

DETAINED

Kelly Vomacka
GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104-1003
(206) 682-1080
kelly.vomacka@ghp-law.net

Attorney for Petitioner

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE, WASHINGTON

OGANES DOGANYAN,

Petitioner,

v.

CAMMILLA WAMSLEY, *et al.*;

Respondents.

CASE NO.: 2:25-cv-1480

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER**

AGENCY FILE NO. 

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1 **EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

2 **I. Motion**

3 1. Under FRCP 65 and 5 U.S.C. §705, the petitioner moves this Court
4 for an Emergency Temporary Restraining Order, requiring his immediate release
5 or a bond hearing within 10 days.
6

7 2. Petitioner respectfully requests that the Court regard the concurrently
8 filed Petition for Writ of Habeas Corpus, with its exhibits, as being fully
9 incorporated herein in support of this request for emergency relief.

10 **II. Basis for Motion**

11 3. In his habeas petition, Mr. Doganyan seeks release from
12 confinement due to Respondents' inability and/or unwillingness to treat a
13 dangerous and extremely painful medical condition due to Mr. Doganyan's rare
14 blood disease.
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16 4. Mr. Doganyan has been detained at the Northwest ICE Processing
17 Center in Tacoma, Washington, since August 14, 2024. The Northwest ICE
18 Processing Center is a privately-owned and operated immigration detention
19 center run by the GEO Group, a private contractor for Immigration and Customs
20 Enforcement.
21

1 [1] that he is likely to succeed on the merits,
2 [2] that he is likely to suffer irreparable harm in the absence of
preliminary relief,
3 [3] that the balance of equities tips in his favor, and
4 [4] that an injunction is in the public interest.

5 *Sherley v. Sibelius*, 644 F.3d 388, 392 (D.C. Cir. 2011) (alteration in original,
6 quoting *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). “The
7 same standard applies to both temporary restraining orders and to preliminary
8 injunctions.” *Sterling Commercial Credit-Michigan, LLC v. Phoenix Industries*
9 *I, LLC*, 762 F. Supp. 2d 8, 12 (D.D.C. 2011) (quoting *Hall v. Johnson*, 599 F.
10 Supp. 2d 1, 3 n.2 (D.D.C. 2009)).

11 9. The traditional test, which remains viable in the Ninth Circuit, is
12 known as the “sliding scale” test and requires the plaintiff to prove “serious
13 questions going to the merits” and “a hardship balance that tips sharply toward
14 the plaintiff.” *Alliance For The Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir.
15 2011). As under the *Winter* test, the plaintiff must also show a likelihood of
16 irreparable injury and that the injunction is in the public interest. “Under this
17 approach, the elements of the preliminary injunction test are balanced, so that a
18 stronger showing of one element may offset a weaker showing of another.”
19 *Alliance For The Wild Rockies*, 632 F.3d at 1131.
20
21

1 10. Mr. Doganyan meets both of these tests.

2 ***B. Mr. Doganyan is likely to succeed on the merits and has raised serious***
3 ***legal questions.***

4 11. Immigration detention is civil in nature and must not be punitive. The
5 U.S. Supreme Court has made clear in *Zadvydas v. Davis*, 533 U.S. 678, 690
6 (2001), that the government's power to detain is limited by constitutional
7 principles. When removal is not reasonably foreseeable, detention becomes
8 constitutionally suspect.
9

10 12. Mr. Doganyan is in the midst of a timely appeal before the Board of
11 Immigration Appeals. Under 8 U.S.C. § 1231(a)(1)(B)(i), the removal period does
12 not commence until the order becomes final. Therefore, the government lacks a
13 current statutory basis to effectuate removal, and Mr. Doganyan's continued
14 detention violates *Zadvydas*.
15

16 13. In *Hernandez v. Lynch*, 872 F.3d 976, 991 (9th Cir. 2017), the court
17 emphasized that prolonged detention without individualized bond hearings raises
18 serious due process concerns. Here, Mr. Doganyan has remained in detention for
19 over 11 months without adequate medical care and with no meaningful possibility
20 of removal in the foreseeable future.
21

1 14. Furthermore, the Fifth Amendment's Due Process Clause requires
2 that detainees receive adequate medical care. See *Estelle v. Gamble*, 429 U.S. 97,
3 104 (1976). A civil detainee is entitled to at least the same level of protection. In
4 *Jones v. Blanas*, 393 F.3d 918, 934 (9th Cir. 2004), the Ninth Circuit held that
5 deliberate indifference to serious medical needs constitutes unconstitutional
6 punishment.
7

8 15. Mr. Doganyan's medical condition—a rare blood disorder requiring
9 specialized treatment—has been met with systemic inaction. ICE officials and
10 medical staff have acknowledged their inability to administer essential diagnostic
11 and therapeutic procedures, or to treat an extremely painful dental abscess that is
12 infected and is rotting his jawbone, due to fear of exacerbating his condition. Such
13 indifference qualifies as egregious conduct under *Gordon v. County of Orange*,
14 888 F.3d 1118, 1124-25 (9th Cir. 2018).
15

16 16. Because Mr. Doganyan has been suffering these ailments since he
17 was detained in August of 2024, Respondent's inability and unwillingness to
18 provide the needed care essentially amounts to torture with respect to its effect on
19 Mr. Doganyan.
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1 17. His well-documented grievances and repeated requests for transfer
2 underscore the severity and urgency of his needs, yet Respondents have failed to
3 act. This pattern of neglect constitutes a violation of his Fifth Amendment rights
4 and mandates judicial intervention.
5

6 **C. *Mr. Doganyan faces irreparable harm, and a hardship balance tips***
7 ***sharply toward him.***

8 18. Mr. Doganyan faces substantial hardships and irreparable harm if he
9 is not immediately released so that he may receive treatment for a serious dental
10 condition which requires special treatment due to his extremely rare blood
11 disease.

12 19. The balance of hardships clearly tips in Petitioner's favor. The harm
13 to Petitioner—death or irreversible injury—vastly outweighs any speculative
14 harm to the government from temporary release, particularly when less
15 restrictive alternatives are available.
16

17 20. It is in the public interest to uphold constitutional protections and
18 prevent cruel and unusual treatment of detainees. The Due Process Clause
19 prohibits punishment of civil detainees; immediate relief is required to prevent a
20 grave injustice.
21

1 ***D. The balance of equities tips in favor of Mr. Doganyan, and an injunction***
2 ***is in the public interest.***

3 21. The remaining two factors for an injunction are the same under both
4 legal tests, and they both favor Mr. Doganyan.

5 22. As to the balance of equities, these are clearly in Mr. Doganyan's
6 favor. Mr. Doganyan has been suffering from these ailments since he was
7 detained on August 14, 2024, and Respondents inability and unwillingness to
8 provide the needed care essentially amounts to torture with respect to its effect
9 on Mr. Doganyan.
10

11 23. It is in the public interest to uphold constitutional protections and
12 prevent cruel and unusual treatment of detainees. The Due Process Clause
13 prohibits punishment of civil detainees; immediate relief is required to prevent a
14 grave injustice.
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16 **IV. Conclusion**

17 24. Under FRCP 65, the petitioner moves this Court to issue an
18 Emergency Temporary Restraining Order:

- 19 a. Grant a Temporary Restraining Order (1) immediately enjoining
20 Respondents from continuing to detain Petitioner; and (2) ordering
21

1 Respondents to either release Petitioner to home confinement or
2 transfer him to a qualified medical facility immediately pending the
3 adjudication of the habeas petition.

4 WHEREFORE, for the reasons set forth in his Petition for Writ of
5 Mandamus, and in this Motion the Petitioner respectfully requests this Court:
6

- 7 1. Grant this Emergency Motion for Temporary Restraining Order today,
8 August 5, 2025;
9 2. Enter the Proposed Order Granting Petitioner's Emergency Motion for
10 Temporary Restraining Order today; and
11 3. Grant such other and further relief as justice may require.
12

13 Dated this 5th day of August, 2025.
14

15 /s/ [Steven Ridgill]
16 Steven Ridgill, CalBar #338535
17 LAW OFFICE OF JUDITH L. WOOD
18 201 South Santa Fe Ave., Suite 101
19 Los Angeles, CA 90012
20 (213) 680-7801
21 steven@judy-wood.com

Attorney for Petitioner
**Pro Hac Vice application forthcoming*

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/s/ Kelly Vomacka
Kelly Vomacka
GIBBS HOUSTON PAUW
1000 Second Ave., Suite 1600
Seattle, WA 98104
(206) 682-1080
kelly.vomacka@ghp-law.net

*Attorney for Petitioner
Local Counsel*

PETITIONER'S MOTION FOR
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Law Office of Judith L. Wood
201 S. Santa Fe Ave., Suite 101
Los Angeles, CA 90012
(213) 680-7801