

**DETAINED**

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

SMBAT KHECHUMYAN, an individual, Case No.: 3:25-cv-5959

Petitioner,

**PETITIONER'S EMERGENCY  
MOTION FOR TEMPORARY  
RESTRAINING ORDER**

v.

Agency file no.: 

CAMMILLA WAMSLEY, Director of  
Seattle Field Office, U.S. Immigration  
and Customs Enforcement; TODD M.  
LYONS, Acting Director, U.S.  
Immigration and Customs Enforcement;  
KRISTI NOEM, Secretary, U.S.  
Department of Homeland Security;  
PAMELA BONDI, U.S. Attorney  
General; and BRUCE SCOTT, Warden of  
Northwest ICE Processing Center,

Respondents.

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

**I. Motion**

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5 1. Under FRCP 65 and 5 U.S.C. §705, the Petitioner moves this Court for  
6 an Emergency Temporary Restraining Order, requiring his immediate release or a  
7 bond hearing within 10 days.

8  
9 2. Petitioner respectfully requests that the Court regard the concurrently  
10 filed Petition for Writ of Habeas Corpus, with its exhibits, as being fully  
11 incorporated herein in support of this request for emergency relief.

**II. Basis for Motion**

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14 3. In his habeas petition, Mr. Khechumyan seeks release from  
15 confinement due to Respondents' inability and/or unwillingness to treat a  
16 dangerous and extremely painful medical condition, Mr. Khechumyan's epilepsy.

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18 4. On or around October 11, 2024, Respondents detained Mr.  
19 Khechumyan at Northwest ICE Processing Center (herein "NIPC"), at 1623 E. J  
20 Street, Tacoma, Washington 98421, where he has remained since that time. The  
21 Northwest ICE Processing Center is a privately-owned and operated immigration  
22 detention center run by the GEO Group, a private contractor for Immigration and  
23 Customs Enforcement.  
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27 PETITIONERS MOTION  
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1 [4] that an injunction is in the public interest.

2 *Sherley v. Sibelius*, 644 F.3d 388, 392 (D.C. Cir. 2011) (alteration in original,  
3 quoting *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). “The  
4 same standard applies to both temporary restraining orders and to preliminary  
5 injunctions.” *Sterling Commercial Credit-Michigan, LLC v. Phoenix Industries I,*  
6 *LLC*, 762 F. Supp. 2d 8, 12 (D.D.C. 2011) (quoting *Hall v. Johnson*, 599 F. Supp.  
7 2d 1, 3 n.2 (D.D.C. 2009)).  
8  
9

10 9. The traditional test, which remains viable in the Ninth Circuit, is known  
11 as the “sliding scale” test and requires the petitioner to prove “serious questions  
12 going to the merits” and “a hardship balance that tips sharply toward the plaintiff.”  
13 *Alliance For The Wild Rockies v. Cottrell*, 632 F.3d 1127 (9<sup>th</sup> Cir. 2011). As under  
14 the *Winter* test, the plaintiff must also show a likelihood of irreparable injury and  
15 that the injunction is in the public interest. “Under this approach, the elements of  
16 the preliminary injunction test are balanced, so that a stronger showing of one  
17 element may offset a weaker showing of another.” *Alliance For The Wild Rockies*,  
18 632 F.3d at 1131.  
19  
20  
21

22 10. Mr. Khechumyan meets both of these tests.

23 /// ///

24 /// ///



1 (1976). A civil detainee is entitled to at least the same level of protection. In *Jones v.*  
2 *Blanas*, 393 F.3d 918, 934 (9th Cir. 2004), the Ninth Circuit held that deliberate  
3 indifference to serious medical needs constitutes unconstitutional punishment.

4  
5 1. Mr. Khechumyan’s medical condition—epileptic seizures—has been  
6 met with systemic inaction. The conduct of ICE and ICE’s agents at NIPC toward  
7 Mr. Khechumyan during his prolonged detention indicate a deliberate, and ongoing  
8 indifference to his serious medical needs. Furthermore, multiple internal  
9 inconsistencies’ in ICE’s medical records for Mr. Khechumyan – including  
10 frequently claiming Mr. Khechumyan’s best language is something other than  
11 Armenian to justify failing to provide an Armenian interpreter for medical visits,  
12 denying that Mr. Khechumyan suffered seizures, and inaccurately recording the date  
13 of Mr. Khechumyan’s last seizure – reflect, at best, a negligence and incompetence  
14 that has already likely resulted in harm to Mr. Khechumyan’s health or, at worst, a  
15 deliberate attempt to inaccurately conceal the seriousness of Mr. Khechumyan’s  
16 medical condition and the failures of facility staff in reasonably attending to his  
17 needs.  
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22 15. As shown herein, the conduct of ICE personnel and their agents indicate  
23 that that agency is simply *unable* to manage Mr. Khechumyan’s life threatening  
24 medical condition in a reasonable manner, putting Mr. Khechumyan at risk of  
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1 imminent serious bodily harm or death while he remains confined. Thus, no remedy  
2 other than immediate release can address the serious danger to Mr. Khechumyan's  
3 life were he to stay confined in what is already a prolonged detention.

4  
5 16. Such indifference qualifies as egregious conduct under *Gordon v.*  
6 *County of Orange*, 888 F.3d 1118, 1124-25 (9th Cir. 2018).

7  
8 17. Because Mr. Khechumyan has been suffering these ailments since he  
9 was detained in October of 2024, Respondent's inability and unwillingness to  
10 provide the needed care essentially amounts to torture with respect to its effect on  
11 Mr. Khechumyan.

12  
13 18. Mr. Khechumyan's well-documented grievances underscore the  
14 severity and urgency of his needs, yet Respondents have failed to act. This pattern of  
15 neglect constitutes a violation of his Fifth Amendment rights and mandates judicial  
16 intervention.  
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18  
19 ***C. Mr. Khechumyan faces irreparable harm, and a hardship balance tips***  
20 ***sharply toward him.***  
21



1 detained, and Respondents inability and unwillingness to provide the needed care  
2 essentially amounts to torture with respect to its effect on Mr. Khechumyan.

3 24. It is in the public interest to uphold constitutional protections and  
4 prevent cruel and unusual treatment of detainees. The Due Process Clause prohibits  
5 punishment of civil detainees; immediate relief is required to prevent a grave  
6 injustice.  
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9 **IV. Conclusion**

10 25. Under FRCP 65, the Petitioner moves this Court to issue an Emergency  
11 Temporary Restraining Order:

- 12  
13 a. Grant a Temporary Restraining Order (1) immediately enjoining  
14 Respondents from continuing to detain Petitioner; and (2) ordering  
15 Respondents to either release Petitioner to home confinement or  
16 transfer him to a qualified medical facility immediately pending the  
17 adjudication of the habeas petition.  
18

19 WHEREFORE, for the reasons set forth in his Petition for Writ of Mandamus,  
20 and in this Motion the Petitioner respectfully requests this Court:  
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- 22 1. Grant this Emergency Motion for Temporary Restraining Order today,  
23 August 5, 2025;  
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