

1 Nur Sheikh-Elmi

2 A [REDACTED]

Northwest Detention Center

1623 East J Street

3 Tacoma, WA 98421

4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 NUR SHEIKH-ELMI, (A# [REDACTED]),)
8 by HALIMA MAGAN WARSAME, his)
mother and Next Friend)

2:25-cv-00850-JNW

9 Petitioner,

) **TEMPORARY RESTRAINING ORDER**
) **(TRO)**

10 v.

11 PAMELA BONDI, et al

12 Respondents.

13
14 Petitioner Halima Magan Warsame, acting pro se as next friend on behalf of my
15 son, Nur Sheikh-Elmi (Petitioner A# [REDACTED]), a Somali national, respectfully
16 files this Emergency Motion requesting both a Temporary Restraining Order (TRO)
17 under Rule 65 of the Federal Rules of Civil Procedure and a Stay of Removal to
18 prevent the U deportation of the petitioner by U.S. Immigration and Customs
19 Enforcement (ICE), until ICE tells him where he is going and has a chance to petition
for relief from removal from that country. On May 3, 2025, ICE Officer D.O.
Hubbard explicitly stated to the petitioner that a flight is scheduled for his
removal in two weeks but admitted that he does not know which country Nur

1 will be taken to. This lack of disclosure violates due process rights and
2 obstructs the petitioner's ability to seek legal protection under U.S. and
3 international law.

4 **I. BACKGROUND**

5 Petitioner is a native of Somalia who has been detained at the Northwest ICE
6 Processing Center (NWIPC) in Tacoma, Washington since August 2022. He has no
7 criminal history and suffers from severe mental illness, including suicidal ideation
8 and psychosis. He currently has a pending Temporary Protected Status (TPS) appeal
9 before the USCIS Administrative Appeals Office (AAO). The petitioner's final
10 removal order became final on December 12th 2023. Removal country ordered by
11 the immigration judge is Somalia. ICE has indicated that they will remove petitioner
12 imminently, possibly within two weeks, despite the ongoing TPS appeal and his
13 medical condition. ICE previously attempted to deport the petitioner to Kenya, and
14 the petitioner expressed fear. Kenyan officials confirmed that the petitioner is not a
15 Kenyan citizen.

16 **II. LEGAL STANDARD**

17 A TRO may be issued under Federal Rule of Civil Procedure 65 if the petitioner
18 demonstrates: (1) a likelihood of success on the merits; (2) a likelihood of
19 irreparable harm in the absence of relief; (3) that the balance of equities tips in
their favor; and (4) that an injunction is in the public interest. (*Winter v. NRDC*, 555
U.S. 7 (2008)). A stay of removal may also be granted to preserve the court's
jurisdiction and prevent irreparable harm while the habeas corpus petition is being
adjudicated.

III. ARGUMENT

ICE not stating where they are deporting is not constitutional and it is alarming, additionally, I emphasize that the petitioner's pending Temporary Protected Status (TPS) appeal before the USCIS Administrative Appeals Office includes newly discovered and material evidence that was not available at the time of his initial TPS application. This new evidence directly supports his eligibility for TPS and significantly strengthens the merits of his appeal. Deporting the petitioner before this new evidence can be reviewed would effectively nullify his opportunity for lawful relief and violate his right to due process. Such a removal would irreparably deprive him of a statutory protection Congress has made available to individuals in his circumstances.

Furthermore, a recent federal court decision involving Roble Ahmed Salad, (25-029-Salad V. State of Alaska, Department of Corrections et al) a Somali man detained by ICE in Alaska, demonstrates the legal consensus against detaining individuals with pending TPS applications. The court ruled in February 2025 that ICE's continued detention was unlawful, citing the danger in Somalia and the absence of a realistic timeline for deportation. The judge ordered his immediate release, affirming that detaining someone under such conditions violates due process and federal law. I ask this Court to follow the same reasoning and protect his rights from the same injustice. The petitioner, whose TPS appeal to the AAO is still pending, removal under these circumstances would be premature, unjust, and in violation of binding precedent. The current conditions in Somalia underscore the grave danger the petitioner would face if removed. In April 2025, there was an assassination attempt on the President of Somalia, illustrating the extreme political instability. Additionally, the security chief of Beled Hawo, the very region the

1 petitioner is originally from was recently murdered, further demonstrating the
2 lawlessness and targeted violence prevalent in his home area. Transport and
3 communication between Gedo region and the Somali capital, Mogadishu, have also
4 been severely disrupted, making it nearly impossible to access even basic services
5 or safely relocate within the country. These developments confirm that Somalia
6 remains deeply unstable and dangerous, especially for individuals with known
7 vulnerabilities.

8 **A. Likelihood of Success on the Merits**

9 Petitioner's habeas corpus petition presents serious legal claims that the
10 petitioner's prolonged detention, the threat of removal while his TPS appeal is
11 pending, ICE Officer D.O. Hubbard not verifying If the petitioner is getting
12 deported to Somalia or another country, and the conditions of his mental illness
13 violate the Fifth Amendment and established federal law. (See *Zadvydas v. Davis*,
14 533 U.S. 678 (2001)). the petitioner's TPS appeal is pending with strong evidence
15 and it has a high chance of success.

16 **B. Irreparable Harm**

17 If the petitioner is deported to another country or Kenya he will face immediate
18 danger. He will be tortured and detained, he will be stateless and if deported to
19 Somalia, the petitioner faces immediate danger and irreparable harm. Somalia lacks
functioning mental health infrastructure, and he has no support network there. He
is actively suicidal and psychotic. His removal under these circumstances may result
in death or severe suffering. The petitioner deserves to get a chance for the TPS
appeal pending. He deserves to know what country he is getting removed to, the

1 petitioner is not just a deportee, he is mentally unstable and deporting him to
2 another country he is not a citizen is unconstitutional.

3 **C. Balance of Equities**

4 The government will not suffer any undue hardship from a brief stay of removal or
5 TRO. In contrast, Petitioner faces life-threatening consequences. The equities weigh
6 heavily in favor of preserving the status quo until the Court can rule on the habeas
7 petition.

8 **D. Public Interest**

9 The public interest supports humane treatment of mentally ill individuals and
10 adherence to due process. Allowing removal before judicial review undermines
11 trust in the legal system and puts human lives at risk.

12 **IV. RELIEF REQUESTED**

13 Petitioner respectfully requests that this Court:

- 14 1. Issue a Temporary Restraining Order under Federal Rule of Civil Procedure 65
15 enjoining ICE from removing the petitioner;
- 16 2. Request which country ICE is deporting the petitioner.
- 17 3. Issue an immediate Stay of Removal pending resolution of the habeas corpus
18 petition; and
- 19 4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

1 United States of America that the foregoing is true and correct.

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3 DATED: May 5th, 2025.


4
5 Halima Warsame

6 Halima Magan Warsame

7 Petitioner, Pro Se

8 Mother and Next Friend of Nur Sheikh-Elmi

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