

Judge Martinez
Judge Tsuchida

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

MEHRAD GHASEDI,

Petitioner,

v.

LAURA HERMOSILLO,¹ Acting Seattle Field
Office Director, Immigration and Customs
Enforcement and Removal Operations
("ICE/ERO"), TODD LYONS, Acting Director
of Immigration Customs Enforcement ("ICE"),
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, KRISTI NOEM, Secretary
of the Department of Homeland Security
("DHS"), U.S. DEPARTMENT OF
HOMELAND SECURITY, PAMELA BONDI,
Attorney General of the United States, and
BRUCE SCOTT², Warden, Northwest ICE
Processing Center,

Respondents.

Case No. C25-1984-RSM-BAT

**FEDERAL RESPONDENTS'
NOTICE OF INTENT TO OPPOSE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
OPPOSITION TO APPLICATION
FOR TEMPORARY RESTRAINING
ORDER**

¹ Laura Hermosillo is the Acting Field Office Director for ICE/ERO's Seattle Field Office and, pursuant to Rule 25(d) Federal Rule of Civil Procedure, is hereby substituted as Defendant for Camilla Wamsley.

² Bruce Scott is not a federal employee and is not represented by the undersigned in these proceedings. All other respondents, which are represented by the undersigned, are referred to as "Federal Respondents."

1 **NOTICE OF INTENT TO OPPOSE AND OPPOSITION TO TRO MOTION**

2 While his Petition was pending before this Court, and before the Court's recent issuance
3 of its Report and Recommendation ("R&R") in this case, Petitioner filed this application for a
4 temporary restraining order ("TRO") seeking a mandatory injunction compelling his release
5 from custody while the merits of his Petition are under consideration by the Court. The TRO
6 application cites no changed circumstances that justify this emergency filing.

7 Shortly after this TRO application was filed, the Court issued an R&R in Petitioner's
8 favor recommending that an order be issued compelling the Petitioner's release from custody and
9 affording the parties 14 days to file objections to the R&R. Dkt. # 11, pp. 19-20. Because this
10 R&R was entered less than 24 hours before the filing of the present memorandum, Federal
11 Respondents have not yet had sufficient time to determine whether they will file objections to the
12 R&R.

13 The issuance of the R&R has overtaken the Petitioner's TRO application. Taking the two
14 events together, the question now is whether the Petitioner should be ordered released from
15 custody for 14 days, with the possibility of an extension of another 14 days for "good cause," *see*
16 Federal Rule of Civil Procedure 65(b)(2), while the R&R, and any possible objections to the
17 R&R, are being considered, and before a final ruling is entered.

18 Federal Respondents submit that the application for a temporary restraining order should
19 be denied. The Petitioner did not request this relief in his original petition and, as noted above,
20 no significant change in circumstances is shown by the motion since the Petition was filed that
21 justifies the issuance of this extraordinary remedy now. Indeed, the motion is procedurally
22 improper in that Petitioner is not asking the Court to preserve the status quo pending further
23 proceedings. Instead, he effectively asks the Court to rule immediately in his favor on the
24 ultimate issue in this case and to grant him the relief that he seeks in his habeas petition before

1 Judge Martinez is afforded the opportunity to consider the R&R and any possible objections to
2 the R&R and make a final ruling on the Petition. Mandatory injunctions are particularly
3 disfavored. *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 879
4 (9th Cir. 2009). The briefing and adjudication of the habeas petition in the ordinary course are
5 the appropriate mechanism for resolving the legal issues presented in the Petitioner's TRO
6 Motion. *See Guy v. Tanner*, 2014 WL 2818684, at *3 (E.D. La. June 23, 2014) (“[petitioner’s]
7 motion [for TRO] is no more than a veiled attempt to expedite the resolution of his habeas
8 petition”).

9 Petitioner newly raises health-related issues in support of his TRO motion. Those claims
10 appear to be substantially overblown. The medical records filed by the Petitioner with his TRO
11 application do not bear out that he ever was in “pain or serious discomfort” or in need of
12 surgery.³ The most recent medical record provided by the Petitioner, dated August 31, 2025,
13 reflects that he was receiving a topical treatment for an abscess, that at the time of the
14 examination he was not currently in pain, and that a minor surgical procedure, “I&D,” *i.e.*,
15 incision and drainage, was “not indicated at this time.” Dkt. # 10-1, pp. 28-29. The notes also
16 indicate that “[g]eneral surgery referral is pending,” which does not by itself evidence a need for
17 surgery but rather denotes a referral to a general surgeon for an examination of a medical
18 condition as a prerequisite to a general surgeon’s determination whether surgery is indicated as a
19 medically necessary treatment for the medical condition. *Id.* This is borne out by a
20 “consultation request” sent to “General Surgery on August 26, 2025. *Id.* at p. 61. Indeed,
21 Plaintiff’s own declaration does not indicate that, even after an October 21, 2025 examination in
22 a “hospital,” a determination was made that the Petitioner was in need of surgery or that he ever

23 _____
24 ³ At each and every one of Petitioner’s visits with the health staff at the NWIPC for which the Petitioner supplied
medical records it is recorded that the Petitioner denied being in pain. Dkt. # 10-1, p. 26 (8/31/25); p. 28 (8/31/25);
p. 33 (8/26/25); p. 62 (8/26/25); p. 36 (8/24/25); p. 39 (8/12/25); p. 41 (7/21/25); p. 45 (7/18/25); p. 54 (7/17/25).

1 underwent surgery for his medical condition. Dkt. # 10-1, p. 5, ¶¶ 23-24. No evidence is
2 submitted by the Petitioner in his motion as to the present status of his abscess or that any
3 emergency relief is warranted on that basis.

4 In summary, Petitioner's application only shows that he wishes to shortcut the R&R
5 process and obtain his release from custody before the Court has made a final determination that
6 he is legally entitled to such relief. Because that is not an adequate demonstration of the need for
7 a temporary restraining order, much less one constituting a mandatory order releasing him from
8 detention before the case is concluded on the merits, the application should be denied.

9 **CONCLUSION**

10 For the foregoing reasons, Federal Respondents respectfully requests that this Court deny
11 Petitioner's application for a temporary restraining order.

12 **CERTIFICATION**

13 I certify that this memorandum contains 856 words, in compliance with Local Civil Rule
14 LCR 7(e)(2).

15 DATED this 2nd day of December, 2025.

16 Respectfully submitted,

17 CHARLES NEIL FLOYD
18 United States Attorney

19 *s/ Brian C. Kipnis*

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