

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON

Mohammad Muzami YOUSUFI,

Petitioner,

v.

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

Respondents.

Case No. 25-2098

**MOTION FOR
TEMPORARY
RESTRAINING ORDER**

Clerk's Action Required

**Note on Motion Calendar:
October 31, 2025**

Request for Stay of Removal

Mr. Yousufi asks that this Court enjoin the administrative agencies from removing him from the U.S. during the period when this Court is considering this pending Petition for Writ of Habeas Corpus.

Mr. Yousufi is a 24-year old native of Afghanistan who has been granted Withholding of Removal to that country.

He has been told by staff at the Tacoma Northwest Detention Center where he is detained that he now faces imminent removal from

1 the U.S. to a dangerous third country – purportedly Mexico, possibly
2 Uganda, Libya, Senegal, or El Salvador – in which he has no language
3 ability or social ties, and, due to his current psychological state, is almost
4 certain to face harm.

5 Mr. Yousufi has not had official notification of where the
6 respondents intend to place him, and has not been provided with an
7 opportunity to oppose his removal as dangerous to his life.

8 In determining whether to grant a temporary restraining order
9 or other injunctive relief the elements to be established are:

- 10 1. Likelihood of success on the merits
- 11 2. Irreparable harm in the absence of the injunction
- 12 3. A balance of equities which favors the moving party
- 13 4. The existence of a public interest which favors the injunction

14 *Winter v. Natural Res. Def. Council, Inc.*,
15 555 U.S. 7, 20 (2008).

16 In the Ninth Circuit a “sliding scale” approach to this analysis is
17 utilized – if the balance of equities tips sharply in favor of the moving
18 party, that party is only required to demonstrate claims that raise
19 serious legal questions, as well as meet the other two criteria. *See, e.g.*,
20 *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131-35 (9th
21 Cir. 2011).

22 Likelihood of success on the merits

23 Mr. Singh incorporates the contents of his Petition for Writ of
24 Habeas Corpus. (Dkt. 1)

1 Irreparable harm

2 As described in Mr. Yousufi's petition (Dkt. 1) courts of the
3 United States recognize that "any deprivation of constitutional rights
4 'unquestionably constitutes irreparable injury.'" *See Hernandez v.*
5 *Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). The right to be heard on
6 the issue of whether or not his removal to an unknown third country is
7 reasonable or imminently harmful is a right founded in the
8 Constitution.

9 Balance of equities/Public interest

10 When the Government is a party to the case, the public interest
11 and balance of equities factors "merge." *Drakes Bay Oyster Co. v.*
12 *Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014).

13 The equities on Petitioner's side consist of the deprivation of a
14 fundamental constitutional right, with accompanying harms that
15 range from physical, emotional, and psychological damage to possible
16 death.

17 The equities on the agencies' side include the appropriate
18 administration of U.S. law. However, as detailed in Mr. Yousufi's
19 habeas filing, deporting Mr. Yousufi without allowing him an
20 opportunity to raise factors in opposition to his removal to a third
21 country, is itself, in opposition to U.S. law.

22 Here the equities favor Mr. Singh.
23
24

1 **Conclusion / Prayer for Relief**

2 We respectfully ask the Court to restrain the agencies from
3 removing Mr. Singh to an unknown country without fair and
4 reasonable notice of when and where respondents intend to remove
5 him, and the opportunity to oppose the removal before a neutral
6 arbiter.

7 RESPECTFULLY SUBMITTED this 30th day of October 2025.

8
9 */s/ William Frick*

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17 **Word Count Certification**

18 I, William Frick, certify that this motion contains 690 words in compliance with
19 local civil rules.

20 */s/William Frick*

21 William Frick WSBA # 26648
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