

The Honorable Tiffany M. Cartwright

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

SANTIAGIO ORTIZ MARTINEZ, JOSEFINA  
ROJAS, HORACIO ROMERO LEAL,  
ADOLFO BARAJAS CANO, PEPE LOPEZ  
LOPEZ,

Petitioners,

v.

CAMMILLA WAMSLEY, Field Office  
Director of Enforcement and Removal  
Operations, IMMIGRATION AND CUSTOMS  
ENFORCEMENT (ICE); BRUCE SCOTT,  
Warden, Northwest ICE Processing Center;  
KRISTI NOEM, Secretary, U.S. Department of  
Homeland Security; PAMELA BONDI, U.S.  
Attorney General; U.S. DEPARTMENT OF  
HOMELAND SECURITY; EXECUTIVE  
OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 2:25-cv-01822-TMC

NOTICE OF FEDERAL  
RESPONDENTS'<sup>1</sup> PRELIMINARY  
RESPONSE TO PETITIONERS'  
MOTION FOR A TEMPORARY  
RESTRAINING ORDER

Federal Respondents file this preliminary response to Petitioners' motion for a temporary  
restraining order (TRO), Dkt. 10. If the Court requires an additional response following today's  
hearing, Federal Respondents respectfully request meaningful time to respond. Dkt. 12.

<sup>1</sup> Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office

1           However, the Court should deny the TRO motion without requiring a response because  
2 Petitioners have failed to present any basis for the extraordinary relief they seek. This is  
3 particularly true because Petitioners' habeas corpus petition is noted for consideration on October  
4 14—one week from today. They do not allege that any emergency will occur in the next week.  
5 *See* Dkts. 2, 9.

6           A TRO is “an extraordinary remedy that may only be awarded upon a clear showing that  
7 the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008);  
8 *see also Stuhlberg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)  
9 (TRO standard is “substantially identical” to the preliminary injunction standard). Petitioners  
10 have made no such showing here.

11           Petitioners' motion appears to be premised on two inadequate and unavailing grounds:  
12 (1) Petitioner Ortiz Martinez's scheduled immigration court proceeding on October 9, 2025; and  
13 (2) an allegation that the Government is not complying with the declaratory relief order issued in  
14 *Rodriguez Vazquez v. Bostock*.

15           *1. An Immigration Court Hearing Is Not Grounds for Emergency Relief*

16           An immigration court hearing is not irreparable harm. If Ortiz Martinez is unprepared to  
17 proceed as scheduled, he may request a continuance from the immigration court. However, it is  
18 improper for him to try to evade his immigration court hearing by seeking a TRO motion from  
19 this Court.

20           Moreover, Petitioners delayed mentioning this hearing until after the Court set the current  
21 expedited briefing schedule on the habeas petition. Petitioners failed to raise this issue in their  
22 September 19, 2025, motion for expedited briefing. *See* Dkt. 2. The Court subsequently granted  
23 the expedited schedule. Dkt. 9. Petitioners now seek to circumvent that schedule by introducing  
24 new, untimely allegations that could have been raised earlier but were not.

1 On September 16, 2025, Ortiz Martinez’s individual hearing in immigration court was  
2 scheduled for October 9, 2025. Declaration of Alixandria K. Morris (Morris Decl.), Ex. 1 (Ortiz  
3 Martinez’s Hearing Notice). Three days later, Petitioners filed their Ex Parte Motion for an  
4 expedited briefing schedule on September 19, 2025—omitting any mention of the removal  
5 proceeding. Dkt. 2. The Court granted in part Petitioner’s motion for expedited briefing on  
6 September 24, 2025. Dkt. 9. Twelve days after the Court’s Order and 20 days after his  
7 immigration court hearing was scheduled, Petitioners filed their emergency TRO motion at least  
8 in part on the basis of Ortiz Martinez’s upcoming immigration court hearing. Dkt. 13, pg. 2.

9 A scheduled immigration court hearing is not irreparable harm and does not constitute an  
10 emergency justifying a TRO. Moreover, Petitioners’ failure to raise the issue when requesting the  
11 schedule undercuts any claim of urgency.

12 2. Mischaracterization of Rodriguez Vazquez Does Not Support TRO Relief

13 Petitioners’ assertion that the Government is violating the declaratory relief issued in  
14 *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1262 (W.D. Wash. 2025), is both legally  
15 inaccurate and insufficient to justify emergency relief. See Dkt. 10 at 4–7.<sup>2</sup> In *Rodriguez Vazquez*,  
16 this granted summary judgment and found that detention pursuant to 8 U.S.C. § 1225(b)(2) of the  
17 defined class is unlawful. However, under 8 U.S.C. 1252(f)(1), it could not issue injunctive relief  
18 for the class. Instead, if class members so choose, they may seek relief under *Rodriguez Vazquez*  
19 in their own proceedings, as Petitioners have done here. But the *Rodriguez Vazquez* ruling, in and  
20 of itself, does not create an emergency for each class member. While they may file habeas corpus  
21 petitions, the mere fact of their detention is not imminent, irreparable harm justifying a TRO.

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24 <sup>2</sup> The undersigned counsel are not counsel in *Rodriguez Vazquez*.

1 Here, Respondents' habeas return is due tomorrow, and Respondents will address the *Rodriguez*  
2 *Vazquez* arguments there. The habeas return is noted for October 14, 2025, one week from today.

3 3. Conclusion and Respondents' Request for Alternative Relief

4 Respondents respectfully request that the Court deny Petitioners' TRO motion without  
5 requiring further briefing and proceed with the existing expedited habeas schedule set forth in  
6 Dkt. 9.

7 If the Court does not deny the TRO, Respondents acknowledge that, following the filing  
8 of this habeas action, the Court granted summary judgment and found that detention pursuant to  
9 8 U.S.C. § 1225(b)(2) of the defined class in *Rodriguez Vazquez* is unlawful. *See Rodriguez v.*  
10 *Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). While the  
11 Government respectfully disagrees with that decision and continues to evaluate its legal options,  
12 Respondents do not object to Petitioners being considered members of the Bond Denial Class<sup>3</sup>  
13 for purposes of this case.

14 Accordingly, the appropriate relief would be for the Court to order the immigration court  
15 to conduct bond hearings for Petitioners, or to be released pursuant to alternative bonds issued  
16 under 8 U.S.C. § 1226(a). With respect to Petitioner Pepe Lopez Lopez—who has no alternative  
17 bond—Respondents submit that the Court should order the immigration court to conduct a bond  
18 hearing. Similarly, for Petitioner Josefina Rojas, who has not yet requested a bond hearing, Ms.  
19 Rojas should request such a hearing from the immigration court. Finally, with respect to  
20 Petitioners Horacio Romero Leal and Adolfo Barajas Cano, Immigrations and Customs  
21 Enforcement filed Motions to Remand today with the Board of Immigration Appeals to be  
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23 <sup>3</sup> “Bond Denial Class: All noncitizens without lawful status detained at the Northwest ICE Processing Center who  
24 (1) have entered or will enter the United States without inspection, (2) are not apprehended upon arrival, (3) are not  
or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the noncitizen is  
scheduled for or requests a bond hearing.” *Rodriguez*, 2025 WL 2782499, at \*6.

1 provided an opportunity to raise materially changed circumstances since the immigration court  
2 issued the alternative bond. Morris Decl., Exs. 2, 3. For Petitioners Leal and Cano, Respondents  
3 request the Court order the immigration court to conduct bond hearings.

4 Dated October 7, 2025.

5 Respectfully submitted,

6 TEAL LUTHY MILLER  
Acting United States Attorney

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14 *Counsel for Respondents*

15 I certify this document contains 1027 words,  
16 in compliance with the Local Civil Rules.