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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

**NAK KIM CHHOEUN AND MONY  
NETH, individually and on behalf of a  
class of similarly-situated individuals,**

**Petitioners,**

**v.**

**DAVID MARIN, DAVID JENNINGS,  
THOMAS HOMAN, ELAINE DUKE,  
JEFFERSON SESSIONS III, SANDRA  
HUTCHENS, AND SCOTT JONES,**

**Respondents.**

**Case No.: SACV 17-01898-CJC(GJSx)**

**ORDER GRANTING PETITIONERS'  
APPLICATION FOR A TEMPORARY  
RESTRAINING ORDER**

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1           Petitioners are a proposed class of approximately 1,900 Cambodian nationals who  
2 have been living in the United States for many years. Many Petitioners fled Cambodia as  
3 small children in the 1970s during the Khmer Rouge regime. (Dkt. 27 [First Amended  
4 Complaint] ¶ 1.) Petitioners have been living in the United States for many years, but  
5 they are subject to final orders of removal based on criminal convictions. (*Id.* ¶¶ 1–2.)  
6 Petitioners were previously detained by U.S. Immigration and Customs Enforcement  
7 (“ICE”) and ordered removed, but they were released from ICE custody because  
8 Cambodia declined to permit repatriation. (*Id.* ¶ 7.)  
9

10           Beginning in October 2017, U.S. Immigration and Customs Enforcement (“ICE”),  
11 began detaining Petitioners, thereby revoking their release. (*Id.* ¶ 3.) According to  
12 Petitioners, approximately 100 individuals have been detained since October 2017, and  
13 ICE intends to detain additional individuals. (*Id.* ¶ 4.) On October 27, 2017, Petitioners  
14 filed a habeas corpus class action, contending that their detention and impending  
15 removals violate Due Process. (Dkt. 1 [Complaint].)  
16

17           On December 12, 2017, Petitioners filed an application for a temporary restraining  
18 order seeking a stay of removal until Petitioners are given an opportunity to reopen and  
19 challenge their orders of removal. (Dkt. 28.) Petitioners apparently learned on December  
20 7, 2017 that the Government intends to begin removal proceedings on December 18,  
21 2017. (*Id.* at 1.) Petitioners claim that they will face irreparable harm absent a stay of the  
22 removal proceedings. The Government opposes Petitioners’ application, arguing, among  
23 other issues, that the Court lacks jurisdiction over Petitioners’ claims. (Dkt. 29.)  
24

25           Given the speed with which the Government intends to remove Petitioners, the  
26 Court finds that a temporary restraining order is necessary to stay removal until the Court  
27 can give proper consideration to the complex issues presented in this action. *Hamama v.*  
28 *Adducci*, No. 17-CV-11910, 2017 WL 2684477, at \*3 (E.D. Mich. June 22, 2017). To

1 adequately give proper consideration, the Court ORDERS Respondents to show cause  
2 why a preliminary injunction should not issue. The temporary restraining order will  
3 preserve the status quo pending the Court's Order to Show Cause.

4 It is hereby ORDERED that Petitioners' application for a temporary restraining  
5 order is GRANTED, according to the terms set forth below:

6  
7 **TEMPORARY RESTRAINING ORDER**  
8

9 IT IS HEREBY ORDERED that the Government is temporarily restrained and  
10 enjoined from executing Petitioners' final orders of removal. This Order extends to  
11 Respondents and any other federal officials and personnel involved in the removal  
12 process. The Order applies to the removal of Petitioners and all members of the proposed  
13 class, defined as: All Cambodian citizens in the United States who received final orders  
14 of deportation or removal to Cambodia, and were subsequently released from ICE  
15 custody, who have been or may be re-detained for removal by ICE.

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17 IT IS FURTHER ORDERED that this temporary restraining order shall remain in  
18 effect until the date for the hearing on the Order to Show Cause set forth below, or until  
19 such further date as set by the Court or stipulated to by the parties.

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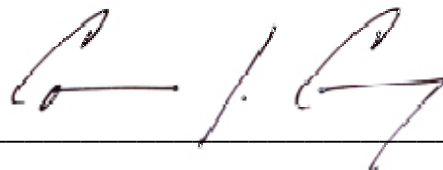
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1 **ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD**  
2 **NOT ISSUE AND ORDER OF NOTICE**

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4 IT IS HEREBY ORDERED that Respondents shall show cause why a preliminary  
5 injunction should not issue pursuant to Federal Rule of Civil Procedure 65(a), restraining  
6 Respondents from engaging in the activities that are the subject of the above temporary  
7 restraining order. A hearing on the Order to Show Cause shall proceed in the United  
8 States Courthouse located at 411 West Fourth Street, Santa Ana, California, 92701,  
9 Courtroom 9B, on **Thursday, January 11, 2018, at 9:00 a.m.** Respondents shall file  
10 and serve an opposition to the Court’s Order on or before **December 28, 2017.**  
11 Petitioners shall file and serve any papers in reply on or before **January 4, 2018.** The  
12 above dates may be revised upon stipulation by all parties and approval of this Court.

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16 DATED: December 14, 2017



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18 **CORMAC J. CARNEY**  
19 **UNITED STATES DISTRICT JUDGE**  
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