UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	5:25-cv-03353-RGK-JDE	Date	December 29, 2025
Title	***Cuong Tu Hong v. Kristi Noem et al***		

Present: The Honorable	R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE	
Joseph Remigio	Not Reported	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:	
Not Present	Not Present	

Proceedings: **(IN CHAMBERS) Order Re: Petitioner's Request for Preliminary Injunction [9]**

I. INTRODUCTION

On December 12, 2025, Cuong Tu Hong ("Petitioner") filed a Petition for Writ of Habeas Corpus and an *Ex Parte* Application for Temporary Restraining Order ("TRO") against Kristi Noem, Pamela J. Bondi, Thomas Giles, James Pilkington, and Warden, Geo Group Inc, Adelanto Detention Facility (collectively, "Respondents"). (ECF Nos. 2, 3.) Petitioner is a noncitizen who entered the United States as a refugee, was later ordered to be removed after pleading guilty to felony charges, and has been living in the United States under an order of supervised release. (ECF No. 2.) Since September 11, 2025, Petitioner has been detained and in U.S. Immigration and Customs Enforcement ("ICE") custody. (*Id.*)

Petitioner seeks the Court's order for his immediate release and to reinstate his prior order of supervision. On December 12 and 17, 2025, the Court denied Petitioner's original and renewed *Ex Parte* Application for a TRO, respectively. (ECF Nos. 9, 11.) Petitioner now seeks a preliminary injunction on the same grounds as his renewed Application for a TRO. (*See* ECF Nos. 10, 12.) Respondents have filed no opposition or other response.

For the following reasons, the Court **DENIES** the Request for Preliminary Injunction ("Preliminary Injunction").

II. FACTUAL BACKGROUND

Petitioner alleges the following facts in his Petition and Preliminary Injunction briefing:

On March 18, 1970, Petitioner was born in Vietnam. When he was around ten years old, his mother fled Vietnam to the United States. In November 1984, after his mother was able to sponsor Petitioner as a refugee, Petition immigrated to the United States as a legal permanent resident.

In 1989 and 1994, Petitioner pled guilty to and was convicted of two felonies under California law. During his incarceration, Petitioner was visited by ICE officials who informed him that he was deportable, he should sign a voluntary departure form, and he would not be deported because Vietnam was not accepting deportees.

Around 2000, Petitioner was released from prison and taken into ICE custody. On January 31, 2001, Petitioner was ordered to be removed. Petitioner was detained for at least 90 days after that. Afterwards, Petitioner was released on an order of supervision accompanied with conditions that included regular check-ins. In the last twenty-four years, Petitioner has not missed a required check-in.

In 2025, ICE began to add further conditions to Petitioner's supervised release. On August 12, 2025, ICE required Petitioner to wear an ankle monitor. On September 11, 2025, Petitioner was detained by ICE. Petitioner was not provided a notice of revocation of his order of supervised release nor was he provided an interview in which he could address the reasons for his detention. Since then, Petitioner has remained in ICE custody.

On September 23, 2025, after reviewing Petitioner's motion to reopen and terminate removal proceedings, an immigration judge granted Petitioner's motion and found that the sole basis for his removability was void. On September 30, 2025, Petitioner's removal order was terminated. On October 23, 2025, the government appealed.

III. JUDICIAL STANDARD

"[I]njunctive relief [is] an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). It is "never awarded as of right." *Id.* at 24. A plaintiff must show: (1) likelihood of success on the merits; (2) likelihood of irreparable harm to the moving party in the absence of preliminary relief; (3) that the balance of equities tips in favor of the moving party; and (4) that an injunction is in the public interest (the "*Winter* test"). *Id.* at 20. The Ninth Circuit has adopted an alternative sliding scale approach, in which the elements of the *Winter* test are balanced, "so that a stronger showing of one element may offset a weaker showing of another." *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). For instance, "serious questions going to the merits and a hardship balance that tips sharply toward the plaintiff can support issuance of an injunction, assuming the other two elements of the *Winter* test are also met." *Id.* at 1132.

IV. DISCUSSION

The likelihood of success on the merits is "the most important factor" in deciding whether to grant injunctive relief. *Chamber of Com. of the United States of Am. v. Bonta*, 62 F.4th 473, 481 (9th Cir. 2023) (citing *California by & through Becerra v. Azar*, 950 F.3d 1067, 1083 (9th Cir. 2020) (en

banc)). Despite this, Petitioner has dedicated one sentence in his Preliminary Injunction to the likelihood of success on the merits, in which he does not explain *why* there is a likelihood of success on the merits. Instead, Petitioner just states the legal conclusion that "for the reasons in his petition, Hong is almost certain to succeed on the merits—'the most important factor.'" (Prelim. Inj. at 3, ECF No. 10.) But such a conclusory statement does not establish, within the Preliminary Injunction, why there is a likelihood of success on the merits. "The Court's role is not to make or develop arguments on behalf of the parties." *Townsend v. Monster Beverage Corp.*, 303 F. Supp. 3d 1010 (C.D. Cal. 2018). For this Preliminary Injunction, Petitioner bears the burden of persuasion. *See Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) ("It frequently is observed that a preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, *by a clear showing,* carries the burden of persuasion.") (emphasis in original) (internal quotation marks omitted). Without more explanation and analysis, the Court cannot make a judgment as to whether there is a likelihood of success on the merits.

Accordingly, Petitioner has not met his burden of showing a likelihood of success on the merits of his claims. He therefore has not demonstrated entitlement to the preliminary injunctive relief he seeks. *See California v. Azar*, 911 F.3d 558, 575 (9th Cir. 2018) (cleaned up) ("Likelihood of success on the merits is the most important factor; if a movant fails to meet this threshold inquiry, [the court] need not consider the other factors.").

V. CONCLUSION

For the foregoing reasons, Petitioner's Preliminary Injunction is **DENIED**.

IT IS SO ORDERED.

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