

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

SUSANNA DVORTSIN
As Next Friend of Hayam El Gamal, et al.,

Petitioner,

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security;

TODD LYONS, in his official capacity as
Acting Director of Immigration and Customs
Enforcement; and

JOHN FABRICATORE, in his official
capacity as ICE Denver Field Office Director,

Respondents.

Case No. 5:25-cv-00664-OLG

MOTION TO EXTEND TEMPORARY RESTRAINING ORDER

Pursuant to Fed. R. Civ. P. 65(b)(2), Petitioner respectfully moves this Court to extend the temporary restraining order issued on June 4, 2025 at 2:01pm MDT (3:01pm CDT), for an additional 14 days or until this Court orders otherwise. Petitioner has conferred with Respondents' counsel on this motion and Respondents have indicated they will oppose it.

On June 4, 2025, Judge Gordon P. Gallagher of the U.S. District Court for the District of Colorado granted in part Petitioner's *ex parte* motion for a Temporary Restraining Order ("TRO") which, *inter alia*, barred Respondents from removing Ms. El Gamal and her children from the United States. ECF No. 5. Subsequent to the filing of this Petition, the family was moved from Colorado to Dilley Family Detention Center in Dilley Texas. ECF No. 16 at 9. On Thursday, June 12, 2025, Judge Gallagher transferred the Petition to this Court. *Id.* at 15.

In his June 12 order, Judge Gallagher maintained the TRO granted on June 4, 2025, until further Order from this Court or the expiration of the 14-day limit on June 18, 2025. *Id.* As such, without action from this Court, the TRO will expire tomorrow, Wednesday, June 18, 2025 at 3:01pm CDT.

Rule 65(b)(2) of the Federal Rules of Civil Procedure provides that temporary restraining orders “expire[] at the time after entry – not to exceed 14 days – that the court sets, unless before that the time, the court, for good cause, extends it for a like period or the adverse party consents to a longer extension.” Fed. R. Civ. P. 65(b)(2). Courts have found good cause to extend temporary restraining orders “where the movant demonstrates that the grounds for originally granting the temporary restraining order continue to exist[.]” *Hernandez v. Erazo*, Case No. 22-cv-01069-XR, 2022 WL 17490682 at *7 (W.D.T.X. Oct. 31, 2022) (internal quotation and citation omitted).

The circumstances justifying the TRO here have not changed. “[T]he Government expressly stated that [it] was . . . plac[ing Ms. El Gamal and her children] in *expedited* removal proceedings.” ECF No. 16 at 7 (emphasis in original). While Respondents later “state[d] that Ms. El Gamal and her family have been placed in conventional – as opposed to expedited – removal proceedings[,] the Government’s brief entirely ignore[d] the White House’s pronouncements to the contrary, and it was these pronouncements that justified issuing the TRO in the first instance.” *Id.* at 7 n.10. “[T]he lack of clarity (and seeming conflict in position among Government actors as to the plan for removing Ms. El Gamal and her family) militates in favor of keeping the TRO in place for now.” *Id.*

The contradiction between the Respondents’ briefs and the Government’s statements remain unacknowledged and unresolved. As such, it “remains necessary to halt immediate deportation until the situation is figured out[.]” *Id.* at 8. Notably, the change in the Respondents’

stated intentions regarding under which procedure they would pursue the removal of Ms. El Gamal and her family came *after* the issuance of the TRO when it was forced to explain itself to the court. If the TRO is not extended to allow the Court sufficient time to consider this matter, the Government will be free to unlawfully remove Ms. El Gamal and her family from this Court's jurisdiction, as it has done in other cases. *See Noem v. Abrego*, 145 S. Ct. 1017 (2025).

The danger that justified the TRO has not abated, providing good cause that the TRO be extended. The fact that Respondents oppose this motion itself confirms that this danger is very real. Such opposition is inexplicable if Respondents, as they claimed in their briefs, do not intend to attempt to remove Ms. El Gamal and her family before their "conventional" immigration proceedings conclude—an event certain to take place long after the expiration of this requested extension.

As such, Petitioner respectfully requests that this Court extend the TRO before Wednesday, June 18, 2025 at 3:01pm CDT for an additional 14 days or until this Court orders otherwise.

Dated: June 17, 2025

Respectfully submitted,

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**Pro Hac Vice* pending

Certificate of Conference

I certify that my co-counsel, Eric Lee, conferred with counsel for Respondents on June 17, 2025, and Respondents' counsel has indicated that they oppose this motion.

/s/ Rebecca Webber
Rebecca Webber

Certificate of Service

I certify that I will file this motion via the Court's CM/ECF system on June 17, 2025, and that system will serve all counsel of record via email.

/s/ Rebecca Webber
Rebecca Webber