

1 quotations omitted); *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). “A plaintiff
2 seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he
3 is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities
4 tips in his favor, and that an injunction is in the public interest.” *Winter*, 555 U.S. at 20.
5 Alternatively, a plaintiff can show that there are “serious questions going to the merits and the
6 balance of hardships tips sharply towards [plaintiff], as long as the second and third *Winter* factors
7 are satisfied.” *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017) (internal
8 quotation omitted).

9 **a. Petitioner’s request for injunctive relief concerning removal should be denied**

10 Petitioner’s argument that he could be removed to a third country is speculative. The record
11 contains no declaration or evidence supporting this allegation, except his counsel’s statement that
12 she is “aware that [the government does] not always take this step [to designate a third country
13 where it may attempt removal] before effectuating third-country removal” and that “this
14 administration has developed a pattern of deporting individuals from the United States without
15 providing proper process and without allowing them access to federal review.” Dkt. 11, pp. 4, 6.
16 Again, Petitioner bears the burden to show that preliminary injunctive relief is warranted, and
17 conclusory statements are insufficient to meet that burden. At minimum, Petitioner should be
18 required to present some evidence that he will be removed to a third country before injunctive
19 relief is granted. *Khamba v. Albarran*, No. 25-1227-JLT-SKO, 2025 WL 2959276, at *10 n. 15
20 (E.D. Cal. Oct. 17, 2025) (declining to grant preliminary injunction against third country removal
21 because any such fear was “speculative,” and petitioner did “not allege any specific threat of third
22 country removal”).

23 We recognize that other courts in this district have granted preliminary injunctive relief
24 concerning third-country removals, but in one, there was evidence that the noncitizen’s attorney

1 had been told by DHS that it was seeking to deport her client to a third country. *See, e.g., Baltodano*
2 *v. Bondi*, No. 25-1958-RSL, 2025 WL 3123991, at *1 (W.D. Wash. Nov. 7, 2025). Moreover, even
3 then, the injunctive relief that the courts granted was limited to requiring DHS to provide notice
4 and a meaningful opportunity to respond to the detainee if it elected to pursue third-country
5 removal. *Id.* at *5; *see also Nguyen v. Scott*, --- F. Supp. 3d ---, 2025 WL 2419288, at *29 (W.D.
6 Wash. Aug. 21, 2025). Petitioner’s request here goes beyond that relief, and instead, seeks to
7 prevent DHS from altogether pursuing a third-country removal while this habeas petition is
8 pending. Dkt. 11, p. 7. Petitioner’s motion fails to provide a sound basis for such relief.
9 Accordingly, Petitioner’s request for a preliminary injunction should be dismissed.

10 **b. Petitioner’s request for a preliminary injunction preventing him from being**
11 **transferred away from the NWIPC should be denied**

12 Likelihood of success on the merits is a threshold issue: “[W]hen a plaintiff has failed to
13 show the likelihood of success on the merits, [the court] need not consider the remaining three
14 *Winters* elements.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (internal quotation
15 omitted). Here, Petitioner does not show that he is likely to succeed on the merits of his claim
16 regarding transfers, and in fact his arguments as to the first *Winter* factor relate either to removal
17 or to the relief that he actually seeks in this habeas petition – release from detention. *See* Dkt. 11,
18 p. 4. On this basis, Petitioner’s motion for injunctive relief should be denied.

19 Notwithstanding, DHS has broad authority under 8 U.S.C. § 1231(g) to determine the
20 placement and transfer of detainees to appropriate detention facilities. Section 1231(g) explicitly
21 authorizes DHS to arrange for appropriate places of detention for individuals detained pending
22 removal or a decision on removal. *See also* 2025 U.S. Immigration and Customs Enforcement,
23 National Detention Standards, <https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf>.
24 This includes the authority to acquire, build, lease, and operate detention facilities to meet

1 operational needs. Placement and transfer decisions are made based on operational priorities,
2 including proximity to immigration courts, facility capacity, security needs, medical care, and the
3 ability to meet detention standards. For example, detainees may be placed in facilities near
4 immigration courts to ensure efficient processing and participation in removal proceedings.
5 Transfers occur when detainees need to be relocated to other facilities due to medical care,
6 overcrowding, operational necessity, or security concerns.

7 The Ninth Circuit's decision in *GEO Group v. Newsom*, 50 F.4th 745 (9th Cir. 2022),
8 further reinforces DHS's authority over detention and transfers. In *Geo Group*, the court held that
9 California's AB 32, which banned private detention facilities, was preempted by federal law. The
10 court emphasized that federal immigration law grants DHS/ICE's exclusive authority to manage
11 detention operations, including the ability to contract with private entities and determine
12 appropriate detention locations. *Id.* at 751.

13 Furthermore, Petitioner's claims that he faces irreparable injury if he were transferred are
14 vague and speculative. *See Winter*, 555 U.S. at 22 (the mere "possibility" of irreparable harm is
15 insufficient; instead, the moving party must "demonstrate that irreparable injury is likely in the
16 absence of an injunction."). Petitioner's argument on this factor rests in part on his allegation that
17 he has substantial medical issues, which he declines to detail. Dkt. 11, p. 5. Nevertheless, Petitioner
18 provides no information why the medical care he will receive at the Northwest ICE Processing
19 Center would be substantially different than at any other immigration detention facility. *See ICE*
20 *National Detention Standards*, Section 4.3 "Medical Care" (providing that "all detainees shall have
21 access to appropriate medical, dental, and mental health care, including emergency services" and
22 that "each medical facility will strive for accreditation with National Commission on Correctional
23 Health Care"). He also alleges that if he is transferred to any immigration detention facility other
24 than the Northwest ICE Processing Center, it will result in separating him from "his attorneys, his

1 family, and his support system.” Dkt. 11, p. 5. Here again, Petitioner provides no declaration,
2 evidence, or facts describing current communication practices between him and his counsel or his
3 family, and how those conditions would be materially different or worse at any other immigration
4 detention facility in the United States. *See* ICE National Detention Standards, Section 5.4
5 “Telephone Access” (detailing nationwide facility standards to ensure for “reasonable and
6 equitable access to telephone services.”). The mere assertion that communication with counsel and
7 family could be disrupted is insufficient to establish a likelihood of irreparable harm. *See Tellez*
8 *Gomez v. Bondi*, No. 25-2248, 2025 WL 3176941, at *1 (W.D. Wash. Nov. 11, 2025) (denying
9 motion for TRO on similar argument that if detainee was transferred, it would be a threat to access
10 of counsel of his choosing).

11 As to the third and fourth *Winter* factors, Petitioner provides only that he “will suffer great
12 harm if he is ... transferred. The respondents will suffer no harm if he stays where he is.” Dkt. 11,
13 p. 6. As discussed above though, Federal Respondents have an interest in operating its detention
14 facilities in a manner to meet their operational needs, which is also within the public interest.
15 Within that, detainees may need to be relocated to other facilities due to medical care,
16 overcrowding, operational necessity, or security concerns. Meanwhile, Petitioner only provides
17 vague claims that he will suffer irreparable harm contacting his counsel and family without a
18 declaration, evidence, or facts to support it. Therefore, the balance of equities and the public
19 interest tips in the favor of Federal Respondents.

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1 **CONCLUSION**

2 Accordingly, Federal Respondents ask the Court to deny the motion for preliminary
3 injunction.

4 DATED this 21st day of November, 2025.

5 Respectfully submitted,

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19 *I certify that this memorandum contains 1,388*
20 *words in compliance with the Local Civil Rules.*