

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

GIA HUY NGUYEN,

Case No. To Be Assigned

Petitioner,

**EMERGENCY CONSOLIDATED
MOTION FOR TEMPORARY
RESTRAINING ORDER, ORDER TO
SHOW CAUSE, EXPEDITED
BRIEFING, PRODUCTION OF
RECORD, AND STAY OF
TRANSFER OR REMOVAL**

v.

JASON STREEVAL, in his official capacity as
Warden of Stewart Detention Center;

KRISTEN SULLIVAN, in her official capacity
as Acting Field Office Director, Enforcement and
Removal Operations, Atlanta Field Office, U.S.
Immigration and Customs Enforcement;

TODD M. LYONS, in his official capacity as
Senior Official Performing the Duties of the
Director, U.S. Immigration and Customs
Enforcement;

MARKWAYNE MULLIN, in his official
capacity as Secretary of the U.S. Department of
Homeland Security;

**U.S. DEPARTMENT OF HOMELAND
SECURITY**; and

TODD BLANCHE, in his official capacity as
Acting Attorney General of the United States,

Respondents.

1. Petitioner moves on an emergency basis for a temporary restraining order and related relief.

This consolidated motion is filed to comply with M.D. Ga. L.R. 7.1, which requires a supporting memorandum and statement of fact and directs that multiple motions filed at the same time be consolidated where possible.

RELIEF REQUESTED

- a. Enter an immediate temporary restraining order barring Respondents from removing Petitioner to Palau, Vietnam, or any third country and barring transfer outside the Middle District of Georgia pending hearing and further order;
- b. Order Respondents within 74 hours to produce the complete revocation, custody-review, diplomatic assurances, and third country removal record;
- c. Order Respondents to show cause within 48 hours why the writ should not issue, why Petitioner should not be restored to release under the prior order of supervision, and why re-detention does not violate 8 C.F.R. section 241.13(i)(2)-(3), due process, and the Western District of Washington judgment;
- d. Set expedited briefing and a prompt hearing, or decide the motion immediately if Respondents cannot produce the required record;
- e. Require immediate confidential attorney access and prohibit any obstruction of counsel communication; and
- f. Waive any bond requirement or set security at zero dollars under Fed. R. Civ. P. 65(c).

STATEMENT OF FACTS

2. Gia Huy Nguyen is a Vietnamese national who entered the United States on or about October 16, 2024 and has been in immigration detention for most of the period since entry.
 3. He claimed fear of return to Vietnam, passed a credible fear screening, and pursued asylum, withholding of removal, and CAT protection in Tacoma, Washington.
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4. On July 30, 2025, the Tacoma Immigration Court ordered him removed to Vietnam but granted withholding of removal to Vietnam. The decision became administratively final after appeal was waived.

5. Respondents thereafter detained him under 8 U.S.C. section 1231 while asserting that they could remove him to a third country such as Mexico, Cambodia, or Thailand.

6. In *Nguyen v. Field Office Director*, No. 2:26-cv-00394-DGE, the Western District of Washington issued a February 3, 2026 scheduling order directing Respondents to show cause and requiring advance notice before transfer or removal. The February 3 scheduling order should be filed as Exhibit B.

7. On February 26, 2026, the Western District of Washington granted habeas relief and ordered Mr. Nguyen released under 8 C.F.R. section 241.13(h)(1)-(4). The court found that Respondents had not rebutted his Zadvydas showing because there was no competent evidence that any third country would accept him in the reasonably foreseeable future. The court further ordered that he not be re-detained without notice and an opportunity to be heard unless Respondents have evidence detention is authorized under 8 C.F.R. section 241.13(i)(1)-(2). That judgment should be filed as Exhibit A.

8. On or about April 24, 2026, government counsel represented that ICE had re-detained Mr. Nguyen under 8 C.F.R. section 241.13(i)(2), allegedly because ICE obtained a travel document from Palau pursuant to diplomatic assurances and allegedly served notices of third-country removal.

9. Mr. Nguyen denies receiving any Palau third-country removal notice, any release-revocation notice, any document explaining why his supervised release was revoked, any notice of a right to

respond, or any meaningful opportunity to raise fear of removal to Palau or onward removal from Palau to Vietnam or another country of danger.

10. Respondents have not produced the alleged Palau travel document, diplomatic assurances, notice, proof of service, revocation record, informal interview record, or custody-review record.

Without emergency relief, Respondents can remove or transfer Mr. Nguyen before this Court can adjudicate his petition.

ARGUMENT

I. The TRO standard is satisfied.

11. A temporary restraining order is warranted when the movant shows a substantial likelihood of success on the merits, irreparable injury unless relief issues, that the threatened injury outweighs the harm the injunction may cause the opposing party, and that the injunction would not be adverse to the public interest. *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005); see also *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). When the government is the opposing party, the balance of equities and public interest factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

II. Petitioner is likely to succeed because Respondents have not shown lawful re-detention under 8 C.F.R. section 241.13(i).

12. The prior habeas judgment placed Respondents on clear notice: Mr. Nguyen could not be re-detained without notice and an opportunity to be heard unless Respondents had evidence detention is authorized under 8 C.F.R. section 241.13(i)(1)-(2). The regulation itself independently requires notice of the reasons for revocation, a prompt informal interview after return to custody, an opportunity to respond, and consideration of any evidence showing there is no significant likelihood of removal in the reasonably foreseeable future. 8 C.F.R. section 241.13(i)(3).

13. Respondents have not provided the actual Palau travel document, the date it was issued, the issuing authority, the statutory country-selection basis, the alleged notices, proof of service, the revocation notice, the informal-interview record, or the State Department confirmation concerning diplomatic assurances. Bare representations by counsel cannot substitute for the record required by the regulation or overcome a federal habeas judgment.

14. The Accardi doctrine requires agencies to follow their own rules. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954); *Morton v. Ruiz*, 415 U.S. 199, 235 (1974). Because ICE invoked section 241.13(i)(2), it must comply with section 241.13(i)(3). On the present record, it did not.

III. Petitioner is likely to succeed under *Zadvydas* because the government already failed to establish a concrete third-country removal plan.

15. Mr. Nguyen is detained after the removal period under 8 U.S.C. section 1231(a)(6). *Zadvydas v. Davis*, 533 U.S. 678 (2001), permits continued post-order detention only for a period reasonably necessary to accomplish removal. After six months, once the noncitizen provides good reason to believe removal is not significantly likely in the reasonably foreseeable future, the government must rebut that showing.

16. The Eleventh Circuit applies that burden-shifting rule. *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002); *Gozo v. Napolitano*, 309 F. App'x 344, 346 (11th Cir. 2009). Mr. Nguyen already made the showing in the prior habeas case, and the court ordered release. A claimed Palau travel document may be a new asserted circumstance, but Respondents must prove it with records and process. Until they do, the prior *Zadvydas* determination and the regulation require release or at minimum preservation of the status quo.

17. If the government truly possesses a valid Palau travel document, lawful diplomatic assurances, valid country-selection authority, and proof that Mr. Nguyen received meaningful process, it can produce those materials quickly. If it cannot, continued detention and imminent removal are unlawful.

IV. Petitioner is likely to succeed on due process because third country removal requires meaningful notice and a meaningful chance to raise country-specific protection claims.

18. Withholding of removal to Vietnam does not itself prohibit removal to every other country. *Johnson v. Guzman Chavez*, 594 U.S. 523, 536, 545-46 (2021). But it also does not authorize ICE to remove Mr. Nguyen to Palau without notice and a meaningful opportunity to raise Palau specific fear, torture, and onward-removal claims.

19. The Fifth Amendment protects noncitizens in the United States from detention and removal procedures that deny a meaningful opportunity to be heard. *Zadvydas*, 533 U.S. at 693. That protection is heightened here because Mr. Nguyen has already obtained withholding to Vietnam and asserts that he was not told of the Palau plan or allowed to respond.

20. Persuasive authority supports preserving judicial review of these third-country process claims. In *Ibarra-Perez v. United States*, 154 F.4th 989 (9th Cir. 2025), the Ninth Circuit held that a challenge to removal to Mexico without meaningful notice and opportunity to present a fear-based claim was not barred by 8 U.S.C. section 1252(g) where the challenge was directed to ICE's separate post-hearing third-country decision. *D.V.D. v. U.S. Department of Homeland Security*, No. 25-10676-BEM, 2026 WL 521557 (D. Mass. Feb. 25, 2026), although not controlling and subject to appellate proceedings, likewise reflects the due process problem in third-country removals without meaningful notice and a meaningful chance to raise protection claims.

V. Irreparable harm is immediate and severe.

21. Removal to Palau or any third country before adjudication would defeat this Court's habeas jurisdiction, frustrate the Western District of Washington judgment, separate Mr. Nguyen from counsel, and expose him to possible persecution, torture, or onward removal before he can raise country-specific protection claims. A later remedy would not restore the lost opportunity for meaningful pre-removal review.

VI. The balance of harms and public interest favor preserving the status quo.

22. The requested TRO does not permanently bar removal. It requires only that Respondents produce the record, comply with the regulation and prior judgment, and allow meaningful review before transfer or removal. The government has no legitimate interest in enforcing a detention or removal action that violates a federal habeas judgment, 8 C.F.R. section 241.13, or due process. The public interest favors lawful immigration enforcement and obedience to court orders.

VII. No security bond should be required.

23. The Court should waive security or set it at zero dollars. This is a habeas and civil-liberty case involving government custody, not a commercial dispute. Respondents will suffer no compensable monetary injury from maintaining the status quo long enough for lawful review.

VIII. The Court should order immediate production and expedited briefing.

24. This case can be decided quickly if Respondents produce the actual documents on which they rely. Petitioner therefore requests a 24-hour production deadline, a 48-hour show-cause response, and a reply within 24 hours thereafter. If Respondents fail to produce the record, the Court should restore Petitioner to release under the prior order of supervision.

RULE 65(B) AND NOTICE CERTIFICATION

25. Petitioner seeks relief with notice whenever possible. Counsel should serve the filed petition and motion immediately through CM/ECF and by email to the United States Attorney's Office

for the Middle District of Georgia, ICE Atlanta Field Office, and known agency counsel. If the Court determines that ex parte temporary relief is necessary before Respondents can respond, counsel certifies that immediate and irreparable injury may occur before a response can be heard because ICE has asserted possession of a Palau travel document, has re-detained Petitioner after a prior release order, and may remove or transfer him at any time.

CONCLUSION

26. For these reasons, Petitioner respectfully requests that the Court grant the emergency motion, enter the proposed temporary restraining order, require production of the complete record, and order Respondents to show cause why the writ should not issue and why Petitioner should not be restored to release under the prior order of supervision.

Dated: April 26, 2026

/s/ Farah Hobballah
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