

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Hung Huu Anh Hoang v. Kristi Noem et al.

Hoang · No. 5:25-cv-03177-JLS-RAO · Decided January 12, 2026

SUMMARY

The United States District Court for the Central District of California granted in part Hung Huu Anh Hoang’s renewed application for a temporary restraining order. The court found that ICE likely violated 8 C.F.R. § 241.13(i) by failing to provide a prompt informal interview after revoking Hoang’s release, ordered his immediate release subject to the conditions of his prior order of supervision, and enjoined inconsistent re-detention. The order also directed respondents to show cause why a preliminary injunction should not issue and set related briefing deadlines and a hearing.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Josephine L. Staton
JURISDICTION	United States District Court for the Central District of California
DECIDED	January 12, 2026
DOCKET	5:25-cv-03177-JLS-RAO
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas and injunctive relief challenging his immigration detention after ICE revoked his release under an order of supervision. The court considered a renewed ex parte application for a temporary restraining order and granted it in substantial part, ordered Petitioner released, and ordered Respondents to show cause why a preliminary injunction should not issue.
STANDARD OF REVIEW	Temporary restraining orders and preliminary injunctions are governed by the Winter factors: likelihood of success on the merits, likelihood of irreparable harm, balance of equities, and public interest. Under the Ninth Circuit sliding-scale test, relief may also issue upon serious questions going to the merits, a sharply favorable balance of hardships, and satisfaction of the remaining Winter factors.
PRECEDENTIAL VALUE	Unpublished district-court order; limited persuasive value.

PARTIES

Hung Huu Anh Hoang v. Kristi Noem, Pamela Bondi, Thomas Giles, James Pilkington, Warden, Geo Group Inc.

TOPICS

immigration detention

injunctions

removal proceedings

administrative law

civil procedure

PRACTICE AREAS

immigration

administrative law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether ICE unlawfully revoked Hoang's release by failing to provide the prompt informal interview required by 8 C.F.R. § 241.13(i)(3).
2. Whether Hoang satisfied the requirements for temporary restraining-order relief.
3. Whether release from custody, rather than a belated interview, was the appropriate remedy for the procedural violation.
4. Whether a security bond was required under Federal Rule of Civil Procedure 65(c).

HOLDINGS

1. ICE likely violated 8 C.F.R. § 241.13(i)(3) by failing to conduct an initial informal interview promptly after returning Hoang to custody. A delay of more than one month was not prompt.
2. Hoang was entitled to temporary restraining-order relief because he showed serious questions going to the merits, a sharply favorable balance of hardships, irreparable harm, and that the public interest favored relief.
3. A belated interview would not cure the violation because the regulation requires the initial informal interview promptly after return to custody and in connection with the revocation process. The proper remedy was release from custody subject to the prior order of supervision.
4. No security bond was required because Respondents did not argue that a bond was necessary or identify a likely harm from the injunction.

KEY QUOTATIONS

"It is apparent that Hoang was not afforded any initial informal interview promptly after re-detention, so Hoang has established a likelihood of success on the merits with respect to his contention that ICE violated § 241.13." (7)

"The proper remedy is therefore Hoang's release from custody, thereby returning Hoang to the status quo before his release was improperly revoked." (10)

"Respondents are ORDERED to release Petitioner forthwith, subject to the conditions of his prior OSUP, and ENJOINED from re-detaining Petitioner in a manner inconsistent with their regulations." (11)

FACTUAL BACKGROUND

Hoang, a Vietnamese citizen who entered the United States in 1991, was subject to a final removal order issued in 2004. Because his removal could not be effectuated, he was released under an order of supervision and complied with check-in requirements for approximately twenty-one years. ICE detained him on October 28, 2025, revoked his release, and did not provide an informal interview until December 2, 2025. Hoang disputed the alleged supervision violations and maintained that Vietnam had not issued the travel documents necessary for his removal.

PROCEDURAL HISTORY

Hoang filed a habeas petition and an initial application for preliminary injunctive and temporary restraining-order relief on November 25, 2025. The court denied the initial application because it was unsupported by admissible evidence. Hoang filed a renewed TRO application with declarations on December 24, 2025. The court granted the renewed application, ordered his immediate release subject to the prior order of supervision, enjoined inconsistent re-detention, and set a preliminary-injunction hearing.

DISPOSITION

other

CASES CITED

- Lockheed Missile & Space Co. v. Hughes Aircraft Co., 887 F. Supp. 1320, 1323 (N.D. Cal. 1995)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 22 (2008)
- Jones v. H.S.B.C. (USA), 844 F. Supp. 2d 1099, 1100 (S.D. Cal. 2012)
- Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70 of Alameda County, 415 U.S. 423, 439 (1974)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1135 (9th Cir. 2011)
- Shell Offshore, Inc. v. Greenpeace, Inc., 709 F.3d 1281, 1291 (9th Cir. 2013)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Ton v. Noem, No. 25-3348 (C.D. Cal. Dec. 22, 2025)
- Nguyen v. Scott, 796 F. Supp. 3d 703, 722-723 (W.D. Wash. 2025)
- M.S.L. v. Bostock, 2025 WL 2430267, at *11-*12 (D. Or. Aug. 21, 2025)
- Duong v. Noem, 2025 WL 3268414, at *3 (S.D. Cal. Nov. 24, 2025)
- Delkash v. Noem, 2025 WL 2683988, at *5 (C.D. Cal. Aug. 28, 2025)
- United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954)
- Diaz v. Kaiser, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025)
- Hernandez v. Sessions, 872 F.3d 976, 995-996 (9th Cir. 2017)
- Jorge M. F. v. Wilkinson, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021)
- Vargas v. Jennings, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020)
- Asghar Payman Farsi v. Kristi Noem, 2025 WL 3764075, at *3 (C.D. Cal. Dec. 19, 2025)

- Grigorian v. Bondi, 2025 WL 2604573, at *10 (S.D. Fla. Sept. 9, 2025)
- Ceesay v. Kurzdorfer, 781 F. Supp. 3d 137, 166 (W.D.N.Y. 2025)
- Jorgensen v. Cassidy, 320 F.3d 906, 919 (9th Cir. 2003)
- Barahona-Gomez v. Reno, 167 F.3d 1228, 1237 (9th Cir. 1999)

OPINION

Hung Huu Anh Hoang v. Kristi Noem et al

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 5:25-cv-03177-JLS-RAO Date: January 12, 2026 Title: Hung Huu Anh Hoang v. Kristi

Noem et al Present: Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE

Kelly Davis N/A Deputy Clerk Court Reporter ATTORNEYS PRESENT FOR PLAINTIFF:

ATTORNEYS PRESENT FOR DEFENDANT: Not Present Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER (1) GRANTING IN PART

APPLICATION FOR TEMPORARY RESTRAINING ORDER

(Doc. 12), AND (2) ORDERING RESPONDENTS TO SHOW

CAUSE RE PRELIMINARY INJUNCTION

Before the Court is a Renewed Ex Parte Application for Temporary Restraining Order filed by Petitioner Hung Huu Anh Hoang. (App., Doc. 12.) Respondents Kristi Noem, Pamela Bondi, Thomas Giles, James Pilkington, and Warden, Geo Group Inc., opposed, and Petitioner relied. (Opp., Doc. 14; Reply, Doc. 16.) Having reviewed the papers, the Court GRANTS IN PART Petitioner’s Application.

I. BACKGROUND

Petitioner Hung Hoang is a citizen of Vietnam who is currently detained by Immigration and Customs Enforcement (“ICE”) in Adelanto, California. (Preciado Decl. ¶ 5, Doc. 14-1; Hoang Decl. ¶ 1, Doc. 12-1.) Hoang was born in Vietnam and entered the United States in 1991. (Hoang Decl. ¶¶ 4a–4b.) Hoang was convicted of first-degree burglary in 1997 and sentenced to nine years in prison. (Preciado Decl. ¶ 7.) In April 2004, he was issued a final order of removal to Vietnam. (Id. ¶¶ 8–9; Ex. A to Preciado Decl.) Hoang was detained for around three months, but in July 2004,

Hoang

was

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Case No. 5:25-cv-03177-JLS-RAO Date: January 12, 2026 Title: Hung Huu Anh Hoang v. Kristi Noem et al released pursuant to an Order of Supervision (“OSUP”), as his removal to Vietnam could not be effectuated. (Hoang Decl. ¶ 4d; Ex. 1 to Hoang Decl; Ex. 2 to Hoang Decl.; Ex. B to Preciado Decl., Order of Supervision.) Hoang’s OSUP requires, among other conditions, that he report for check-in appointments at the request of ICE, and assist ICE in obtaining any necessary travel documents. (Order of Supervision.) Hoang maintains that for twenty-one years, he has always reported for check-ins, and that he has never been told he has been late for a check-in. (Hoang Decl. ¶¶ 4g–4h.) However, according to Respondents, Hoang failed to timely report for a check-in which was scheduled on February 27, 2024, between 12 p.m. and 1 p.m. (Preciado Decl. ¶ 12.) Respondents further contend that on February 28, 2025, ICE instructed Hoang to provide proof of his passport application on his next check-in date, but that Hoang failed to bring that proof for his next check-in on August 27, 2025. (Id. ¶ 13.) Hoang, however, maintains that at his August 2025 check-in, he did provide to ICE the requested letter from the Vietnamese Embassy denying him travel documents. (Hoang Decl. ¶¶ 4k–4n.) Hoang was detained on October 28, 2025, after he reported for a scheduled check- in. (Id. ¶ 4o.) The same day, ICE issued Hoang a Notice of Revocation of Release, stating that “[i]t is expected that [he] will be removed to Vietnam in the foreseeable future” and that he “failed to comply with OSUP reporting requirements and failed to provide [his] travel documents.” (Ex. C to Preciado Decl., Notice of Revocation of Release.) Respondents represent that ICE served Hoang with a copy of the Notice that same day at 12:22 p.m., at ICE ERO/Los Angeles. (Preciado Decl. ¶ 16; see Notice of Revocation of Release.) However, Hoang contends that he had reported as instructed to the ISAP office, rather than the ERO office, that he was detained around 8:30 a.m. or 9 a.m., and that he was not given any papers when he was detained. (Hoang Decl. ¶¶ 4n– 4o.)

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alien number,” then “told [him] that [he] would not be released,” without asking any questions or providing any opportunity to respond. (Hoang Decl. ¶ 4aa.) Respondents aver that “DHS will be able to effectuate [Hoang’s] removal to Vietnam in the reasonably foreseeable future.” (Opp. at 11.) Respondents note that they submitted a travel document request for Hoang to the Vietnam Embassy on November 24, 2025, and that “Vietnam has been issuing travel documents when DHS has made such requests for Vietnamese nationals[.]” (Preciado Decl. ¶¶ 22–23.) On November 25, 2025, Hoang filed a Petition for a writ of habeas corpus and an Application for Preliminary Injunction and Temporary Restraining Order, which consisted of only a few paragraphs relating to the legal standard governing Hoang’s detention and was not accompanied by any declaration. (Petition, Doc. 2; First App, Doc. 3.) The Court denied Hoang’s Application because Hoang had failed to provide the Court with admissible evidence supporting his claims. (Order Denying First App. at 4, Doc. 10.) On December 24, 2025, Hoang filed a renewed Application for Temporary Restraining Order, accompanied by declarations from Hoang and his attorney. (Hoang Decl.; Hein Decl., Doc. 12.2.) Hoang argues that he is being unlawfully detained following the improper revocation of his release. (App. at 9.)

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II. LEGAL STANDARD

“The standard for issuing a temporary restraining order is identical to the standard for issuing a preliminary injunction.” *Lockheed Missile & Space Co. v. Hughes Aircraft Co.*, 887 F. Supp. 1320, 1323 (N.D. Cal. 1995). Like a preliminary injunction, a temporary restraining order is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” See *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). “The underlying purpose of a TRO is to preserve the status quo and prevent irreparable harm before a preliminary injunction hearing may be held.” *Jones v. H.S.B.C. (USA)*, 844 F. Supp. 2d 1099, 1100 (S.D. Cal. 2012) (citing *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cty.*, 415 U.S. 423, 439 (1974)). To obtain a temporary restraining order (“TRO”), a plaintiff “must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that [a TRO] is in the public interest.” *Winter*, 555 U.S. at 22. This “requires the plaintiff to make a showing on all four prongs.” *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). Alternatively, under the Ninth Circuit’s sliding scale test, a plaintiff

may obtain a TRO by showing “that there are ‘serious questions going to the merits’” and that “the ‘balance of hardships tips sharply in the plaintiff’s favor,’ and the other two Winter factors are satisfied.” *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013) (quoting *Alliance for the Wild Rockies*, 632 F.3d at 1135) (emphasis omitted). The final two Winter factors “merge” when a TRO is sought against the government. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

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III. ANALYSIS

A. Likelihood of Success on the Merits: Unlawful Revocation of Release The Attorney General possesses the authority to detain and remove noncitizens under 8 U.S.C. § 1231. “If the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General.” *Id.* § 1231(a)(3). Specifically, 8 C.F.R. § 241.13 governs a noncitizen’s release where, as here, the noncitizen has been released because there is “good reason to believe there is no significant likelihood of removal to the country to which he or she was order removed . . . in the reasonably foreseeable future.” (See Hoang Decl. ¶ 4d.) 8 C.F.R. § 241.13(i) outlines the requirements for the revocation of a noncitizen’s release. It provides that a noncitizen’s release may be revoked, and he may be returned to custody, if he “violates any of the conditions of release” or if “the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future.” *Id.* § 241.13(i)(2). It further mandates the following “revocation procedures”: Upon revocation, the alien will be notified of the reasons for revocation of his or her release. The Service will conduct an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification. The alien may submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future, or that he or she has not violated the order of supervision. The revocation

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procuring travel documents from Vietnam for pre-1995 immigrants continues to be uncertain and protracted,’ [so] Officer Suarez’s conclusory statement that Vietnam ‘has been issuing travel documents’ for pre-1995 immigrants without any discussion of when or how often this has occurred are inadequate to show Ton’s removal is likely in the reasonably foreseeable future, given the context.”) (quoting *Nguyen v. Scott*, 796 F. Supp. 3d. 703, 722–23 (W.D. Wash. 2025)). But the Court need not resolve these precise issues, because ICE’s failure to provide Hoang with a prompt informal interview plainly violated 8 C.F.R § 241.13(i). It is uncontested that when Hoang was re-detained on October 28, 2025, he was not afforded any informal interview until December 2, 2025, more than one month after he was returned to custody. (Preciado Decl. ¶ 17.) Such a delay contravenes the requirement that the “initial informal interview” be conducted “promptly after [Hoang’s] return to Service custody.” See *M.S.L. v. Bostock*, 2025 WL 2430267, at *11 (D. Or. Aug. 21, 2025) (finding that an interview given 27 days after the noncitizen was taken into custody was not prompt); *Duong v. Noem*, 2025 WL 3268414, at *3 (S.D. Cal. Nov. 24, 2025) (finding that an interview given six weeks after the noncitizen was taken into custody was not prompt). Moreover, it is unclear whether the December 2 interview properly provided Hoang with “an opportunity to respond to the reasons for revocation”

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Case No. 5:25-cv-03177-JLS-RAO Date: January 12, 2026 Title: Hung Huu Anh Hoang v. Kristi Noem et al or allowed him to “submit any evidence or information” to contest the reasons for revocation. 8 C.F.R § 241.13(i)(3). Although Officer Preciado attests that “DHS conducted an informal interview of Hoang, during which he had an opportunity to respond to the reasons for revocation of his OSUP release and to provide any evidence to show that his removal is unlikely,” Hoang provides a much more detailed account of his December 2 interaction with an ICE officer. (Preciado Decl. ¶ 17; Hoang Decl. ¶¶ 4aa– 4bb.) According to Hoang, he was told that he would not be released, he was not asked any questions, and he was not given any opportunity to respond. (Hoang Dec. ¶ 4aa.) “It is well established that government agencies are required to follow their own regulations.” *Delkash v. Noem*, 2025 WL 2683988, at *5 (C.D. Cal. Aug. 28, 2025) (quoting *United States ex rel Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954)). It is apparent that Hoang was not afforded any initial informal interview promptly after re- detention, so Hoang has established a likelihood of success on the merits with respect to his contention that ICE violated § 241.13. B. Irreparable Harm, Balance of the Equities, and the Public Interest The remaining Winter factors weigh in favor of granting a TRO. First, absent relief, Hoang will continue to face irreparable harm. “The Ninth Circuit has recognized “irreparable harms imposed on anyone

subject to immigration detention,’ including ‘the economic burdens imposed on detainees and their families as a result of detention, and the collateral harms to children of detainees whose parents are detained.’” *Diaz v. Kaiser*, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025) (quoting *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017)). Such harms are present here: because Hoang has been detained for over two months, he has been separated from his fiancé and unable to attend his work as a mechanic. (Hoang Decl. ¶ 4dd.) As such, he has not been

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Case No. 5:25-cv-03177-JLS-RAO Date: January 12, 2026 Title: Hung Huu Anh Hoang v. Kristi Noem et al C. Remedy Respondents argue that ICE’s failure to provide Hoang with a prompt interview should result in relief designed to “cure any purported post-revocation defect by narrowly tailored means well short of release from detention,” such as an order that ICE provide another informal interview to Hoang. (Opp. at 22.) However, to require such an interview now, more than two months after Hoang’s re-detention, would not cure the violation suffered by Hoang. The regulations require that the “initial informal interview” be conducted “promptly after” return to custody, 8 C.F.R § 241.13(i)(3); any order could not retroactively provide Hoang with the prompt interview he was due. Indeed, the regulation makes clear that the revocation itself must be accompanied by the interview, to allow for an evaluation of any information contesting the reasons for revocation submitted by a noncitizen. See *id.* Because the revocation did not do so here, it was unlawful. See *Delkash*, 2025 WL 2683988, at *5 (“A growing number of courts have unequivocally found that the government’s failure to follow its release revocation procedures—in particular the failure to give a detainee the required notice and interview—renders the re-detention unlawful.”) (collecting cases). The proper remedy is therefore Hoang’s release from custody, thereby returning Hoang to the status quo before his release was improperly revoked.¹ See *id.* (ordering a noncitizen’s release where ICE failed to follow its procedures in revoking release); *Asghar Payman Farsi v. Kristi Noem*, 2025 WL 3764075, at *3 (C.D. Cal. Dec. 19, 2025) (same); *Duong*, 2025 WL 3268414, at *3 (same); *Grigorian v. Bondi*, 2025 WL 2604573, at *10 (S.D. Fla. Sept. 9, 2025) (same); *Cesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 166 1 Hoang’s Application also requests an order enjoining Respondents from removing Hoang from the United States or taking him from the Central District of California, but provides no facts or argument in support of such a request. (App. at 33.) The Court therefore may not award such relief.

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Case No. 5:25-cv-03177-JLS-RAO Date: January 12, 2026 Title: Hung Huu Anh Hoang v. Kristi Noem et al (W.D.N.Y. 2025) (same); *M.S.L.*, 2025 WL 2430267, at *11–12 (D. Or. Aug. 21, 2025) (same). D. Bond Pursuant to Rule 65, a court “may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” Fed. R. Civ. P. 65(c). A district court has “discretion as to the amount of security required, if any.” *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003) (quoting *Barahona–Gomez v. Reno*, 167 F.3d 1228, 1237 (9th Cir. 1999)) (emphasis in original, further citation

omitted). A court “may dispense with the filing of a bond when it concludes there is no realistic likelihood of harm to the defendant from enjoining his or her conduct.” Id. Respondents make no argument that a security should be required or that they are likely to suffer harm if their conduct is enjoined. The Court concludes that no security is required.

IV. CONCLUSION

For the above reasons, Petitioner’s Application is GRANTED. Respondents are ORDERED to release Petitioner forthwith, subject to the conditions of his prior OSUP, and ENJOINED from re-detaining Petitioner in a manner inconsistent with their regulations. This Order shall remain in effect though January 26, 2026, unless the Court extends this period, before that date, and for good cause. Fed. R. Civ. P. 65(b)(2). If Respondents wish to further brief the matter, they may file a further response no later than January 15, 2026. Petitioner may reply no later than January 20, 2026.

The Court

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UNITED STATES DISTRICT COURT

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CIVIL MINUTES – GENERAL

Case No. 5:25-cv-03177-JLS-RAO Date: January 12, 2026 Title: Hung Huu Anh Hoang v. Kristi Noem et al shall hold a hearing on January 22, 2026 at 3:30 p.m. as to why a preliminary injunction should not issue.² Initials of Deputy Clerk: kd 2 The parties may seek to extend these deadlines by stipulation.

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