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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

12 BAO TIN NGUYEN,
13 Petitioner,
14 v.

15 JASON STREEVAL, Warden of Stewart Detention
Center,

16 KRISTEN SULLIVAN, Field Office Director of
17 Immigration and Customs Enforcement, Enforcement
and Removal Operations, Atlanta Field Office;

18 TODD LYONS, Acting Director of Immigration and
19 Customs Enforcement;

20 MARKWAYNE MULLIN, Secretary, U.S.
Department of Homeland Security; and

21 TODD BLANCHE, Acting U.S. Attorney General,
22 Respondents.

Case No.

A- 

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER AND INJUNCTIVE
RELIEF**

Challenge to Unlawful Detention
Under 28 U.S.C. § 2241

INTRODUCTION

25 Petitioner Bao Tin Nguyen respectfully moves this Court for a Temporary Restraining
26 Order (“TRO”) to prevent his imminent removal and continued unlawful detention.
27

1 Just twenty-one days ago, the United States District Court for the District of Arizona
2 ordered Petitioner's release after the Government conceded that it could not establish a "significant
3 likelihood of removal in the reasonably foreseeable future" under *Zadvydas v. Davis*, 533 U.S. 678
4 (2001). The Government complied and released him.

5
6 On April 21, 2026, at a routine ICE check in required by his Order of Supervision, ICE
7 summarily re-detained him—without notice, without explanation, and without any allegation that
8 he violated the terms of his release.

9 Two days later, ICE attempted to coerce Petitioner into agreeing to removal to Vietnam,
10 despite the fact that an Immigration Judge has granted him withholding of removal to that country.

11 Upon information and belief, ICE has recently begun identifying similarly situated
12 individuals—previously released following habeas relief—for potential third-country removal.
13 Petitioner now faces a substantial and imminent risk of unlawful removal without notice or an
14 opportunity to seek protection.
15

16 Absent immediate relief, Petitioner faces irreparable harm, including unlawful removal that
17 would extinguish this Court's jurisdiction and violate his constitutional rights.

18 A TRO is necessary to preserve the status quo and ensure that this Court can adjudicate
19 Petitioner's claims.
20

21 LEGAL STANDARD

22 A temporary restraining order is warranted where the movant establishes (1) a substantial
23 likelihood of success on the merits; (2) a substantial threat of irreparable injury absent relief; (3)
24 that the threatened injury outweighs any harm to the opposing party; and (4) that the injunction
25 would not be adverse to the public interest. *See Winter v. Natural Resources Defense Council*, 555
26 U.S. 7, 20 (2008).
27

ARGUMENT

I. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

Petitioner is overwhelmingly likely to succeed on his claims.

a. The Government Already Conceded That Removal Is Not Foreseeable

Just twenty-one days before re-detaining Petitioner, the Government conceded in federal court that his removal was not reasonably foreseeable, and the court ordered his release. No facts have changed.

Petitioner still cannot legally be removed to Vietnam, and the Government has not identified any country willing to accept him, obtained travel documents, or demonstrated any realistic prospect of removal.

Under *Zadvydas*, detention is unlawful where removal is not reasonably foreseeable. 533 U.S. at 701.

The Government cannot reverse its position and re-detain Petitioner without materially changed circumstances. None exist here.

b. ICE Violated Due Process by Revoking Petitioner's Release Without Notice or Hearing

Petitioner was re-detained at a required check-in despite full compliance with his Order of Supervision. ICE provided no notice, no allegation of violation, and no opportunity to be heard.

This summary deprivation of liberty violates the Fifth Amendment.

c. C. The Government Is Attempting to Circumvent a Prior Habeas Order

A federal court already determined that Petitioner's detention was unlawful. Re-detaining him just weeks later—without new facts—undermines that ruling and violates governing law.

1 d. D. Any Attempted Removal Without Notice and Fear Screening Would Be
2 Unlawful

3 Petitioner has not received notice of any third-country removal or any opportunity to seek
4 protection. Courts have made clear that such procedures are required before removal to a third
5 country. Any attempt to remove him without these safeguards would violate due process.
6

7 **II. PETITIONER FACES IRREPARABLE HARM**

8 Petitioner faces immediate and irreparable harm absent a TRO. If removed he will be
9 deprived of the opportunity to seek protection from removal; his habeas claims will be effectively
10 mooted; and this Court will be unable to grant meaningful relief.

11 Courts consistently recognize that unlawful detention and removal constitute irreparable
12 harm. Additionally, Petitioner is currently being detained in violation of federal law and the
13 Constitution.
14

15 **III. THE BALANCE OF EQUITIES FAVORS PETITIONER**

16 The balance of equities strongly favors Petitioner. Petitioner seeks only to maintain the
17 status quo and prevent unlawful detention and removal. By contrast, the Government has no
18 legitimate interest in detaining an individual where removal is not foreseeable or removing an
19 individual without due process. Petitioner has already demonstrated compliance with all conditions
20 of supervision.
21

22 **IV. THE PUBLIC INTEREST FAVORS INJUNCTIVE RELIEF**

23 The public interest strongly favors the enforcement of federal court orders, constitutional
24 protections, and limits on unlawful detention. Preventing the Government from detaining
25 individuals indefinitely or removing them without due process serves the public interest.

26 **REQUEST FOR RELIEF**
27

Petitioner respectfully requests that this Court issue a Temporary Restraining Order:

- a. enjoining Respondents from removing Petitioner from the United States;
- b. enjoining Respondents from transferring Petitioner outside this District,
- c. enjoining Respondents from altering Petitioner's custodial status in a manner that would frustrate this Court's jurisdiction;
- d. ordering Respondents to maintain the status quo pending resolution of this matter; and
- e. granting such other relief as the Court deems just and proper.

Dated: April 28, 2026

Respectfully submitted,

/s/ Eszter Bardi

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