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9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 SENTAYEHU SHEWAMENE  
12 TILAHUN,

13 Plaintiff,

14 v.

15 DONALD J. TRUMP, in his official  
16 capacity as President of the United States,  
17 *et al.*,

18 Respondents.

Case No.: '25CV1802 BAS DEB

**PLAINTIFF SENTAYEHU  
SHEWAMENE TILAHUN'S  
EMERGENCY APPLICATION FOR  
A TEMPORARY RESTRAINING  
ORDER**

Agency Doc. No.

A 

19 **EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER**

1 Petitioner Sentayehu Shewamene TILAHUN ("Petitioner" or "TILAUHN") is in  
2 imminent danger of being removed from the United States—within 24 hours or less—and  
3 this court could potentially lose jurisdiction. Based on information and belief, the  
4 government plans to transfer Ms. Tilahun to Louisiana for further processing before  
5 removing her to Ethiopia.

6 The request for a temporary restraining order against Respondents-Defendants  
7 ("Respondents") is made pursuant to Rule 65 of the Federal Rules of Civil Procedure and  
8 the All Writs Act. Petitioner is at risk of immediate, summary removal, disappearance, or  
9 extraordinary rendition from the United States pursuant to the use of the Presidential  
10 Proclamation No. 10888, 90 Fed. Reg. 8333 (Jan. 20, 2025).

11 USCIS's failure to conduct an interview to make a credible fear determination or to  
12 refer the Petitioner to an Immigration Judge, despite her multiple requests, violates  
13 federal regulations under 8 C.F.R. § 208.30(g) and 8 U.S.C. § 1225(b)(1)(B)(iii)(III).  
14 USCIS's refusal to refer the negative CAT determination for Immigration Judge review  
15 constitutes final agency action that is arbitrary, capricious, and not in accordance with  
16 law, in violation of the Administrative Procedure Act (APA), 5 U.S.C. §§ 706(2)(A), (D).

17 The Fifth Amendment guarantees due process. The Petitioner has been deprived of  
18 a liberty interest—her right to seek protection from torture and persecution—without  
19 proper legal process, namely, a credible fear determination and judicial review.

20 Courts have repeatedly affirmed that the government must adhere to statutory and  
21 regulatory procedures where liberty interests are at stake, particularly in expedited  
22 removal and asylum proceedings. *See, e.g., Grace v. Barr*, 965 F.3d 883 (D.C. Cir. 2020).

23 Petitioner has articulated a credible and serious fear of persecution or torture upon  
24 return to Ethiopia, which must be assessed according to binding legal standards. The  
25 agency's dismissal of her claim without appropriate review increases the risk of  
26 refoulement, in violation of both domestic and international legal obligations. These are  
27 clearly serious questions going to the merits of the case that are being raised by  
28 Petitioner.



1 Petitioner has exhausted all administrative remedies and continues to be held in  
2 detention while facing imminent removal. Without judicial intervention in the form of a  
3 Temporary Restraining Order, her removal could occur at any time, rendering her legal  
4 claims moot and placing her in immediate danger of being tortured by the government of  
Ethiopia.

5 In the present matter, the government's interest in efficient immigration  
6 enforcement does not outweigh the Plaintiff's fundamental right to due process and  
7 protection from torture. Ensuring a fair adjudication process for individuals fleeing  
8 persecution is not only equitable but required by both domestic and international law.

9 The balance of harms tips sharply in favor of the Petitioner. If the Court does not  
10 intervene to prevent her removal, she faces irreparable harm in the form of torture,  
11 persecution, or death in her home country. The risk is both credible and immediate, as  
12 Petitioner has been denied the required protections under U.S. asylum and Convention  
Against Torture procedures.

13 In contrast, the government (Respondents) would suffer minimal or no harm from  
14 a temporary delay in removal. Granting injunctive relief simply preserves the status quo  
15 while ensuring that an immigration judge fully and fairly adjudicates Petitioner's rights  
under the Immigration and Nationality Act, CAT, and the U.S. Constitution.

16 Accordingly, a temporary injunction not only prevents irreparable harm to the  
17 individual but also promotes public confidence in a just and lawful immigration process.  
18 Delaying Petitioner's removal does not prevent the government from eventually carrying  
19 out immigration enforcement if lawful and proper procedures are followed. Therefore,  
20 the temporary restraint poses no material burden to the government but is essential to  
prevent grave and irreversible consequences to the Petitioner.

21 Thus, the balance of equities tips strongly in favor of granting the requested  
22 injunctive relief.

23 Accordingly, Petitioner respectfully requests the following:

- 1 (a) Grant a Temporary Restraining Order enjoining and prohibiting Defendants, their  
2 agents, employees, and assigns from executing or enforcing any order of removal  
3 or deportation of the Plaintiff, and from taking any action to effectuate her removal  
4 from the United States under the Presidential Proclamation No. 10888, 90 Fed.  
5 Reg. 8333, until a final decision has been made on the Writ of Mandamus,  
6 Complaint for Declaratory and Injunctive Relief, and Writ of Habeas Corpus.  
7 (b) Order the Defendants to conduct a “credible fear interview” with Plaintiff for her  
8 asylum claim pursuant to 8 CFR 208.30 within seven days of this order. If the  
9 outcome of the credible fear interview is negative, the Defendants are ordered to  
10 refer their decision to the Immigration Court for review.  
11 (c) Order the Defendants to refer their decision of April 27, 2025, for Plaintiff’s CAT  
12 Assessment to an Immigration Court for review within seven days of this order.  
13 (a)(b) Set a hearing date for Plaintiff’s request for a preliminary injunction as  
14 authorized by Rule 65 (a) of FRCP;  
15 (c) Allow Plaintiff to engage in discovery prior to the preliminary injunction  
16 hearing;  
17 (d) Order that Defendants immediately cease to act on behalf of Plaintiffs and  
18 cease from holding themselves out as acting on behalf of Plaintiffs; and  
19 (e) Grant any and all other relief this Court deems proper and just.

20 Petitioner respectfully requests that this Court grant this emergency application and issue  
21 a temporary restraining order as soon as possible for Petitioner.

22 Dated: July 15, 2025

JACOBS & SCHLESINGER LLP

23 By: \_\_\_/s/Kathleen A. Spero\_\_\_

24 Attorney for Plaintiff  
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