

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	5:25-cv-03353-RGK-JDE	Date	February 17, 2026
Title	Cuong Tu Hong v. Kristi Noem, et al.		

Present: The Honorable John D. Early, United States Magistrate Judge

Amber Rodriguez

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

n/a

n/a

Proceedings: (In Chambers) Order Directing Respondents to Respond to the Operative First Amended Petition (Dkt. 22)

On December 12, 2025, Cuong Tu Hong (“Petitioner”), through counsel, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by immigration authorities, seeking his release from custody. Dkt. 1 (“Petition” or “Pet.”). Although the Petition appeared to indicate Petitioner is no longer subject to a final order of removal (*id.* at 5), Petitioner’s claims all appear to be premised on being subject to a final order of removal. On December 29, 2025, Petitioner’s Request for a Preliminary Injunction was denied by the Honorable R. Gary Klausner, United States District Judge. Dkt. 15. Meanwhile, although ordered to file an answer to the Petition (*see* Dkt. 8), Respondents did not timely file an answer or seek additional time in which to do so. On January 30, 2026, the Court again ordered Respondents to file an answer to the Petition. Dkt. 19. Respondents did not file an answer or seek additional time in which to do so. On February 9, 2026, Petitioner filed a Reply, arguing that the Court should grant relief because Respondents have now twice failed to answer the Petition. Dkt. 20 (“Reply”).

On February 13, 2026, the Court issued an order requiring further briefing as the grounds for relief in the Petition appeared to be premised on the existence of a final order of removal, yet the parties appeared to agree Petitioner is no longer subject to a final order of removal. Dkt. 21 (“Order”). As such, the Court ordered Petitioner to either file a written response to Respondent’s claim that the Petition fails to state an applicable claim given the status of Petitioner’s removal proceedings or a First Amended Petition asserting claims tied to Petitioner’s current detention status. *Id.* On February 17, 2026, Petitioner filed a First Amended Petition, updating his claims and the current procedural history. Dkt. 22 (“FAP”).

Respondents are ORDERED to file an Answer to the FAP within three court (3) days from the date of this Order, raising all defenses to the FAP, both merits-based and non-merits based. At the time the Answer is filed, Respondents shall lodge with the Court all records bearing on its arguments. The Court recognizes the somewhat shortened time period for the filing of such an Answer, but notes that: (a) Respondents are familiar with the case having previously set forth a position in the Status Report (Dkt. 18); (b) in that Status Report, Respondents raised the issue that resulted in the filing of the FAP; and (c) Respondents twice failed to file an Answer to the original

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Petition despite orders to do so. Petitioner may file a single reply responding to matters raised in the Answer within three (3) court days of the filing of the Answer. Any such reply shall not raise new grounds for relief that were not asserted in the FAP. This schedule is subject to any contrary order or ruling by the Honorable R. Gary Klausner, United States District Judge, relating to any other matter in this action.

IT IS SO ORDERED.

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