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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Luis RAMOS Nevarez

Petitioner,

v.

Cammilla WAMSLEY, Seattle Field Office  
Director, Enforcement and Removal Operations,  
United States Immigration and Customs  
Enforcement (ICE); Bruce SCOTT, Warden,  
Northwest ICE Processing Center; Kristi  
NOEM, Secretary, United States Department of  
Homeland Security; Pamela BONDI, United  
States Attorney General; UNITED STATES  
DEPARTMENT OF HOMELAND  
SECURITY;

Respondents.

Case No. 2:25-cv-25-2064

**MOTION FOR A TEMPORARY  
RESTRAINING ORDER**

**PETITION FOR WRIT OF HABEAS  
CORPUS PURSUANT TO 28 U.S.C.  
§ 2241**

1 INTRODUCTION

2 Mr. Luis Ramos Nevarez (Mr. Ramos) entered the United States in May of 2021 and was  
3 paroled in order to seek asylum. He was placed in removal proceedings where he filed his  
4 application for asylum. Mr. Ramos has no criminal history and otherwise complied with all  
5 conditions of his release.

6 On October 14, 2025 Mr. Ramos was arrested by Immigration and Customs Enforcement.  
7 When they arrived back at their headquarters officers admitted to Mr. Ramos that he was not their  
8 intended target, and that they had intended to arrest the apartment's prior tenant.

9 Mr. Ramos was then sent to the detention center in Tacoma, Washington where he remains  
10 as of the date of this filing. He was not provided with any written notice explaining the basis of the  
11 revocation of his release, nor did they provide a hearing before a neutral decision maker where ICE  
12 was required to justify the basis for re-detaining Mr. Ramos, or explain why Mr. Ramos is a flight  
13 risk or danger to the community.

14 ARGUMENT

15 I. Requirements for a Temporary Restraining Order

16 On a motion for a TRO, the movant "must establish that he is likely to succeed on the  
17 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the  
18 balance of equities tips in his favor, and that an injunction is in the public interest. *Winter v. Nat. Res.*  
19 *Def. Council, Inc.*, 555 U.S. 7, 20 (2008). *Stuhlberg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832,  
20 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and TRO standards are "substantially  
21 identical"). A TRO may issue where "serious questions going to the merits [are] raised and the  
22 balance of hardships tips sharply in [plaintiff's] favor." *All. for the Wild Rockies v. Cottrell*, 632 F.3d  
23 1127, 1131 (9th Cir. 2011) (citation modified). To succeed under the "serious question" test, Mr.

1 Ramos must also show that he is likely to suffer irreparable injury and that an injunction is in the  
2 public's interest. *Id.* at 1132.

3 II. Mr. Ramos is likely to succeed on the merits of his argument that his detention is  
4 unlawful because he was not afforded a pre-deprivation hearing.

5 Due process requires Respondents to afford Mr. Ramos a hearing before a neutral  
6 decisionmaker where ICE is required to justify re-detention *before* it occurs. In recent months, as  
7 DHS has detained many similarly-situated noncitizens, several courts—including this one—have  
8 held the same and ordered the immediate release of noncitizens who had been re-detained by DHS  
9 without a pre-deprivation hearing. *See, e.g., E.A. T.-B.*, 2025 WL 2402130; *Valdez v. Joyce*, No. 25  
10 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to  
11 lack of pre-deprivation hearing); *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, --- F. Supp. 3d ---, 2025  
12 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB,  
13 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT  
14 SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar). In light of this, Mr. Ramos is likely to  
15 succeed on his claim and the Court should order his immediate release. If Respondents continue to  
16 assert that his detention is justified after his release, they may thereafter schedule a hearing where  
17 they bear the burden of presenting clear and convincing evidence that his re-detention is warranted.  
18 As this Court recently explained in *E.A. T.-B.*, the three-factor test established in *Mathews v. Eldridge*,  
19 424 U.S. 319 (1976) is the controlling framework for determining what process Mr. Ramos is due.  
20 *Mathews* requires the Court to evaluate (1) “the private interest that will be affected by the official  
21 action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and  
22 the probable value, if any, of additional or substitute procedural safeguard” and (3) “the  
23 Government’s interest, including the function involved and the fiscal and administrative burdens  
that the additional or substitute procedural requirement would entail.” 424 U.S. at 335; *see also Jorge*

1 to pre-deprivation hearing); *Morrissey v. Brewer*, 408 U.S. 471, 482–84 (1972) (assessing parolee’s  
2 liberty interests and the state’s interests to assess what process is due a parolee). Here, those factors  
3 strongly favor Mr. Ramos.

4 III. Mr. Ramos faces irreparable harm and a hardship balance tips sharply toward him  
5 Mr. Ramos’s U.S. Citizen fiancé is 8 months pregnant and due to give birth in about three  
6 weeks. It will be a difficult time for her as she recovers from the child birth and she will need her  
7 partner’s love and care during that time. Mr. Ramos is also facing the possibility of missing the birth  
8 of his child.

9 IV. The balance of equities tips in favor of Mr. Ramos, and an injunction is in the public  
10 interest.

11 Mr. Ramos is paying a steep personal price for a seemingly arbitrary arrest and potentially a  
12 very prolonged detention. The community is best served when fathers are there for the births of  
13 their children, emotionally, physically, and financially.

#### 14 CONCLUSION

15 Under FRCP 65, the petitioner moves this Court to issue an Emergency Temporary  
16 Restraining Order:

17 1.) Enjoining and restraining the Respondents and all of their respective officers, agents,  
18 servants, employees, attorneys and persons acting on their behalf in concert or in  
19 participation with them from:

- 20 a. Removing or deporting Mr. Ramos from the United States while these proceedings  
21 are pending;
- 22 b. Transferring Mr. Ramos from the Northwest ICE Processing Center to any  
23 other detention facility during the pendency of these proceedings.

1 WHEREFORE, for the reasons set forth in his Petition for Writ of Habeas Corpus, and in  
2 this Motion the Petitioner respectfully requests this Court:

- 3 1. Grant this Emergency Motion for Temporary Restraining Order;  
4 2. Enter the Proposed Order Granting Petitioner's Emergency Motion for  
5 Temporary Restraining Order today; and  
6 3. Grant such other and further relief as justice may require.

7  
8 Dated: October 22, 2025.

9 s/ Stephen C. Robbins  
10 Stephen Robbins, WSBA No. 53398  
11 stephen@robbinsimmigration.com  
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