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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

L.A.E..,

Petitioner,

v.

CAMMILLA WAMSLEY, 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;

Respondents.

Case No.:

Agency No.: A[redacted]

PETITIONER'S MOTION FOR AND MEMORANDUM IN SUPPORT OF TEMPORARY RESTRAINING ORDER

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

MOTION AND MEMORANDUM OF LAW

Petitioner L.A.E. respectfully moves this Court for an emergency order preventing his detention and transfer outside the District of Oregon in violation of his Constitutional right to Due Process.

I. INTRODUCTION

Petitioner, L.A.E., previously posted an immigration bond in 2013 and his immigration case is currently administratively closed with the Ninth Circuit Court of Appeals, A.E. v. Bondi, Case No.: 21-606.

On October 24, 2025, without warning or advance notice, Petitioner was detained by Immigration and Customs Enforcement officers (ICE) and is presently in ICE custody. Petitioner was given no notice in advance of his detention, and ICE did not undertake any individualized determination of whether Petitioner is a flight risk or danger to the community.

Petitioner seeks an emergency order from this Court to halt his unlawful detention and transfer out of this district, or an order to return him to Oregon if he is in fact no longer in this district.

II. FACTUAL BACKGROUND

Petitioner, L.A.E., is an indigenous Purepecha citizen of Mexico who was detained by ICE officers on October 24, 2025. Petitioner was previously granted a stay of removal by the Ninth Circuit, his petition for review remains closed with the Ninth Circuit, and he previously posted a bond with ICE.

On October 24, 2025, Petitioner was detained by ICE officers. Petitioner was detained with no explanation.

III. LEGAL STANDARDS

The standard for issuing a TRO is the same as the standard for issuing a preliminary injunction. *See New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n.2 (1977). A TRO is "an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). "The proper legal standard for preliminary injunctive relief requires a party to demonstrate (1) 'that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest.'" *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (*citing Winter*, 555 U.S. at 20).

As an alternative to this test, a preliminary injunction is appropriate if "serious questions going to the merits were raised and the balance of the hardships tips sharply in the plaintiff's favor," thereby allowing preservation of the status quo when complex legal questions require further inspection or deliberation. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134-35 (9th Cir. 2011).

IV. ARGUMENT

Petitioner's Motion for a Temporary Restraining Order should be granted because he will suffer irreparable harm in the absence of preliminary relief, he is likely to succeed on the merits, and the balance of the equities and public interest weigh in favor of emergency relief.

A. Petitioner will likely suffer irreparable harm if not granted preliminary relief

If this Court does not grant a temporary restraining order, Petitioner will be imminently transferred out of the state of Oregon, and if Petitioner has already been transferred, he is subject to being disappeared within the sprawling ICE detention system without the ability to communicate with his attorney. In addition, he is being detained in violation of his due process rights.

Respondents' actions to detain petitioner and remove him from Oregon will cause irreparable harm to Petitioner by separating him from his attorney. *See Arroyo v. United States Dep't of Homeland Sec.*, 2019 WL 2912848, at *17 (C.D. Cal. June 20, 2019) (observing that ("a significant burden on the attorney-client relationship, without a showing of underlying prejudice to the removal proceedings, may be sufficient to establish a legal injury sufficient to justify injunctive relief"), citing *Comm. of Cent. Am. Refugees v. I.N.S.*, 795 F.2d 1434, 1439 (9th Cir.), amended on other grounds, 807 F.2d 769 (9th Cir. 1986); *see also Escobar-Grijalva v. I.N.S.*, 206 F.3d 1331, 1335 (9th Cir.), amended on other grounds, 213 F.3d 1221 (9th Cir. 2000) ("Deprivation of the statutory right to counsel deprives [a noncitizen] asylum-seeker of the one hope she has to thread a labyrinth almost as impenetrable as the Internal Revenue Code.").

Respondents' actions violate Petitioner's constitutional right to due process. "It is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury." *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) (internal quotation omitted).

B. Petitioner is likely to succeed on the merits of his habeas petition

Petitioner requests habeas relief from this court on the grounds that Respondents' decision to detain him without notice and without an individualized determination of flight risk

or danger to the community is (1) arbitrary and capricious and in violation of Respondents' own policies and (2) a violation of his procedural due process rights.

Petitioner is likely to succeed on the merits of his claim under the Administrative Procedures Act. Under the APA, a court shall "hold unlawful and set aside agency action" that is arbitrary and capricious. 5 U.S.C. § 706(2)(A). An action is arbitrary and capricious if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (*quoting Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). To survive an APA challenge, the agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made." *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

Here, Petitioner has already posted an immigration bond, received a stay of removal from the Ninth Circuit, and has a petition for review administratively closed with the Ninth Circuit Court of Appeals.. He is not a flight risk or danger to the community and Respondents have given no explanation for his detention.

C. The balance of the equities and public interest tip sharply in favor of preliminary relief

Petitioner has established that "the balance of the equities tip in his favor and that an injunction is in the public interest" because he is a bona fide asylum seeker, he is not a flight risk, and he is not a danger to the community. *See Winter*, 555 U.S. at 20. When the federal

government is a party, the balance of the equities and public interest factors merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073 (9th Cir. 2014) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)).

The merits of the due process violations that Petitioner has raised in his habeas petition further weigh the public interest towards emergency relief. "Generally, public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution." *Preminger v. Principi,* 422 F.3d 815, 826 (9th Cir. 2005); *see also Zepeda v. U.S. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) (concluding that "the INS cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations"). In addition, "the public interest also benefits from a preliminary injunction that ensures that federal statutes are construed and implemented in a manner that avoids serious constitutional questions." *Rodriguez v. Robbins*, 715 F.3d 1127, 1146 (9th Cir. 2013).

V. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests this Court grant his motion for temporary restraining order and order Respondents to release him from detention, block his transfer outside the district of Oregon, and maintain the status quo pending resolution of these proceedings.

Respectfully submitted this 24th day of October 2025.

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