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10 **UNITED STATES DISTRICT COURT**
WESTERN DISTRICT OF WASHINGTON

11 **HASSAN AMHIRRA,**

12 *Petitioner,*

13 v.

14 **WARDEN, Northwest Detention Center,**

15 *Respondent.*

Civil Case No.: 3:25-cv-05640

**PETITIONER'S EMERGENCY MOTION
FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION FOR RELEASE FROM
CUSTODY OR, ALTERNATIVELY, A
BOND HEARING**

REQUEST FOR ORAL ARGUMENT

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**Petitioner's Emergency Motion for Temporary Restraining Order and Preliminary
Injunction for Release from Custody or, Alternatively, a Bond Hearing**

I. Introduction

Petitioner Hassan Amhirra moves for a temporary injunction (Temporary Restraining Order “TRO” and preliminary injunction) ordering his immediate release from custody, or alternatively requiring an immediate bond hearing, during the pendency of his habeas corpus action. Mr. Amhirra’s continued detention by U.S. Immigration and Customs Enforcement (ICE) has become unlawful and unconstitutionally prolonged. He has now been detained over ten months at the Northwest Detention Center (NWDC) in Tacoma, Washington – since September 15, 2024 – without any viable removal proceedings or final removal order in place. Removal is not reasonably foreseeable, as the Government itself has been unable to even initiate or pursue removal due to a fundamental language barrier. Indeed, an Immigration Judge terminated Mr. Amhirra’s removal proceedings on December 13, 2024 precisely because the Court could not communicate with him in his only language (Tamazight), making it impossible to proceed without violating due process.

In the seven months since that termination, DHS has not refiled any charges or otherwise advanced removal; Mr. Amhirra remains jailed with no pending removal case and no final order of removal authorizing his detention. Under these extraordinary circumstances, Mr. Amhirra’s indefinite detention lacks any lawful basis and violates due process. Because removal is not remotely foreseeable and no statutory authority permits holding him in limbo, Petitioner is likely to succeed on the merits of his habeas claims. He is suffering irreparable harm each day he remains in custody without justification, far beyond the “presumptively reasonable” detention period. The balance of hardships tips sharply in his favor, and the public interest is served by upholding the

1 Constitution and preventing arbitrary detention. Petitioner therefore requests that this Court enjoin
2 DHS and Respondents from continuing to detain, and order his immediate release. In the
3 alternative, at minimum the Court should order that he be given a prompt bond hearing before a
4 neutral decision-maker (with the government bearing the burden of proof), as required by due
5 process. For the reasons below and those stated in the Petition, Petitioner meets all factors for
6 emergency injunctive relief. He respectfully asks the Court to issue a TRO forthwith securing his
7 release (or a bond hearing), and to set a prompt briefing or hearing schedule on a preliminary
8 injunction to maintain such relief. A proposed order is submitted herewith.

9 II. FACTUAL BACKGROUND

10 A. Prolonged Detention with No Viable Removal Proceedings

11 Petitioner Amhirra is a 27-year-old native of Morocco who fled to the United States seeking
12 protection. He has been detained in ICE custody at NWDC since September 15, 2024. Despite
13 detaining him for nearly a year, the Department of Homeland Security (DHS) has been unable to
14 initiate or conduct any meaningful removal process. The sole reason is that DHS has failed to
15 secure a Tamazight interpreter, which is the only language Petitioner understands. No credible fear
16 interview, asylum hearing, or other removal proceeding could go forward because DHS cannot
17 communicate with Petitioner in a comprehensible language. In other words, through no fault of
18 Petitioner's, the Government literally cannot even explain the removal charges or process to him,
19 rendering the proceedings impossible to conduct. By December 2024 – after Petitioner had
20 languished in custody for three months with zero progress on his case – the impasse became
21 untenable. On December 13, 2024, the Immigration Judge (IJ) convened a hearing, only to confirm
22 that the Court still had no Tamazight interpreter available. Recognizing that continuing under these
23 conditions would violate due process, the IJ terminated the removal proceedings that day. In the

1 termination order, the IJ expressly noted that proceeding without interpretation in a language Mr.
2 Amhirra understands was impossible without denying fundamental fairness. The termination was
3 entered without prejudice, meaning DHS could theoretically re-initiate removal proceedings in the
4 future if it became able to do so in a fair manner (*e.g.* by obtaining a Tamazight interpreter).

5 **B. No Pending Case, No Removal on the Horizon**

6 Since the IJ's termination order, DHS has taken no action to restart removal proceedings or to
7 actually remove Petitioner. There is no indication that an appropriate interpreter has been found or
8 that any progress toward obtaining travel documents for removal to Morocco has occurred. As a
9 result, Mr. Amhirra remains in custody in a legal limbo – neither subject to an active removal case
10 nor a final order of removal. In fact, as of the filing of the habeas Petition on July 17, 2025, over
11 six months have elapsed since his proceedings were terminated, yet his detention continues with
12 no end in sight. DHS has provided no evidence that removal has become imminent or even likely
13 in the reasonably foreseeable future. To the contrary, all signs indicate that Mr. Amhirra cannot be
14 removed in any reasonable timeframe, given the Government's inability to even communicate with
15 him to complete the requisite fear screening or immigration court process.

16 **C. No Basis in Statute or Security Rationale for Continued Detention**

17 Because Petitioner has no final removal order, he is not within the post-removal detention
18 period governed by 8 U.S.C. § 1231. And because his removal proceedings have been terminated,
19 he is also not detained pursuant to the pre-removal authority of 8 U.S.C. § 1226. In short, no
20 immigration detention statute explicitly authorizes his ongoing custody. ICE appears simply to be
21 holding Petitioner by default, without any clear legal footing – a detention that is divorced from
22 the purposes of the immigration laws. Civil immigration detention is meant to facilitate removal
23 (by preventing flight or danger during a brief removal process), not to institutionalize, punish, or

1 warehouse noncitizens when removal cannot be effectuated. Mr. Amhirra has no criminal history
2 in the United States, and there is no evidence he poses a danger to the community. Indeed, when
3 not detained he has never had an opportunity to be on release or supervision; there is no indication
4 he would not comply with release conditions. Any theoretical flight risk in his case is exceedingly
5 low, given that flight risk is weak or nonexistent where removal seems a remote possibility.
6 Despite the lack of any progress toward removal, ICE refuses to release Petitioner or even to
7 provide him an opportunity to contest his custody. Petitioner requested a bond hearing in
8 immigration court, but on July 16, 2025, the IJ denied the request for lack of jurisdiction, since no
9 case is pending. As a result, Mr. Amhirra has had no hearing whatsoever to determine if his
10 prolonged detention is justified. He has now spent nearly a year in jail-like confinement solely due
11 to administrative inertia and DHS's inability to carry out removal. What began as civil detention
12 has morphed into indefinite imprisonment, in violation of due process. Numerous courts, including
13 those in this District, have recognized that such prolonged immigration detention without a
14 realistic prospect of removal or a bond hearing "will – at some point – violate the right to due
15 process." *Martinez v. Clark*, No. 18-CV-01669-RAJ, 2019 WL 5962685, at *1 (W.D. Wash. Nov.
16 13, 2019) (simplified), *rev'd on other grounds*, 36 F.4th 1078 (9th Cir. 2022). Petitioner has
17 undoubtedly passed that point.

18 III. LEGAL STANDARD FOR TRO/PRELIMINARY INJUNCTION

19 To obtain a TRO or preliminary injunction, a petitioner must demonstrate: (1) a likelihood of
20 success on the merits of his claims; (2) that he is likely to suffer irreparable harm in the absence
21 of injunctive relief; (3) that the balance of equities (hardships) tips in his favor; and (4) that an
22 injunction is in the public interest. *See Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). In
23 the Ninth Circuit, these factors are applied on a sliding scale; a particularly strong showing on one

factor (*e.g.* extreme hardship or a serious merits question) can compensate for a lesser showing on another, so long as irreparable harm is present. *See Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134–35 (9th Cir. 2011). Here, Petitioner satisfies all four elements. Indeed, this case presents a paradigmatic situation warranting immediate injunctive relief: a person’s core liberty interest is at stake, the detention is patently unlawful under binding precedent, and every additional day in custody constitutes irreparable constitutional and human harm.

IV. ARGUMENT

A. Likelihood of Success on the Merits

Petitioner is likely to prevail on his claims that his ongoing detention is unlawful and unconstitutional. His habeas Petition raises two closely related merits issues: (A) that continued detention is not authorized by statute and violates substantive due process limits (as elucidated in *Zadvydas v. Davis*, 533 U.S. 678 (2001)), because removal is not reasonably foreseeable; and (B) that even if some authority did exist, the total denial of any hearing violates procedural due process under *Mathews v. Eldridge*. Petitioner is likely to succeed on both grounds. At bottom, the Government has no lawful justification to keep Mr. Amhirra locked up indefinitely under these circumstances.

1. Detention Has Become Indefinite and Unauthorized – Removal Is Not Reasonably Foreseeable.

The Supreme Court in *Zadvydas*, set a clear outer limit on civil immigration detention. 533 U.S. 678 (2001) (holding that immigration detention is unconstitutional when it is no longer reasonably related to its purpose and becomes excessive in relation to its nonpunitive goal). To avoid serious constitutional problems, the Court construed 8 U.S.C. § 1231 to forbid “indefinite” detention of a noncitizen beyond the period reasonably necessary to effectuate removal. *Id.* at 689–

1 99. *Zadvydas* established a presumptively reasonable period of 6 months after a final removal
2 order, during which ICE should ordinarily be able to remove the person. *Id.* at 701. If the person
3 is still detained after six months, and he can provide “good reason to believe that there is no
4 significant likelihood of removal in the reasonably foreseeable future,” then the burden shifts to
5 the Government to rebut that showing or else release the detainee. *Id.* at 701. After six months,
6 continued detention is permissible only so long as removal remains likely in the near future.
7 Regardless of when it occurs, immigration detention is unconstitutional when it is no longer
8 reasonably related to its purpose and becomes excessive in relation to its nonpunitive goal. The
9 Supreme Court has offered a clear demarcation for the Court: when removal is not reasonably
10 foreseeable, “the court should hold continued detention unreasonable and no longer authorized.”
11 *Zadvydas*, 533 U.S. at 699–700. In short, the Constitution does not permit indefinite or punitive
12 detention in immigration custody.

13 Mr. Amhirra’s detention has far exceeded this presumptive 6-month period, yet DHS
14 cannot show any likelihood of actual removal in the foreseeable future. In fact, removal efforts
15 have completely stalled since his case was terminated in December 2024. More than seven months
16 have passed with zero progress. Petitioner has thus provided ample reason to believe that his
17 removal “is not significantly likely in the reasonably foreseeable future,” *Zadvydas*, 533 U.S. at
18 701, which triggers the obligation to release him absent proof to the contrary. The Government
19 cannot rebut this showing. There is no evidence that conditions have changed or will change to
20 allow Petitioner’s removal – no evidence of a qualified interpreter to reopen proceedings, and no
21 indication of any imminent repatriation to Morocco. Because DHS cannot effectuate removal (now
22 or possibly ever, given the language issue), detaining Petitioner serves no legitimate purpose. The
23

1 justification for civil detention evaporates when removal is not on the horizon. At that point,
 2 detention becomes punitive, in violation of the Fifth Amendment's Due Process Clause.

3 Equally important, no statute authorizes ICE to jail Petitioner indefinitely under these
 4 conditions. Petitioner is not under a final removal order, so § 1231 (post-removal detention
 5 authority) does not apply. His prior removal case was terminated, so he is not in pre-removal
 6 detention under § 1226 either. DHS might attempt to categorize him under 8 U.S.C. § 1225(b)
 7 (detention of certain applicants for admission), since he originally sought asylum at entry. But
 8 even § 1225(b) cannot reasonably be read to permit holding someone for over ten months with no
 9 proceedings at all – especially after proceedings were terminated in his favor. The Immigration
 10 and Nationality Act's detention provisions were never intended to sanction this type of limbo. As
 11 the habeas Petition argues, at minimum the canon of constitutional avoidance requires construing
 12 any potentially applicable provision not to permit such open-ended custody. Indeed, by a *fortiori*
 13 reasoning, if 6 months is the limit when a final order exists (*Zadvydas*), then detaining someone
 14 more than 6 months when there is not even an active removal case is plainly unlawful. Petitioner's
 15 detention has long passed that point and fails *Zadvydas*'s test for reasonableness. Thus, Petitioner
 16 is likely to succeed in showing that his continued detention violates due process and exceeds the
 17 Attorney General's statutory authority.

18 **B. Due Process Also Requires a Bond Hearing as a Safeguard – The *Mathews v.***
 19 ***Eldridge* Balancing Test Favors Petitioner.**

20 Even if the Government had some colorable authority to detain Petitioner, the absolute
 21 denial of any hearing or neutral review for over ten months without attempting to serve the
 22 congressional purpose of the authority is unconstitutional. *See Rodriguez Diaz v. Garland*, 53 F.4th
 23 1189, 1209–10 (9th Cir. 2022) (applying the *Mathews v. Eldridge* balancing test to assess whether

1 prolonged immigration detention). The Fifth Amendment’s Due Process Clause guarantees that no
 2 person may be deprived of liberty without “due process of law.” This applies to noncitizens like
 3 Petitioner just as it does to citizens. *See Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020).
 4 Here, the Government has jailed Petitioner for nearly a year with no opportunity whatsoever to
 5 contest the necessity of his detention or advance available reliefs pursuant to the INA. Unlike many
 6 immigration detainees who are afforded at least one bond hearing by an immigration judge,, or an
 7 opportunity to present applications that may afford him an opportunity to lawfully remain in the
 8 United States, Mr. Amhirra received zero chances to be heard. The immigration court terminated
 9 his removal proceedings and refused jurisdiction to conduct a bond hearing, leaving Petitioner in
 10 a Kafkaesque procedural black hole of infinite detention,. Such a complete denial of process in the
 11 face of prolonged confinement offends the Fifth Amendment. Fundamental fairness demands, at
 12 minimum, an individualized hearing to determine if continued detention is justified, especially as
 13 the months drag on. By depriving Petitioner of any such hearing, the government has violated
 14 procedural due process.

15 Under the three-part balancing test of *Mathews v. Eldridge*, 424 U.S. 319 (1976),
 16 Petitioner’s procedural due process claim is compelling. *First*, the private interest at stake –
 17 freedom from bodily restraint – is among the most fundamental of rights. *Mathews* recognizes that
 18 the weight of the individual’s interest must be considered. Here, Petitioner has lost almost an entire
 19 year of liberty to prison-like confinement, a “paramount” interest that our country has always
 20 protected as fundamental. As the Ninth Circuit has noted, regardless of the stage of the
 21 proceedings, the same important interest is at stake – freedom from prolonged detention. *See Singh*
 22 *v. Holder*, 638 F.3d 1196, 1208 (9th Cir. 2011); *see also Diouf v. Napolitano*, 634 F.3d 1081, 1087
 23 (9th Cir. 2011)). This factor heavily favors Petitioner.

1 *Second*, the risk of erroneous deprivation of Petitioner's liberty under the status quo is
2 extraordinarily high, and the value of additional safeguards is obvious. Petitioner has never
3 received any neutral adjudication of whether his detention is necessary – no judge or decision-
4 maker has reviewed ICE's unilateral determination to keep him locked up. ICE's custody decision-
5 making is opaque and one-sided; there has been no adversarial testing of whether Petitioner truly
6 poses a flight risk or danger. It is entirely possible (indeed likely) that he does not pose any such
7 risk, meaning his jailing is unwarranted – but without a hearing, that error goes uncorrected. The
8 value of an additional safeguard (a bond hearing) is tremendous: giving Petitioner a chance to
9 present evidence could readily reveal that less restrictive alternatives (such as supervised release)
10 would suffice, preventing an unjustified incarceration. An impartial judge could assess Petitioner's
11 situation and ensure the Government's reasons (if any) for continued detention hold water. This
12 factor too weighs strongly for Petitioner.

13 *Third*, the Government's interest in continuing to detain Petitioner without a hearing is
14 minimal to nonexistent at this stage. To be sure, the Government has a general interest in enforcing
15 immigration laws and, when appropriate, in detaining certain noncitizens to ensure removal or
16 protect the community. But here, continued detention no longer serves those goals: DHS cannot
17 effectuate removal in the foreseeable future, and Petitioner has no serious criminal history or
18 indicia of danger. Any theoretical government interest in deterrence or in applying a blanket
19 mandatory detention rule must give way once detention becomes unreasonably prolonged and
20 decoupled from removal. *Zadvydas*, 533 U.S. at 690–91 (holding that immigration detention is
21 unconstitutional when it is no longer reasonably related to its purpose and becomes excessive in
22 relation to its nonpunitive goal). Moreover, providing a bond hearing imposes only a modest
23 administrative burden on the Government – immigration courts conduct such custody hearings

1 routinely. There is no valid government interest in avoiding a hearing, other than perhaps
2 convenience or maintaining maximum detention authority, neither of which outweighs an
3 individual's fundamental liberty interest. In fact, as other courts have noted, the key question is
4 not the Government's interest in detention per se, but its interest in detaining the person without a
5 hearing – and that interest is very limited. *See Rubin v. United States Immigration & Customs*
6 *Enforcement Field Office Director*, No. 2:24-cv-00260-TL-TLF (W.D. Wash. June 28, 2024); *see*
7 *also Zagal-Alcaraz*, 2020 WL 1862254, at *7 (collecting cases), *R & R adopted*, 2020 WL
8 1855189.

9 Here, given that Mr. Amhirra cannot be removed without due process, and the government
10 has not afforded and is not attempting to afford due process, the Government's rationale for
11 detention has completely evaporated. This factor tilts heavily toward requiring additional
12 procedure. Balancing these factors, it is clear that due process requires at least a bond hearing
13 under these circumstances. The Mathews analysis confirms that Petitioner's prolonged detention
14 without a hearing is unconstitutional. The private interest is at its zenith, the risk of erroneous
15 detention is intolerable without a hearing, and the Government has no legitimate interest in
16 depriving Petitioner of this basic safeguard. As the Western District of Washington has observed
17 in a similar context, fundamental fairness dictates that a detainee should receive, at minimum, an
18 individualized hearing where the government must justify any further detention. *See Doe v.*
19 *Bostock*, No. C24-0326-JLR-SKV, 2024 U.S. Dist. LEXIS 102019, at 27–28 (W.D. Wash. Mar.
20 29, 2024). By failing to provide Petitioner such a hearing at any point, Respondent has violated
21 the Fifth Amendment's guarantee of procedural due process. Petitioner is therefore likely to
22 succeed on his procedural due process claim as well. In sum, Petitioner has demonstrated multiple
23 independent merits grounds for relief. His detention plainly exceeds constitutional and statutory

limits: it has continued far beyond what *Zadvydas* permits, it is not authorized by any specific detention provision, and it flouts the requirements of due process balancing under *Mathews*. The Court need not decide which precise theory is dispositive, as any one of them entitles Petitioner to relief (and certainly to interim relief). At the very least, the serious questions raised are sufficient to merit injunctive relief given the irreparable harm shown below. Petitioner easily meets the “likelihood of success” prong.

C. Irreparable Harm Absent Relief

Every day that Petitioner remains in unlawful detention inflicts irreparable harm. Loss of liberty for even a short period is a quintessential form of irreparable injury, as it cannot be adequately remedied by monetary damages after the fact. Here, Mr. Amhirra has already lost over ten months of freedom, and he continues to suffer the severe physical, emotional, and psychological toll of prolonged incarceration. Courts have recognized that “each additional day of unlawful detention compounds the injury to [a petitioner’s] liberty and well-being.”. Petitioner’s separation from society, inability to freely live his life, and the conditions of confinement themselves (in a secure detention center akin to a jail) all contribute to significant and accumulating harm. He is cut off from normal life activities and has experienced anxiety, uncertainty, and despair as months pass with no resolution. This type of ongoing deprivation of fundamental liberty cannot be undone – time spent in custody is time lost forever. If injunctive relief is denied, Petitioner will likely remain imprisoned indefinitely, causing ever-greater damage. The irreparable injury is immediate and continuing: Each additional day of detention is irreparable harm to Petitioner. Every extra day behind bars is a harm that money or *post hoc* relief could never compensate. Moreover, prolonged detention poses risks to Petitioner’s physical and mental health (as it does for any person confined long-term), compounding the harm. Given that Petitioner’s detention is

1 unlawful to begin with, the harm of being jailed without cause is per se irreparable – it is a core
2 constitutional injury. Courts routinely find irreparable harm in cases of unlawful detention or
3 imprisonment, since the loss of liberty for any period constitutes irreparable damage. This case is
4 no exception; in fact, it is an especially strong example. Petitioner has been in custody far longer
5 than the vast majority of detainees at his stage, with no end in sight. Absent a court order, he could
6 remain in custody for many more months (or years) without action – a harm of incalculable
7 magnitude to his life. Accordingly, the irreparable harm factor is clearly satisfied. Petitioner’s
8 ongoing detention is the exact type of injury that preliminary injunctive relief is intended to
9 prevent.

10 **D. Balance of Equities**

11 The balance of hardships in this case tips decidedly in Petitioner’s favor. Petitioner faces a
12 grave and personal hardship if injunctive relief is denied: he will continue to be unjustifiably
13 incarcerated, losing precious time and freedom, and suffering the myriad harms described above.
14 On the other hand, the Government would face minimal, if any, harm from the requested relief.
15 Releasing Petitioner (or granting him a bond hearing) would not undermine any valid
16 governmental interest at this point. As discussed, Petitioner has no criminal record and no history
17 of violence. There is no indication that he poses a danger to the community; ICE’s own
18 justifications for detention (preventing danger or flight) carry little weight here because removal
19 is not foreseeable and Petitioner has every incentive to comply with legal processes to obtain
20 protection. Any speculative risk can be mitigated through appropriate release conditions (such as
21 check-ins, GPS monitoring, or other supervision), which Petitioner is willing to undergo. In
22 contrast to Petitioner’s concrete and significant harm, the Government’s “harm” from releasing
23 him or holding a bond hearing is negligible. DHS has no legitimate interest in detaining individuals

1 for detention's sake, particularly when removal cannot be effectuated. The administrative burden
2 of a bond hearing is minor, and the Government regularly conducts such hearings as part of normal
3 procedure. If released, Petitioner can be ordered to report to ICE or abide by conditions, preserving
4 the Government's ability to monitor him. The public safety or flight concerns that might weigh in
5 the balance are either absent or low in Petitioner's case – certainly not enough to outweigh his dire
6 personal harm. Meanwhile, keeping Petitioner jailed serves no useful purpose; it does not bring
7 him any closer to removal or enhance community safety given his circumstances. On the equities,
8 it is essentially Petitioner's fundamental liberty vs. the Government's preference to detain someone
9 it currently cannot remove. The scales are not close. Courts in similar cases have found that the
10 balance of hardships favors detainees challenging prolonged detention, because the hardship to the
11 individual (loss of freedom) far exceeds any administrative inconvenience to the Government.
12 That is manifestly true here. Releasing Petitioner (or granting a hearing) simply maintains the
13 status quo of public safety – with conditions, he would reside in the community just like countless
14 other asylum seekers do while their cases are resolved. The Government, for its part, loses nothing
15 except the ability to detain someone where it has no good reason to do so. Equity favors preventing
16 unjustified incarceration. Thus, this factor supports injunctive relief.

17 **E. Public Interest**

18 Finally, the public interest strongly favors granting the requested injunction. It is always in
19 the public interest to uphold the Constitution and to ensure that government agencies act within
20 the bounds of the law. Here, that means preventing DHS from subjecting a person to indefinite,
21 unlawful detention. The public has no interest in the continued detention of a non-dangerous
22 individual who cannot be removed and who is being held in violation of the law. To the contrary,
23 the public interest is served when individual liberty is protected against arbitrary government

1 action. As the Ninth Circuit has noted, the public has a powerful interest in securing the freedoms
2 guaranteed by the Constitution. *See Sammartano v. First Judicial Dist. Court*, 303 F.3d 959, 974
3 (9th Cir. 2002) (collecting cases). Releasing Petitioner or affording him a bond hearing advances
4 that interest by safeguarding due process and the rule of law. There is also a practical public interest
5 in not needlessly spending government resources to detain someone who poses no threat and
6 cannot be deported anytime soon. Prolonged detention is costly to taxpayers and burdensome on
7 the detention system. If there is no legitimate end being served (as here), the public is better served
8 by conserving resources and allowing the individual to live freely (under supervision if necessary)
9 pending any future developments. Moreover, granting relief in this case poses no public safety
10 risk: again, Petitioner has no criminal record and there is no evidence of dangerousness. The public
11 interest in community safety can be addressed through conditions short of imprisonment, if even
12 needed. On the flip side, denying relief would undercut public confidence in the fairness of our
13 legal system, by tolerating a clear due process violation. In sum, the public interest aligns with
14 Petitioner's interest. Upholding constitutional due process values, preventing unlawful detention,
15 and treating a civil detainee humanely and lawfully are all public goods. No countervailing public
16 interest would be served by keeping Petitioner jailed without cause. Therefore, this final factor
17 favors issuance of injunctive relief.

18 V. Conclusion

19 All four preliminary injunction factors are satisfied. Petitioner has demonstrated a clear
20 likelihood of success on the merits of his claim that his ongoing detention is unauthorized and
21 unconstitutional under *Zadvydas*, *Mathews*, and relevant case law. He is suffering irreparable harm
22 each day that he remains confined in this legal limbo. The balance of hardships is overwhelmingly
23 in his favor, as his liberty is at stake while the Government has no valid interest in continued

detention. And the public interest is served by releasing him or at least according him the due process of a bond hearing. Petitioner does not lightly seek emergency relief, but his situation is extraordinary and urgent – he is being held without lawful basis and without process, potentially indefinitely. The Court’s intervention is his only avenue for relief. Accordingly, Petitioner respectfully requests that the Court GRANT this motion and issue a Temporary Restraining Order immediately releasing him from ICE custody. In the alternative, the Court should order Respondent to provide Petitioner with an expedited bond hearing by a date certain (within the next 14 days) before an immigration judge or other neutral adjudicator, at which the Government bears the burden to justify any further detention by clear and convincing evidence. If the Government cannot meet that burden, Petitioner should be released on appropriate conditions. Petitioner further requests that the Court enjoin Respondent (and his agents) from continuing to detain Petitioner without a lawful basis. In practical terms, this means that absent a timely new removal proceeding or other valid authority, Petitioner cannot be re-detained on the same facts once released. Petitioner also asks the Court to consider converting the requested TRO into a preliminary injunction after a noticed hearing, to remain in effect until the habeas petition is resolved on the merits. For all the above reasons, Petitioner asks that the Court grant the requested relief. A proposed form of order is provided below.

Dated: July 22, 2025

Respectfully Submitted,

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Emergency Motion for Temporary
Restraining Order, Preliminary
Injunction, or Bond Hearing

15

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**Pending Pro Hac Vice*

CERTIFICATE OF NOTICE OF INTENT

On July 22, 2025, Counsel Ati gave notice by phone to the US Attorney for the District of Nebraska Civil Chief of Petitioner's intent to file the above motion. Counsel Ati left a detailed message on the Civil Chief's answering machine with the notice of intent as well as call back number and a request for the Civil Chief's position and email so that she can provide Opposing Counsel with a courtesy copy upon filing.

Counsel Ati also provided the same information by phone conversation to the front desk clerk for the US Attorney's Office – Omaha branch. The front desk clerk was unable to provide position or email correspondence.

As of the time of this filing, Opposing Counsel's position on the above motion is unknown.

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2025, I served a copy of the above motion on Defendants and their counsel by certified USPS.

/s/Ines Ati
Ines Ati
Urena & Associates, PLLC