motions to reopen exist to "ensure a proper and lawful

disposition"; removing someone whose conviction has been pardoned is neither). Courts must give effect to Congress's specific statutory command.

(iii) Executing the Removal Order in These Circumstances Violates Substantive Due Process.

Even if Respondents were to argue that administrative finality of the removal order insulates it from the pardon's effect, substantive due process forecloses that result. Immigration detention is civil in nature and must bear a reasonable relationship to a legitimate nonpunitive purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001). The only constitutionally permissible purposes for post-final-order detention are effectuating removal and preventing flight risk or danger to the community. *Id.*

Executing the removal order now would serve none of those purposes. Mr. Ha is not a flight risk—twenty-two years of perfect compliance confirm this. He is not a danger to the community—no subsequent offense of any kind. And the removal order itself rests on a conviction that (a) Congress has declared, by statute, shall not support removal when pardoned; (b) was set aside by a Minnesota district court, Ex. 7.; and (c) would not support removal under current law even without the pardon under *Borden v. United States*, 593 U.S. 420 (2021). Detaining Mr. Ha to execute an order with no remaining legal foundation is not "reasonably related" to a legitimate government interest—it is arbitrary. Arbitrary civil detention is unconstitutional. *Jackson v. Indiana*, 406 U.S. 715, 737 (1972); *Foucha v. Louisiana*, 504 U.S. 71, 79 (1992).

B. Mr. Ha Will Suffer Irreparable Harm Absent the TRO.

"Any deprivation of any constitutional right" constitutes irreparable harm. *Free the Nipple-Fort Collins v. City of Fort Collins, Co.*, 916 F.3d 792, 806 (10th Cir. 2019). Given a substantial likelihood of success on either due process claim made above, "no further showing of irreparable injury" is required. *Id.* at 805; *Arostegui-Maldonado v. Baltazar*, 794 F.Supp.3d 926, 942 (D. Colo. 2025) ("The Court agrees that the [constitutional] reason is alone sufficient to establish irreparable harm, and thus it does not proceed to analyze the second.") (collecting cases); *see also Sahil v. De Anda-Ybarra*, 2026 WL 560216 at *4.

Further, loss of liberty constitutes irreparable harm per se. *See Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017). "This Court has previously recognized that ICE detention is 'more akin to incarceration than civil confinement.'" *Mendoza Gutierrez v. Baltasar*, 2025 WL 2962908, at *9 (D. Colo. Oct. 17, 2025) (citing *L.G. v. Choate*, 744 F. Supp. 3d 1172, 1182 (D. Colo. 2024) and *Daley v. Choate*, 2023 WL 2336052, at *4 (D. Colo. Jan. 6, 2023)).

As the Supreme Court has explained, "time spent in jail [] has a detrimental impact on the individual [and] often means loss of a job; it disrupts family life; and it enforces idleness." *Barker v. Wingo*, 407 U.S. 514, 532-33 (1972). Immigration detention imposes economic burdens on the detained person's family and has collateral impacts on children, with ICE detention facilities often failing to provide sufficient basic, medical, or psychiatric care. *See Ramirez Ovando v. Noem*, --- F.Supp.3d ---, 2025 WL 3293467, at *20 (D. Colo. Nov. 25, 2025) (citing *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1037 (N.D. Cal. 2025)); DHS, Officer of Inspector General (OIG), Summary of Unannounced Inspections of ICE Facilities Conducted in Fiscal Years 2020-2023 (2024) (reporting violations of environmental health and safety standards,

staffing shortages affecting care detainees received for suicide watch, detainees being held in administrative segregation in unauthorized restraints and not being allowed time outside their cell, and lack of documentation that detainees were provided health care or three meals a day).[1]

Mr. Ha faces immediate arrest today, March 25, 2026, when he reports to the ICE Denver Field Office for his routine scheduled check-in. Once detained, the hard-fought liberty he has maintained and relied upon for twenty-two years will be lost without the due process protection afforded by the Fifth Amendment. The Declaration of Tin Thanh Nguyen, a licensed attorney in North Carolina, states that since May 30, 2025, there has been a "disturbing trend of ICE re-detaining pre-1995 Vietnamese nationals, usually at their scheduled check in appointments, and detaining them without first requesting or securing their travel documents." Ex. 16.

Mr. Ha faces immediate separation from his two U.S. citizen children—ages 13 and 10. Exs. 8–9. Mr. Ha has shared custody over his children, and pays $1,000 in monthly child support to his ex-spouse. Ex. 10. Furthermore, he shares responsibilities regarding extracurricular activities and extraordinary medical expenses, including copays and deductibles over $250. *Id.* He personally commutes them to school, a point noted in multiple declarations. Ex. 11. Both of his children are high-achieving students, with his son writing that he "pushes me to get good grades, but still lets me have fun." Ex. 11. Mr. Ha's unlawful detention will not only be traumatic and stifle his children's development, but additionally burden his ex-spouse and impose downstream consequences as his family adapts to the detention's emotional and financial impact.

[1] Available at https://www.oig.dhs.gov/sites/default/files/assets/2024-09/OIG-24-59-Sep24.pdf (last accessed Mar. 22, 2026).

Mr. Ha's detention would cause the destruction of [redacted] the small business he built over twenty years that employs six people. Ex. 6. Mr. Ha is essential to the business operations, being personally responsible for payroll, scheduling, accounting, and supplying. *Id.* Many of his staff speak limited English, making Mr. Ha also responsible for client management. *Id.* If detained for even a few days, Mr. Ha's business will most likely close or be sold. *Id.*

Alongside stripping Mr. Ha of his position as a business owner, Mr. Ha's employees would likely go without work given their language difficulties. *See id.* They would lose their immediate source of income, and after seeking alternative employment would leave Mr. Ha unable to resume his ordinary business even assuming Happy Feet and Nails does not close.

Mr. Ha's detention would leave him unable to continue regular payments on his property, likely requiring him to sell his house. This would irreparably separate Mr. Ha from him and his children's long-term home, with Mr. Ha having no alternative remedy to cure the economic loss.

These harms will be exacerbated by the risk of long-term detention. *L.G. v. Choate*, 744 F.Supp.3d 1172, 1182 (D. Colo. 2024) ("[T]he longer the duration of detention, the greater the deprivation of a noncitizen's private interest."). The Declaration of Thao Ha, Ph.D., shows a pattern of ICE detaining pre-1995 Vietnamese immigrants for an average of over 160 days, with travel document issuance being inconsistent and departure dates being often unknown or not scheduled. Ex. 16. Even since the 2020 MOU was signed, removal remains "unpredictable and frequently not achievable within a reasonable period of time." *Id.* The Declaration of Jingni Zhao, a licensed attorney in California, further shows that post-2020 removals of pre-1995 Vietnamese immigrants remains unlikely and unforeseeable, with only four such immigrants

being issued travel documents and removed. *Id.* Detaining Mr. Ha for 160 days would guarantee the aforementioned harms, and exacerbate the impact of Mr. Ha's absence from his family and business and the effects of detention on Mr. Ha. *See* Ex. 6.

Given ICE's well-documented practice of transferring detainees to out-of-state facilities within hours of arrest, this separation would be swift and devastating. Mr. Ha would be quickly removed from any reasonable proximity from his family and business.

C. The Balance of Equities and Public Interest Favor Relief.

The balance of equities strongly favors Mr. Ha. Where the government is the opposing party, balancing the equities and the public interest merge. *See Nken v. Holder*, 556 U.S. 418, 435 (2009). "When a constitutional right hands in the balance . . . 'even a temporary loss' usually trumps any harm to the defendant." *Free the Nipple-Fort Collins*, 916 F.3d at 806. Further, it is "always in the public interest to prevent the violation of a party's constitutional rights." *Id.* at 807 (citation and quotations omitted).

Here, the balance tips decisively in Mr. Ha's favor. Absent injunctive relief, Mr. Ha faces arrest today, indefinite detention in violation of statute and due process, separation from his U.S. citizen children, the destruction of his small business and the jobs it provides, and potential removal to Vietnam or a third country without adequate process.

Courts have held that a temporary delay in removal does not harm the government or interfere with the public interest when the noncitizen has been living on supervised release for an extended period. *Torres-Jurado v. Biden*, 2023 WL 7130898, at *5 (S.D.N.Y. Oct. 29, 2023) ("The brief delay caused by a temporary stay here does not interfere with the public interest

when Plaintiff has been allowed to live in the United States for eighteen years without Defendants executing the final removal order."). Mr. Ha has been on supervised release for twenty-two years. The government's interest in the swift execution of his removal order—one that has never been executed and cannot be executed under existing treaty obligations—is negligible.

The public likewise has a strong interest in ensuring that Mr. Ha is not detained in violation of federal law, as "it would not be equitable or in the public's interest to allow [a party] . . . to violate the requirements of federal law, especially when there are no adequate remedies available." *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1069 (9th Cir. 2014). A TRO also serves the public interest by avoiding "indirect hardship to" Mr. Ha's family members, including his two U.S. citizen children, the disruption of his small business and its employees, and the waste of public resources on a detention that the law does not authorize. *See Golden Gate Rest. Ass'n v. City & Cty. of San Francisco*, 512 F.3d 1112, 1126 (9th Cir. 2008) (courts may consider hardship to families when determining public interest).

The government, on the other hand, suffers no cognizable harm from a brief delay to permit this Court to consider the merits of Mr. Ha's claims. The public interest favors preventing arbitrary detention, ensuring constitutional protections are observed, preserving the Court's jurisdiction over a non-frivolous habeas petition, and permitting the BIA to resolve the pending appeal of the denied MTR—a proceeding that could eliminate the very removal order Respondents seek to execute.

CONCLUSION AND PRAYER FOR RELIEF

Mr. Ha respectfully requests that this Court immediately issue a temporary restraining order:

1. **Enjoining Respondents from arresting, re-detaining, or modifying the conditions of Petitioner's release** unless and until Respondents appear before a neutral adjudicator and establish by clear and convincing evidence that his removal to Vietnam is reasonably foreseeable or that changed circumstances exist such that his re-detention would otherwise be legally justified;
2. **Enjoining Respondents from removing Petitioner to Vietnam or any other country** while his appeal before the Board of Immigration Appeals (A073-339-693) of the denied Motion to Reopen remains pending, in order to preserve this Court's jurisdiction;
3. **Ordering Respondents to show cause** why a preliminary injunction should not issue on the same terms;
4. **Granting such other and further relief** as the Court deems just and proper.

CERTIFICATE OF COUNSEL PURSUANT TO D.C.COLO.LCivR 65.1(a) AND FED. R. CIV. P. 65(b)(1)

Undersigned counsel certifies as follows pursuant to D.C.COLO.LCivR 65.1(a) and Fed. R. Civ. P. 65(b)(1)(B):

Notice of this filing has been provided to Respondents. On March 24, 2026, at [TIME], undersigned counsel contacted the Civil Division of the United States Attorney's Office for the District of Colorado by [telephone/email] and provided notice of the filing of this Motion and the accompanying Petition for Writ of Habeas Corpus. Copies of the following documents were provided to the U.S. Attorney's Office: (1) the Petition for Writ of Habeas Corpus; (2) this Motion and Memorandum of Law; (3) the Declaration of R. Linus Chan with Accompanying Exhibits; and (4) the Proposed Order on Motion for Temporary Restraining Order.

Counsel was unable to provide earlier notice because Petitioner's check-in at the ICE Denver Field Office is scheduled for March 25, 2026—the day before filing—and counsel reachd out to the Denver ICE ERO field office to inquire as to whether Mr. Ha would be redetained on the morning of Monday March 23 , 2026, and again on Tuesday morning of March 24, 2026. No response was given. Any additional delay in seeking relief would cause the very irreparable harm this motion seeks to prevent. Providing Respondents additional time to formally respond before the Court acts would allow Petitioner to suffer the constitutional injury he seeks to enjoin, specifically his detention and likely immediate transfer to an out-of-state facility before this Court can otherwise act. See Fed. R. Civ. P.

65(b)(1)(A) (authorizing TRO without formal adversarial hearing where "immediate and irreparable injury . . . will result . . . before the adverse party can be heard in opposition").

Undersigned counsel will serve Respondents with all filed documents by certified mail to the U.S. Attorney's Office civil process clerk on the date of filing and will file proof of service with the Court.

Respectfully submitted,

DATED: March 25, 2026

s/ R. Linus Chan

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