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DETAINED

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON**

LLIMMY RODRIGUEZ JIMENEZ,

Petitioner,

vs.

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

Respondents.

Case No.: 2:25-cv-2167

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER AND STAY OF
REMOVAL**

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
STAY OF REMOVAL**

I. Motion

1. Under FRCP 65, the petitioner moves this Court for an Emergency Temporary Restraining Order ordering his immediate release, and a Stay of Removal, preventing his removal from the United States and transfer to another detention facility while these proceedings are pending.

**Emergency Motion for Temporary
Restraining Order - 1
Case No: 2:25-cv-2167**

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2 **II. Basis for Motion**

3 2. This Motion is filed in conjunction with a Petition for Writ of Habeas Corpus
4 filed with the Court on October 31, 2025. The basis for this motion is explained more fully in
5 that Petition.

6 3. Petitioner, Mr. Llimmy Rodriguez Jimenez, a native and citizen of Cuba, is
7 currently detained in the Northwest ICE Processing Center in Tacoma, Washington. This is a
8 privately-owned and operated immigration detention center run by the GEO Group, a private
9 contractor for Immigration and Customs Enforcement (“ICE”). Petitioner has concurrently filed
10 a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241; the Suspension Clause, U.S.
11 Const. art I, § 9, cl. 2; and other constitutional provisions challenging the procedures that have
12 led to his prolonged detention.

13 4. When the government seeks to revoke an order of supervision for an individual
14 with a final order of removal, the regulations require that an individual determination about the
15 likelihood of removal based on changed circumstances be afforded, followed by a notice and
16 opportunity to respond. *See* 8 C.F.R. § 241.13(f), (i).

17 5. Although Petitioner was ordered removed from the United States over twenty
18 years ago, his deportation is not imminent, nor even reasonably foreseeable. Petitioner’s
19 substantive and procedural due process rights were violated when the government detained him
20 without following its own regulations.

21 6. Petitioner now moves this Court to issue an order to immediately release him, to
22 prevent the Respondents from removing him from the United States, and to prevent Respondents
23

1 from transferring him to another detention facility while this litigation is pending. Holding
2 Petitioner in detention is a violation of the Suspension Clause and constitutes cruel and unusual
3 punishment.

4 7. Petitioner is seeking a TRO to maintain the status quo and to prevent irreparable
5 harm.

6 8. Further, Petitioner's counsel is aware that ICE is transferring many people to
7 other facilities without little to no notice and wants to prevent the same from happening to
8 Petitioner, especially seeing as he has been transferring three times already.

9 9. As stated in the Petition, there is a likelihood of irreparable harm and restriction
10 of liberty to Petitioner if this order is not issued and there is no adequate alternative remedy at
11 law available to him. The balance of harm clearly favors him while these proceedings are
12 pending.

13 **Argument**

14 ***A. Standards for Temporary Restraining Order***

15
16 10. To grant a Temporary Restraining Order, the plaintiff must meet one of two tests. The
17 more recent test, known as the *Winter* test, requires the plaintiff to prove as follows:

- 18 [1] that he is likely to succeed on the merits,
19 [2] that he is likely to suffer irreparable harm in the absence of preliminary
20 relief,
[3] that the balance of equities tips in his favor, and
[4] that an injunction is in the public interest.

21 *Sherley v. Sibelius*, 644 F.3d 388, 392 (D.C. Cir. 2011) (alteration in original, quoting *Winter v.*
22 *Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). "The same standard applies to both
23 temporary restraining orders and to preliminary injunctions." *Sterling Commercial Credit-*

1 *Michigan, LLC v. Phoenix Industries I, LLC*, 762 F. Supp. 2d 8, 12 (D.D.C. 2011) (quoting
2 *Hall v. Johnson*, 599 F. Supp. 2d 1, 3 n.2 (D.D.C. 2009)).

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

11 12. Petitioner meets both of these tests.

12
13 ***B. Petitioner is likely to succeed on the merits and has raised serious legal questions.***

14 13. As the Petition sets out, there are serious questions going to the merits of Petitioner’s
15 claim.

16 14. First, there are serious questions about Petitioner’s likelihood of success on his claim
17 that ICE violated procedures it was bound to follow when revoking his supervised release.

18 15. The Due Process Clause protects against deprivation of liberty without proper process,
19 and this protection extends to deportation proceedings. U.S. Const. amend. V. (“No person shall
20 be . . . deprived of life, liberty, or property, without due process of law[.]”); *Trump v. J.G.G.*,
21 145 S. Ct. 1003, 1006, 221 L. Ed. 2d 529 (2025) (“It is well established that the Fifth
22 Amendment entitles aliens to due process of law’ in the context of removal proceedings.”
23 (quoting *Reno v. Flores*, 507 U.S. 292, 306, 113 S. Ct. 1439, 123 L. Ed. 2d 1 (1993)). “When

1 ICE revokes supervised release, regulations appear to require an individualized determination
2 about the likelihood of removal based on changed circumstances, followed by notice and an
3 opportunity to respond." *Phetsadakone v. Scott*, No. 2:25-cv-01678-JNW, 2025 U.S. Dist.
4 LEXIS 173785, at *8 (W.D. Wash. Sept. 5, 2025) (citing 8 C.F.R. § 241.13(f), (i)).

5 16. Petitioner has plausibly alleged that the government failed to follow these regulations in
6 revoking his order of release and supervision.

7 17. He is likely to succeed on the merits, as *Winter* requires, and he has raised serious legal
8 questions, as the sliding scale test requires, and justifies temporary relief.

9
10 **C. *Petitioner faces irreparable harm, and a hardship balance tips sharply toward him.***

11 18. Petitioner faces substantial hardships and irreparable harm if he is not immediately
12 released, if he is removed from the United States, or if he is transferred to another facility.

13 19. "It is well established that the deprivation of constitutional rights 'unquestionably
14 constitutes irreparable injury.'" *Nguyen v. Scott*, No. 25-cv-1398, 2025 U.S. Dist. LEXIS
15 142875, 2025 WL 2097979, at *2 (W.D. Wash. July 25, 2025) (quoting *Melendres v. Arpaio*,
16 695 F.3d 990, 1002 (9th Cir. 2012)).

17 20. "When an alleged deprivation of a constitutional right is involved, most courts hold that
18 no further showing of irreparable injury is necessary." *Id.* (quoting *Warsoldier v. Woodford*, 418
19 F.3d 989, 1001-02 (9th Cir. 2005)).

20 21. Petitioner has already been separated from his family, his friends, and his community
21 that he has built over the last twenty years. Respondents have already transferred him three
22 times and now he is over 3,000 miles away from his home. Imminent threat of transfer to yet
23

1 another facility where he would then be separated from his legal counsel or removal from the
2 United States requires immediate intervention.

3 22. The probability of transfer to another detention center is high. Petitioner's counsel was
4 informed by his friend that many of his fellow detainees were transferred to unknown facilities
5 outside of this jurisdiction in the middle of the night last night (October 30-31, 2025) and he
6 fears the same will happen to him.

7 23. If Petitioner is transferred to another detention facility during the pendency of these
8 proceedings, he will yet again, lose contact not only with his family, but also with his attorney
9 in Washington. Any transfer will severely impair, if not cut, his ties with his legal and social
10 supports. And this in turn will limit his ability to succeed on the merits of the litigation.

11
12 ***D. The balance of equities tips in favor of Mr. Petitioner, and an injunction is in the
public interest.***

13 24. The remaining two factors for an injunction are the same under both legal tests, and they
14 both favor Petitioner.

15 25. As to the balance of equities, although Petitioner will suffer great harm if he is
16 transferred, the Defendants will suffer no harm if he is not transferred. Additionally, there is no
17 harm to Defendants if he is released, as they are not alleging he is subject to mandatory
18 detention for the commission of any crime.

19 26. The public interest includes preventing wrongful removal, particularly where individuals
20 face substantial harm. *Nken v. Holder*, 556 U.S. 418, 436 (2009). While the Government has an
21 interest in executing removal orders, agencies cannot act unlawfully even pursuing legitimate
22 ends. *Ala. Ass'n of Realtors v. Dep't of Health & Hum. Servs.*, 594 U.S. 758, 766 (2021).

1 27. Further, this administration is developing a pattern of transferring individuals from a
2 facility near their home and creating even more of a delay and backlog in a system they claim
3 they are trying to "fix." Petitioner asks that he remain detained in Tacoma at the NWIPC during
4 the pendency of his habeas litigation and his removal proceedings.

5 ***E. Petitioner's release from detention is necessary to restore the status quo ante litem.***

6 28. The status quo "status quo ante litem" for purposes of injunctive relief "refers not simply
7 to any situation before the filing of a lawsuit, but instead to 'the last uncontested status which
8 preceded the pending controversy.'" *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210
9 (9th Cir. 2000) (quoting *Tanner Motor Livery, Ltd. v. Avis, Inc.*, 316 F.2d 804, 809 (9th
10 Cir.1963)).

11 29. Petitioner's last uncontested status was his release on supervision, which he maintained
12 without incident for decades. The government's detention of Petitioner in May 2025 without
13 following its own procedures created this current controversy.

14
15 WHEREFORE, for the reasons set forth in his Petition for Writ of Habeas Corpus and in
16 this Motion, the Petitioner respectfully requests this Court:

17 A. Grant this Emergency Motion for Temporary Restraining Order today, October
18 31, 2025;

19 B. Enter the Proposed Order Granting Petitioner's Emergency Motion for Temporary
20 Restraining Order today, granting the following relief:

21 1) Ordering Petitioner's immediate release; or
22
23

