

1 consulting with her clients, counsel for Respondents advised that Petitioner Hector Ramirez
2 Garcia was already en route to a detention center in another state. Counsel further advised that
3 Respondents were unwilling to provide any notice of transfer prior to transferring other
4 Petitioners in this action to another facility. Respondents also stated that they are unwilling to
5 return Mr. Ramirez to the district. Petitioners accordingly now seek relief from this Court to
6 return this matter to the status quo when it was filed.

7 **STATEMENT OF FACTS**

8 Petitioners are six noncitizens who entered the United States without admission or parole
9 and were arrested and released shortly thereafter. Four of the six petitioner were minors when
10 they first entered this country and were later released to family or sponsors. *See* Dkt. 3-1, Dkt. 3-
11 5, Dkt. 3-16, Dkt. 3-20. All Petitioners have since resided in the United States for years. *See*,
12 *e.g.*, Dkt. 3-1, Dkt. 3-5, Dkt. 3-9, Dkt. 3-16, Dkt. 3-20. Each was recently re-apprehended, but
13 each has been denied the opportunity to be considered for release on bond or will be denied that
14 opportunity because Respondents consider them subject to the mandatory detention provisions of
15 8 U.S.C. § 1225(b)(2)(A). *See, e.g.*, Dkt. 3-4, Dkt. 3-7, Dkt. 3-11, Dkt. 3-14.

16 Petitioners filed this case on October 21, 2025. Dkt. 1. In their petition and the
17 accompanying motion for an order to show cause, Petitioners asserted that they are members of
18 the certified Bond Denial Class in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC
19 (W.D. Wash. filed Mar. 20, 2025). Dkt. 1 ¶¶ 96–100. On September 30, 2025, this Court entered
20 final judgment declaring all Bond Denial Class members in that case are detained under 8 U.S.C.
21 § 1226(a) and are therefore entitled to a bond hearing before an immigration judge (IJ).
22 *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499
23 (W.D. Wash. Sept. 30, 2025).

24 Petitioners also noted that Respondents may contend they are not class members and thus
25 pleaded an alternative claim that they must be considered detained under 8 U.S.C. § 1226(a)
26 regardless of whether they are Bond Denial Class members. Dkt. 1 ¶¶ 101–03; Dkt. 2 at 2. As
27

1 they explained in their petition for a writ of habeas corpus, a growing number of courts across
2 the country have held that similarly situated persons are entitled to bond hearings.¹ Dkt. 1 ¶ 54.

3 The day after Petitioners filed this case, counsel for Respondents entered notices of
4 appearance. *See* Dkt. 6, 7. The next day, October 23, the Court issued a motion for order to show
5 cause, requiring Respondents to file a return by November 3, 2025. Dkt. 8 at 3. The Court also
6 ordered the clerk to effectuate service on Respondents.

7 Earlier today, counsel for Petitioners received word that Petitioner Hector Ramirez
8 Garcia learned he was going to be transferred out of NWIPC. Decl. of Aaron Korthuis ¶ 1; *see*
9 *also* Decl. of Maria Orellana Westbrook ¶ 3. After learning this information, shortly after 12:00
10 pm, counsel reached out to Michelle Lambert, who is counsel for Respondents. Korthuis Decl.
11 ¶ 5. Counsel requested that ICE return Mr. Ramirez to this state, where he lived prior to
12 detention and has counsel. *Id.* ¶ 6. Counsel also requested that ICE provide notice prior to
13 transfer of any other Petitioner, in order to allow time for counsel to seek relief if necessary. *Id.*
14 Counsel noted that the undersigned's preference was to avoid the need to seek relief via a motion
15 for a temporary restraining order (TRO) from the Court, and requested a response to these
16 requests by 3:00pm. *Id.* Ms. Lambert stated that she would consult with her clients, and at 2:49
17 pm. Ms. Lambert responded, advising that Mr. Ramirez was en route to the Otero ICE
18 Processing Center in New Mexico. *Id.* ¶ 8. Ms. Lambert further stated that her clients were not
19 willing to return Mr. Ramirez or to provide notice as to the other Petitioners in this case. *Id.* ¶¶
20 6–7. Counsel then informed Ms. Lambert that they would seek emergency relief from this Court.
21 *Id.* ¶ 9.

22 The harm that Petitioners and Mr. Ramirez face here is significant. As reflected in
23 documents submitted to this Court, many of the Petitioners—including Mr. Ramirez—reside in
24 Pacific Northwest. *See, e.g.,* Dkt. 3-5, 3-9, 3-12, 3-16, 3-17, 3-20. They have counsel who have
25 agreed to represent them here, *see, e.g.,* Decl. of Rosalyn Leban ¶ 3, and in many of their cases,

26 _____
27 ¹ Petitioners also included a due process claim in the alternative, in the event the Court concludes they are not detained under § 1226(a).

1 their support systems are also local, *see, e.g.*, Orellana Decl. ¶¶ 2–5. As Mr. Ramirez’s local
2 counsel explains, there are many reasons why it is important to have physical access to Mr.
3 Ramirez to effectively represent him in his removal proceedings. Leban Decl. ¶¶ 4–6.

4 In addition, as Petitioners stated in their petition, and as reflected in the record, several
5 Petitioners have not yet received a bond hearing where the judge considered their request for
6 release, either because they have not had a hearing or because the judge denied bond and did not
7 set bond in the alternative. Thus, for these Petitioners, the relief order requested in this case—
8 including for Mr. Ramirez—requires a bond hearing. But if Mr. Ramirez is detained in New
9 Mexico, preparing for that hearing, and appearing at it, will be much more difficult, if not
10 impossible. Leban Decl. ¶¶ 7–8. Thus, Mr. Ramirez’s continued presence in this district, and that
11 of all Petitioners, is necessary to provide meaningful relief in this case.

12 ARGUMENT

13 On a motion for a TRO, the movant “must establish that he is likely to succeed on the
14 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the
15 balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v.*
16 *Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlberg Int’l Sales Co. v. John D. Brush &*
17 *Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and TRO
18 standards are “substantially identical”). A TRO may issue where “serious questions going to the
19 merits [are] raised and the balance of hardships tips sharply in [plaintiff’s] favor.” *All. for the*
20 *Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (citation modified). To succeed
21 under the “serious question” test, Mr. Kumar must also show that he is likely to suffer irreparable
22 injury and that an injunction is in the public’s interest. *Id.* at 1132.

23 I. Petitioners are likely to succeed on the merits.

24 The underlying claims in this case are ones on which Petitioners are plainly likely to
25 succeed. This Court has already ruled in favor of plaintiffs and all class members in *Rodriguez*
26 *Vazquez v. Bostock*, No. 3:25-CV-05240-TMC, --- F. Supp. 3d ---, 2025 WL 2782499 (W.D.
27 Wash. Sept. 30, 2025). And even if this Court were to conclude that Petitioners are not class

1 members in *Rodriguez Vazquez*, nearly all of the rationale of the Court’s decision there applies to
2 this case. *See generally* 2025 WL 2782499, at *16–26. And court after court has adopted the
3 same reading of the INA’s detention authorities and rejected ICE’s new policy and EOIR’s new
4 interpretation. *See, e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass.
5 July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL
6 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB),
7 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-
8 02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*,
9 No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*,
10 No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez*
11 *v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025);
12 *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v.*
13 *Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo*
14 *v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-*
15 *Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025);
16 *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025);
17 *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D.
18 Minn. Aug. 27, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, --- F. Supp. 3d
19 ----, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-
20 DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-
21 CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Jimenez v. FCI Berlin*,
22 *Warden*, 25-CV-326-LM-AJ, --- F.Supp.3d ----, 2025 WL 2639390 (D.N.H. Sept. 8, 2025);
23 *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025);
24 *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Aceros*
25 *v. Kaiser*, 25-CV-06924-EMC (EMC), 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Pablo*
26 *Sequen v. Kaiser*, No. 25-CV-06487-PCP, 2025 WL 2650637 (N.D. Cal. Sept. 16, 2025);
27 *Maldonado Vazquez v. Feeley*, 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17,

1 2025); *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), --- F. Supp. 3d. ----, 2025 WL
2 2682255 (E.D. Va. Sept. 19, 2025); *Choglo Chafla v. Scott*, 2:25-CV-00437-SDN, 2025 WL
3 2688541 (D. Me. Sept. 21, 2025); *Belsai v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL
4 2802947 (D. Minn. Oct. 1, 2025); *Cerritos Echevarria v. Bondi*, No. CV-25-03252-PHX-DWL
5 (ESW), 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Buenrostro-Mendez v. Bondi*, No. CV H-25-
6 3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025); *Ortiz Donis v. Chestnut*, No. 1:25-CV-01228
7 JLT SAB, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No.
8 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to
9 agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-
10 03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*,
11 No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).²
12 Notably, many of the cases cited above involve facts similar to this one, where the noncitizens
13 were initially apprehended, released soon thereafter, resided in the United States for many years,
14 and have since be re-arrested. As those courts have explained, § 1226(a) remains the detention
15 authority for such individuals. *See, e.g., Gomes*, 2025 WL 1869299; *Diaz Martinez*, 2025 WL
16 2084238; *Rosado*, 2025 WL 2337099; *Lopez Benitez*, 2025 WL 2371588; *Maldonado*, 2025 WL
17 2374411; *Romero*, 2025 WL 2403827; *Samb*, 2025 WL 2398831; *Ramirez Clavijo*, 2025 WL
18 2419263; *Jimenez*, 2025 WL 2639390; *Sampiao*, 2025 WL 2607924; *Aceros*, 2025 WL 2637503;
19 *Pablo Sequen*, 2025 WL 2650637; *Hasan*, 2025 WL 2682255; *Ortiz Donis*, 2025 WL 2879514.

20 While this case is ultimately centered on Petitioners’ right to a bond hearing, they note
21 that the “use of habeas for transfer claims is not novel.” *Trump v. J.G.G.*, 604 U.S. 670, 674
22 (2025) (Kavanaugh, J., concurring). Indeed, “going back to the English Habeas Corpus Act of
23 1679, if not earlier, habeas corpus has been the proper vehicle for detainees to bring claims
24 seeking to bar their transfers.” *Id.* (Kavanaugh, J., concurring). Moreover, it is common practice
25 for courts to enjoin the transfer of Petitioners while a habeas petition is pending, in order to
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27 ² This list is far from exhaustive, as the decisions have become too voluminous to cite.

1 ensure that the court can provide effective relief. *See, e.g., Svenin v. Casey*, No. 3:25-CV-01865-
2 CAB-KSC, 2025 WL 2917319, at *3 (S.D. Cal. Oct. 14, 2025) (“Courts typically enjoin the
3 Government from transferring detainees out of the district during the pendency of the habeas
4 proceedings.”); *cf. Cantero Garcia v. Wamsley*, No. 2:25-CV-02092-TMC, 2025 WL 3022252, at
5 *2 (W.D. Wash. Oct. 29, 2025) (ordering pre-transfer notice, and explaining why such notice is
6 necessary).

7 **II. Petitioners will suffer irreparable harm absent a TRO.**

8 Petitioners will also suffer irreparable harm absent an order barring transfer and requiring
9 the return of Mr. Ramirez. First of all, the transfer of Mr. Ramirez and other Petitioners interferes
10 with the access to counsel (unless they consent), both in immigration proceedings and in this
11 habeas petition. As Mr. Ramirez’s attorney, Rosalyn Leban explains, Mr. Ramirez’s presence at
12 NWIPC is important for developing his case, obtaining signatures, meeting with him, and
13 ultimately, preparing for this bond hearing, should the Court order it. Leban Decl. ¶¶ 4–8. Courts
14 have recognized that such interference with access to counsel is a form of irreparable harm, as it
15 can have significant effects on a person’s ability to defend or present their case. *See, e.g.,*
16 *Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 879 (C.D. Cal. 2025); *cf. Immigrant Defs. L.*
17 *Ctr. v. Noem*, 145 F.4th 972, 993 (9th Cir. 2025) (“Noncitizens’ ‘fundamental’ right to counsel
18 must be respected in substance as well as in name.”); *Orantes-Hernandez v. Thornburgh*, 919
19 F.2d 549, 566–67 (9th Cir. 1990) (upholding injunction “designed to ensure access to counsel,”
20 and explaining that the lower court’s order created “appropriate remedies for a pattern of
21 practices which severely impeded class members from communicating with counsel.”).

22 Second, other forms of harm are also present here. If Mr. Ramirez has a bond hearing and
23 is released in New Mexico (which will be much more difficult, if not impossible, without
24 counsel), he will have no community to turn to there and will have to pay hundreds of dollars to
25 return to his home in this state. Such economic harm—which cannot be reimbursed in any other
26 way—also constitutes irreparable harm. While it “is true that economic injury alone does not
27 support a finding of irreparable harm,” this is “because such injury can be remedied by a damage

1 award.” *Rent-A-Center, Inc. v. Canyon Television & Appliance Rental, Inc.*, 944 F.2d 597, 603
2 (9th Cir. 1991). There are no means in a case like this one by which Mr. Ramirez could possibly
3 obtain damages from the federal government, and thus this default rule does not apply. *See, e.g.*,
4 *Goldie’s Bookstore, Inc. v. Superior Court*, 739 F.2d 466, 471 (9th Cir. 1984) (“Mere financial
5 injury ... will not constitute irreparable harm *if adequate compensatory relief will be available in*
6 *the course of litigation.*” (emphasis added)).

7 **III. The balance of hardships and public interest warrant a TRO.**

8 The final two factors for a preliminary injunction—the balance of hardships and public
9 interest—“merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418,
10 435 (2009). Here, Petitioners face weighty hardships: loss of access to counsel, which greatly
11 impairs their ability to challenge their unlawful detention and prepare for any bond hearing that
12 is ordered. *See supra* Sec. II. Respondents, by contrast, faces no hardship with respect to the
13 Petitioners that they have not yet transferred, as all they must do is refrain from transferring
14 those Petitioners. And even with respect to Petitioner Ramirez, it is Respondents who chose to
15 move forward transferring him, even after counsel reached out and requested that Respondents
16 stop transfer or return Mr. Ramirez to this district. Instead, they chose to proceed with
17 transferring him thousands of miles from counsel and community support. These actions are
18 especially egregious here, where Respondents are well aware that Petitioners are more than
19 likely to prevail on the merits of the case and are entitled to receive a bond hearing. At those
20 hearings, many, if not all of Petitioners, will receive bond, resulting in their release. Despite that,
21 Respondents chose to move Mr. Ramirez elsewhere, taking him away from his home and
22 community in this state. Avoiding such “preventable human suffering” strongly tips the balance
23 in favor of Petitioners. *Hernandez v. Session*, 872 F.3d 976, 996 (9th Cir. 2017) (quoting *Lopez v.*
24 *Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983)).

25 What is more, “the public interest benefits from an injunction that ensures that
26 individuals are not deprived of their liberty and held in immigration detention because of . . . a
27 likely [illegal] process.” *Hernandez*, 872 F.3d at 996. That rationale applies here too, as but for

1 Respondents' unlawful policy, Mr. Ramirez would likely be out of detention and at home in this
2 state, instead of stranded in New Mexico with no support or community. Accordingly, the
3 balance of hardships and the public interest favor a temporary restraining order to ensure that
4 Respondents return Petitioner Ramirez and refrain from transferring other Petitioners.

5 **CONCLUSION**

6 For the reasons above, the Court should order the return of Mr. Ramirez to this district
7 and order that Respondents may not transfer other Petitioners to this case from this district while
8 this case is pending, unless Respondents obtain a final, executable order of removal.

9 Respectfully submitted this 30th day of October, 2025.

10
11 s/ Aaron Korthuis
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I certify this motion contains 2,964 words in compliance with the Local Civil Rules.

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