

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

**Thanh Quoc Ngo v. Kristi Noem, Pamela Bondi, Todd M. Lyons,
Jesus Rocha, and Christopher LaRose**

No. 25-CV-2439 TWR (KSC) (S.D. Cal. Oct. 16, 2025) · No. 25-CV-2439 TWR (KSC) · Decided October 16,
2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 THANH QUOC NGO, Case No.: 25-CV-2439 TWR (KSC) 12 Petitioner,
ORDER (1) REQUIRING RESPONSE 13 v. TO PETITION FOR WRIT OF HABEAS CORPUS,
(2) GRANTING 14 KRISTI NOEM, Secretary of the PETITIONER’S MOTION FOR
Department of Homeland Security; 15 APPOINTMENT OF COUNSEL, PAMELA BONDI,
Attorney General; (3) GRANTING IN PART 16 TODD M. LYONS, Acting Director,
PETITIONER’S MOTION FOR Immigration and Customs Enforcement; 17 TEMPORARY
RESTRAINING JESUS ROCHA, Acting Field Office ORDER, (4) ORDERING 18 Director, San
Diego Field Office; and RESPONDENTS TO SHOW CAUSE CHRISTOPHER LAROSE,
Warden at 19 WHY A TRO AND/OR INJUNCTION Otay Mesa Detention Center, SHOULD
NOT ISSUE, AND 20 Respondents.

(5) SETTING SHOW CAUSE 21 HEARING 22 (ECF Nos. 1–3) 23 24 Presently before the Court
are Petitioner Thanh Quoc Ngo’s (1) Petition for Writ of 25 Habeas Corpus (“Pet.,” ECF No. 1),
filed pursuant to 28 U.S.C. § 2241; (2) Motion for 26 Appointment of Counsel (“Mot. for
Counsel,” ECF No. 2); and (3) Notice of Motion and 27 Memorandum of Law in Support of
Temporary Restraining Order (“TRO”) (“Mot. for 28 TRO,” ECF No. 3), each of which the Court
addresses in turn.

1 First, having reviewed the Petition, the Court concludes that summary dismissal is 2
unwarranted at this time. See *Kourteva v. INS*, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 3 2001)
 (“Summary dismissal is appropriate only where the allegations in the petition are 4 vague or
conclusory, palpably incredible, or patently frivolous or false.” (citing *Hendricks 5 v. Vasquez*,
908 F.2d 490 (9th Cir.

1990))). As in *Phan v. Noem*, No. 25-CV-2422 RBM 6 (MSB) (S.D. Cal. filed Sept. 16, 2025),
Petitioner contends that he is being detained by 7 Immigration and Customs Enforcement (“ICE”)
in violation of ICE’s own regulations 8 concerning notice and an opportunity to be heard and the
United States Supreme Court’s 9 decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and asks

that the Court enjoin ICE 10 from removing him to a third country without providing him an opportunity to assert fear 11 of persecution or torture before an immigration judge.

(See generally Pet.) Accordingly, 12 at this stage in the proceedings, the questions before the Court are (1) whether ICE 13 complied with its regulations, including 8 C.F.R. §§ 241.4(l) and 241.13(i), before re- 14 detaining Petitioner; (2) whether Petitioner's detention is lawful under Zadvydas, 533 U.S. 15 678; and (3) whether ICE can remove Petitioner to a third county without adequate notice 16 and an opportunity to be heard.

Respondents Kristi Noem, Secretary of the Department of 17 Homeland Security; Pamela Bondi, Attorney General; Todd M. Lyons, Acting Director, 18 ICE; Jesus Rocha, Acting Field Office Director, San Diego Field Office; and Christopher 19 LaRose, Warden at Otay Mesa Detention Center SHALL RESPOND to the Petition on or 20 before noon (12:00 p.m.) on Tuesday, October 21, 2025.

Petitioner SHALL SERVE on 21 Respondents copies of the Petition, the TRO Motion, and this Order as soon as practicable 22 and SHALL FILE proof of such service no later than noon (12:00 p.m.) on Friday, 23 October 17, 2025. 24 Second, Petitioner seeks appointment of Federal Defenders of San Diego, Inc. in the 25 interests of justice under 18 U.S.C. § 18 U.S.C. § 3006A(a) (2)(B).

(See generally Mot. for 26 Counsel.) Having considered the arguments raised in Petitioner's Motion for Counsel, the 27 Court finds that the appointment of counsel is appropriate in this case given Petitioner's 28 likelihood of success on the merits and ability to articulate his claims pro se in light of the 1 || complexity of the legal issues involved. See *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th 2 1997).

The Court therefore GRANTS Petitioner's Motion for Counsel (ECF No. 2) 3 APPOINTS Federal Defenders of San Diego, Inc. to represent him in this habeas 4 || proceeding. 5 Third, the Court GRANTS IN PART Petitioner's Motion for Temporary 6 || Restraining Order (ECF No. 3) and, until further Order of this Court, TEMPORARILY 7 || RESTRAINS Respondents from removing Petitioner to any country other than Vietnam 8 || while the Petition remains pending.

The Court also ORDERS Respondents TO SHOW 9 || CAUSE why a temporary restraining order and/or preliminary or permanent injunction 10 || should not issue on or before noon (12:00 p.m.) on Tuesday, October 21, 2025. 11 Finally, the Court SETS a Show Cause Hearing for Thursday, October 23, 2025, at 12 11:00 a.m., in Courtroom 14A, to address both the Petition and Petitioner's Motion for 13 || Temporary Restraining Order.

14 IT IS SO ORDERED. 15 Dated: October 16, 2025 — (2 16 [aD (re 17 Honorable Todd W. Robinson 8 United States District Judge 19 20 21 22 23 24 25 26 27 28

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