

District Judge Tiffany M. Cartwright
Chief Magistrate Judge Theresa L. Fricke

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Moises David BONILLA MEJIA,

Petitioner,

v.

Laura HERMOSILLO, et al.,

Respondents.

Case No. 2:25-cv-02196 TMC-TLF

**REPLY IN SUPPORT OF
EMERGENCY TEMPORARY
RESTRAINING ORDER**

Note on Motion Calendar:
November 12, 2025

Petitioner Moises Bonilla Mejia seeks an emergency temporary restraining order enjoining Respondents from unlawfully removing him, or transferring him from this District, before his removal order is final.

It is unlawful to execute a non-final order. *See Arce v. United States*, 899 F.3d 796, 801 (9th Cir. 2018); *Ibarra-Perez v. United States*, 154 F.4th 989, 994 (9th Cir. 2025). In *Cui v. Garland*, 13 F.4th 991, 996 (9th Cir. 2021), the Court held that an in absentia removal order is not final until the time for moving to rescind the order and appeal has run, or the Board of Immigration Appeals (BIA or Board) has decided the case. Even though Petitioner’s in absentia order is not final pending review before the Board, Respondents flatly refuse to follow *Cui*. Permitting the agency to flout Ninth Circuit law would cause Petitioner irreparable injury, as he would be separated from his wife and minor children and barred from pursuing his asylum claim,

1 in violation of Due Process. Furthermore, *Arce* and *Ibarra-Perez* held that the jurisdiction
2 stripping provisions cited by Respondents do not bar this Court from reviewing a claim that the
3 agency is unlawfully executing a non-final order of removal and denying Petitioner his Due
4 Process rights.

5 ARGUMENT

6 **I. Petitioner is likely to succeed on the merits of his argument that**
7 **Respondents' actions are unlawful and violate Due Process, and this Court has jurisdiction**
8 **to hear these claims.**

9 A TRO is appropriate to preserve the status quo – that Petitioner remains in the U.S. in
10 this District, pending a final decision on his motion to rescind and reopen proceedings and
11 application for asylum. *See A.A.R.P. v. Trump*, 145 S. Ct. 1034 (2025) (enjoining removal
12 pending further order). Petitioner first addresses why Respondents' actions to remove him are
13 unlawful. Then, Petitioner elaborates on the authority establishing this Court's jurisdiction.

14 **A. Respondents' actions are unlawful because there is no final removal order.**

15 Respondents' assertion that Petitioner "is subject to a final order of removal," Dkt. 8 at 9,
16 is foreclosed by *Cui v. Garland*, 13 F.4th 991, 996 (9th Cir. 2021), which held that an in absentia
17 removal order does not become final until the 180 days to challenge that order has run, or until
18 the BIA has issued a decision on the challenge. Because Petitioner's motion to rescind and
19 reopen the removal order is still pending before the Board, it is not final. *Id.*

20 Respondents do not dispute, nor could they, that a person may not be removed where the
21 removal order is not administratively final. The period for removal only begins on whichever is
22 later, either: (i) the date the removal order becomes administratively final; or (ii) the date of a
23 Court's final order, if on judicial review there is stay. 8 U.S.C. § 1231(a)(1)(B). The INA also
24 defines when an order is administratively final: (i) when the BIA affirms the underlying
25 Immigration Judge (IJ) order, or (ii) the period to seek such review has lapsed. 8 U.S.C.
26 § 1001(a)(47)(B). Removing someone *before* they have a final removal order raises a cognizable
27 FTCA damages claim for wrongful removal. *See Arce v. United States*, 899 F.3d 796, 801 (9th

1 Cir. 2018) (removal during judicial stay); *Ibarra-Perez v. United States*, 154 F.4th 989, 994 (9th
2 Cir. 2025) (removal without an administrative hearing on fear of return to Mexico).

3 In the normal course of removal proceedings, an individual has a merits hearing before an
4 IJ. If denied, they may appeal to the BIA. If the Board denies, they may appeal to the Court of
5 Appeals (COA). Removal is stayed pending IJ and BIA review, because there is no final order.
6 See 8 C.F.R. § 1003.6(a). If the BIA denies the case, the removal order is final unless an appeal
7 to the COA is filed and the Court issues a stay. 8 U.S.C. § 1231(a)(1)(B). An individual has a
8 right to file, within 90 days of a *final* removal order, one motion to reopen stating new facts.
9 8 U.S.C. § 1229a(c)(7). A Section 1229a(c)(7) motion to reopen does not alter the fact that the
10 person has a final order of removal, after having had full BIA and appellate review.

11 Petitioner, in contrast, falls under in absentia statutory provisions. If a person fails to
12 appear at a hearing, they can be ordered removed in absentia by the IJ, with no hearing on their
13 asylum claim, as happened here. See 8 U.S.C. § 1229a(b)(5). An individual ordered removed in
14 absentia files a request to rescind the removal order and reopen proceedings under Section
15 1229a(b)(5)(C), which is distinct from the Section 1229a(c)(7) motion to reopen. There is no
16 direct appeal of an IJ in absentia order to the Board, but instead an individual must first file a
17 motion to rescind and reopen to the IJ, and only then appeal to the BIA. See *Cui*, 13 F.4th at 994,
18 996, citing *In re Guzman-Arguera*, 22 I. & N. Dec. 722, 723 (BIA 1999).

19 *Cui* squarely addressed the question of when an in absentia order becomes final. The
20 Court interpreted the plain language of the finality definition in 8 U.S.C. § 1101(a)(47)(B):

21 Because in absentia removal orders may not be appealed to the BIA without first filing a
22 motion to reopen the order before the IJ within 180 days of the order, ... if the petitioner
23 does not timely file such a motion before the IJ the order becomes final at the end of the
24 180-day period. “[T]he period in which the alien is permitted to seek review of such order
25 by the [BIA]” also expires at that time ... because, while the alien could have sought BIA
26 review after first exhausting her motion to reopen before the IJ, once the petitioner fails to
file a timely motion with the IJ ... the ability to ultimately appeal to the BIA expires along
with the 180-day deadline to seek reopening before the IJ.

27 *Cui*, 13 F.4th at 996 (citations omitted). In other words, applying the statutory definition of

1 finality, *Cui* held that the IJ’s in absentia order is final after 180 days, if no IJ appeal is taken, or
2 after a final BIA decision, if a motion to rescind is filed, denied by the IJ, and then appealed to
3 the BIA. *Id.*

4 The *Cui* decision in 2021 imposed a different definition of finality than that preferred by
5 the agency. *See* Dkt. 8 at 9-10. Even though § 1101(a)(47)(B) states that a removal order does not
6 become final until the time for appeal to has passed, or the BIA makes a decision, the agency
7 promulgated regulations that an IJ in absentia order becomes final the moment it is issued.
8 8 C.F.R. § 1241.1(e) (62 FR 10378, Mar. 6, 1997, *as amended at* 73 FR 76938, Dec. 18, 2008);
9 *see* Dkt. 8 at 10. Unsurprisingly, prior to *Cui*, a District Court in 2014 would defer to the
10 agency’s interpretation, as Respondents point out. *See* Dkt. 8 at 9, *citing Olivera-Julio v. Asher*,
11 2014 WL 6387351, at *2 (W.D. Wash. Nov. 14, 2014).

12 Respondents now take the startling position that *Cui* “was contrary to law,” as the agency
13 prefers its regulations and practice over the Ninth Circuit’s interpretation of the statute. Dkt. 8 at
14 9. But *Cui* is the law. The Article III Courts, not the agency, decide what the law is. *See Loper*
15 *Bright Enters. v. Raimondo*, 603 U.S. 369, 412 (2024). If Respondents believed *Cui* was
16 “contrary to law,” their remedy was to petition for rehearing, not disregard the decision.

17 Respondents’ only argument on *Cui* is a straw man fallacy easily dismissed. Respondents
18 argue that following *Cui* would mean that “some in absentia removal order would never be final”
19 as there is no time bar for filing a motion to rescind and reopen if the Respondent never received
20 proper notice. 8 U.S.C. § 1229a(b)(5)(C)(2). But this is not the holding of *Cui*, which stated that
21 in absentia the orders become final at 180 days. 13 F.4th at 996. Respondents’ unfounded,
22 hypothetical concerns about the potential reach of *Cui* are not grounds for ignoring Ninth Circuit
23 case law.

24 The holding of *Cui* was clear that it was interpreting and deciding the *single* definition of
25 finality at Section 1101(a)(47)(B). *Cui* at 996. The Supreme Court has emphatically rejected
26 giving the same statutory language different meanings as applied to different individuals or
27 contexts – here, for example, that an order would be “final” for purposes of filing deadlines, but

1 would not be “final” for purposes of removal. *See Clark v. Martinez*, 543 U.S. 371, 378, 382
2 (2005) (“To give these same words a different meaning for each category would be to invent a
3 statute rather than interpret one.” This would “render every statute a chameleon.”).

4 Finally, Respondents cannot claim surprise. Undersigned counsel argued *Cui in B.P. v.*
5 *Bostock*, 2024 WL 2959550, at *10 (W.D. Wash. June 12, 2024). In denying Defendants’ motion
6 to dismiss, the Court found “Plaintiffs have adequately stated claims for violation of the INA and
7 the APA because they have plausibly alleged that they were removed from the United States
8 before the removal order became final ...” *Id.* Similarly, Petitioner here is likely to prevail
9 because Ninth Circuit law is clear that his removal order is not final, and the agency may not
10 lawfully execute a non-final order. *See Arce*, 899 F.3d at 801; *Ibarra-Perez*, 154 F.4th at 994.

11 **B. Respondents violate Petitioner’s right to Due Process**

12 Respondents do not substantively address Petitioner’s argument that, absent a stay, he is
13 denied his Due Process right to a full and fair hearing on his asylum claim. *Compare* Dkt. 8 at 9-
14 11 (Resp. addressing only the finality issue) with Dkt. 2 at 5-7 (TRO Due Process briefing).
15 Respondent do not dispute, nor could they, that Petitioner has Due Process rights. *See A. A. R. P.*
16 *v. Trump*, 605 U.S. 91, 94 (2025).

17 Respondents’ actions act as an absolute bar to Petitioner presenting his asylum claim.
18 Under the plain language of the statute, if removed Petitioner is ineligible to pursue asylum
19 because he is not physically present in the United States and outside of the country from which
20 he is seeking asylum. *See* 8 U.S.C. §§ 1101(a)(42), 1158(a)(1). In prior litigation, Respondents
21 conceded this point. “At oral argument, Defendants agreed that asylum cannot be granted to
22 individuals residing outside the United States in their country of citizenship.” *B.P. v. Bostock*,
23 2024 WL 2959550, at *6. If the TRO is not granted, and Petitioner is removed, he will be
24 deprived of his statutory right to seek asylum. *See E. Bay Sanctuary Covenant v. Trump*, 932
25 F.3d 742, 770-75 (9th Cir. 2018) (plaintiffs likely to succeed on argument that the INA
26 guarantees them the right to seek asylum).

1 That the Board may grant the motion to rescind and reopen underscores the prejudice that
2 Petitioner faces. If his motion to rescind and reopen is granted *after* he is removed, Respondents
3 will likely refuse to permit him to return to pursue his asylum claim. Even when an individual
4 was removed *unlawfully*, DHS has taken the position that they have no responsibility to facilitate
5 or effectuate return. *See Noem v. Abrego Garcia*, 145 S. Ct. 1017, 1019 (2025). Respondents
6 with administratively reopened cases have had to litigate in order to return after an unlawful
7 removal or reopening, and not always successfully.¹ *See B.P. v. Bostock*, 2024 WL 2959550, at
8 *3; *Anaya v. Godfrey*, 2019 WL 5597883 (W.D. Wash. 2019), *mooted on appeal as noted by*
9 *Anaya Murcia v. Godfrey*, No. 19-35913, Dkt. 23 (9th Cir.). Respondents' general refusal to
10 facilitate return after agency reopening would deny Petitioner Due Process, making hollow his
11 right to apply for asylum, to a full and fair hearing, and to rescind and reopen his case. For these
12 reasons, and as outlined in the initial motion for a TRO, Petitioner demonstrates that Due Process
13 requires he not be removed prior to a BIA decision on his motion to rescind. *See* Dkt. 2 at 6-7
14 (arguing *Mathew's* factors).

15 **C. This Court has jurisdiction over Petitioner's claims**

16 The jurisdictional bars and channeling provisions of 8 U.S.C. § 1252(g), § 1252(a)(5),
17 and § 1252(b)(9) are inapplicable because Petitioner does not have a final order of removal nor is
18 he seeking review of the IJ denial in this action.

19 As a guiding principle, both the Ninth Circuit and the Supreme Court caution against
20 casting the net of these jurisdictional bars too wide. “[W]e are guided here by the general rule to
21 resolve any ambiguities in a jurisdiction-stripping statute in favor of the narrower interpretation,
22 and by the ‘strong presumption in favor of judicial review.’ *Ibarra-Perez*, 154 F.4th at 995–96,
23 *quoting Arce*, 899 F.3d at 801 (cleaned up). “[W]here Congress intends to preclude judicial
24 review of constitutional claims its intent to do so must be clear.” *Id.* The Supreme Court has
25 cautioned against an “expansive” interpretation of the bars that would lead to “absurd” results

26 ¹ ICE Directives on facilitation of return apply to persons who have prevailed on Petition for Review before the
27 Court of Appeals, but not on reopening with the agency. *See* ICE Dir. 11061.1, *available at*
https://www.ice.gov/doclib/foia/dro_policy_memos/11061.1_current_policy_facilitating_return.pdf.

1 and make certain claims “effectively unreviewable.” *See Jennings v. Rodriguez*, 583 U.S. 281,
2 293-94 (2018).

3 Section 1252(g) bars review of the Attorney General’s “decision or action” to “execute
4 removal orders.” Respondents’ efforts to apply this bar to Petitioner are foreclosed by *Arce* and
5 *Ibarra-Perez*, which instruct that Section 1252(g) applies only to the discretionary decision of
6 when to execute a *valid* and *final order* of removal. *See Arce*, 899 F.3d at 800-01; *Ibarra-Perez*,
7 154 F.4th at 999. Section 1252(g) does not apply to an unlawful removal where there is no final
8 order, either because a stay is in place or administrative hearings had not been completed. *Id.*

9 In *Arce*, the court held that Section 1252(g) did not bar the plaintiff’s damages claims
10 based on execution of a removal order in violation of a federal court stay order. 899 F.3d at 799-
11 800. The removal order in *Arce* was not final under § 1101(a)(47)(B) because the Court of
12 Appeals had stayed removal. The court reasoned that an “action to violate a court order” does not
13 “arise from” the execution of a removal order and therefore “falls outside of the statute’s
14 jurisdiction-stripping reach.” *Id.* at 800. *Arce* noted that Section 1252(g) was enacted “to impose
15 judicial constraints upon prosecutorial discretion.” *Id.* at 800-01 (citation omitted). But
16 Respondents do not have discretion to removal people without final orders. “Where the Attorney
17 General totally lacks the discretion to effectuate a removal order, § 1252(g) is simply not
18 implicated.” *Id.*

19 In *Ibarra-Perez*, the court reiterated its conclusion that Section 1252(g) does not bar
20 review of the unlawful execution of a removal order. *See Ibarra-Perez*, 154 F.4th at 999. In that
21 case, a Cuban national had a removal order designating Cuba as the country of removal. *Id.* at
22 992. When Cuba would not accept the plaintiff, ICE sought to remove him to Mexico. *Id.* “ICE
23 officials removed Ibarra-Perez to Mexico despite Ibarra-Perez’s Form I-589, declaration, and
24 testimony before the IJ, all of which indicated that he had good reason to fear returning to
25 Mexico, and despite Ibarra-Perez having repeatedly told ICE officials that he so feared.” *Id.* at
26 997. While plaintiff had an administratively final order to Cuba, he did not have an
27 administratively final order designating Mexico, as he had not been provided “an opportunity to

1 present a fear-based claim” to Mexico. *Id.* at 997. The panel rejected the invitation to narrow the
2 scope of *Arce* to permit review only of violations of Court orders. “We see no reason to treat a
3 violation of a Ninth Circuit court order any differently from a violation the Constitution, INA, or
4 international law.” *Id.* at 998.

5 Respondents’ citation to *Rauda v. Jennings*, 55 F.4th 773, 777 (9th Cir. 2022), and other
6 out-of-circuit cases, is unavailing, and *Ibarra-Perez* specifically addressed *Rauda*. See *Ibarra-*
7 *Perez*, 154 F.4th at 999. First, *Rauda* is distinguishable because the individual had a *lawful* and
8 *final order* of removal. Notably, plaintiff in *Rauda* filed a motion to reopen under Section
9 1229a(c)(7) after full removal proceedings, not a motion to rescind an in absentia order under
10 Section 1229a(b)(5)(C). Having had a full and fair hearing before the IJ, the Board, and then the
11 Court of Appeals, plaintiff in *Rauda* had a lawful, final order of removal - a “valid removal
12 order” – and had to seek a *discretionary* stay to remain in the U.S. *Rauda*, 55 F.4th at 780.
13 “*Rauda* made no new law. It fits easily into a long series of decisions in our circuit and sister
14 circuits holding that discretionary decisions are shielded from review.” *Ibarra-Perez*, 154 F.4th at
15 999.

16 Similarly, *Ibarra-Perez* specified that 1252(g) does not bar Constitutional Due Process
17 claims. “In *Walters v. Reno*, 145 F.3d 1032 (9th Cir. 1998)—one of our first cases to interpret §
18 1252(g)—we specifically held § 1252(g) did not bar due process claims.” *Id.* at 997. Notably, the
19 court in *Rauda* found no Due Process claim raised when plaintiff had a full and fair hearing, and
20 exhausted all appeals on his Convention Against Torture (CAT) claim. 55 F.4th at 781. The Due
21 Process concerns in Petitioner’s case, see *I.B. supra*, were simply not raised or at issue in *Rauda*,
22 because: (1) plaintiff in *Rauda* had a valid final order after full hearings and appeal; (2) unlike
23 asylum, CAT does not have a physical presence requirement, compare 8 C.F.R. § 208.18(a) with
24 8 U.S.C. §§ 1101(a)(42), 1158(a)(1); and (3) ICE has a directive to facilitate when a Petition for
25 Review is granted, but not when an agency reopens a case.²

26 _____
27 ² See *Practice Advisory* (Dec. 21, 2021) at 5, available at https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/return_to_the_united_states_after_prevaling_on_a_petition_for_review_or_motion_to_reopen_or_reconsider.pdf.

1 Section 1252(a)(5) provides that a petition for review is “the sole and exclusive means for
2 judicial review of an order of removal.” Section 1252(b)(9) is a “zipper clause” that consolidates
3 all “questions of law and fact ... arising from any action taken or proceeding brought to remove
4 an alien’ into a petition for review.” For the same reason that Section 1252(g) does not bar
5 review, the channeling provisions of 1252(a)(5) and (b)(9) are inapplicable because Petitioner is
6 not challenging the underlying removal order issued by the IJ, but instead the unlawful execution
7 of a removal order *before* it is final. *Ibarra-Perez* made this same point: “If § 1252(g) bars
8 jurisdiction to review removals outside of removal proceedings, and if § 1252(a)(5) and (b)(9)
9 provide the only remedy to Ibarra-Perez, ICE can send anyone to any country without any
10 review. Section 1252(g) is not such a bar, and § 1252(a)(5) and (b)(9) do not provide the only
11 remedy to someone in Ibarra-Perez's position.” *Ibarra-Perez*, 154 F.4th at 999. Because
12 Petitioner is not challenging a final order of removal, nor the substance of the IJ removal order,
13 jurisdiction lies in the District Court. *See Singh v. Gonzales*, 499 F.3d 969 (9th Cir. 2007) (where
14 agency action is not encompassed within a final order of removal, the circuit court lacks
15 jurisdiction and district court review under habeas or APA is the remedy); *Ali v. Gonzales*, 421
16 F.3d 795, 797 n.1 (9th Cir. 2005) (District Court has jurisdiction over case so long as the actual
17 order of removal is not challenged, even if petitioner is challenging physical removal).

18 Petitioner is not challenging the merits of the IJ order but preserving his right to access
19 the legal system. While Sections 1252(a)(5) and (b)(9) channel review of final removal orders to
20 the Courts of Appeal, “they are not jurisdiction-stripping statutes that, by their terms, foreclose
21 all judicial review of agency actions.” *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016).
22 Rather, these statutory provisions must be read to “ensure immigrants receive their day in court.”
23 *Id.* As the Supreme Court cautioned in *Jennings*, courts should consider whether an “extreme”
24 interpretation would make a claim “effectively unreviewable.” *Jennings*, 138 S.Ct. at 840. This
25 Court should reject Defendants’ exceptionally broad reading of the channeling statutes that
26 would deny Petitioner his “day in court” on his asylum claim, *see I.B. supra*; *see also Immigrant*
27

1 *Defs. L. Ctr. v. Mayorkas*, 2023 WL 3149243 (C.D. Cal. Mar. 15, 2023) (Due Process claim to
2 access asylum system is not barred by Sections 1252(a)(5) and (b)(9)).

3 This Court treads no new ground in exercising jurisdiction over these claims, as decisions
4 in this District have recognized the Sections 1252(g), (a)(5) and (b)(9) do not bar claims such as
5 Petitioner’s. *See B.P. v. Bostock*, 2024 WL 2959550, at *5 (“Plaintiffs here raise claims based on
6 affirmative government misconduct separate from issues related to how any future removal
7 proceedings will be conducted. The Court is thus persuaded that Plaintiffs’ claims do not “arise
8 from” removal proceedings.”); *Sepulveda Ayala v. Bondi*, 2025 WL 2084400, at *3–4 (W.D.
9 Wash. July 24, 2025); *Sheikh-Elmi v. NWIPC*, 2025 WL 1360299, at *4 (W.D. Wash. May 9,
10 2025); *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1006 (W.D. Wash. 2019) (“To resolve petitioner’s
11 arguments, the Court does not need to review the removal order.”).

12 **II. Petitioner will suffer irreparable harm absent an injunction.**

13 Petitioner’s unlawful removal is an irreparable injury. If removed, he would be effectively
14 denied the opportunity to apply for asylum – having been removed to the very country from
15 which he sought protection. *See I.B. supra*. He would likely be denied an opportunity to return to
16 pursue his asylum claims. *Id.* His detention and removal also inflicts substantial harm by
17 separating him from his wife and minor children. Dkt. 1 ¶ 2. Such separation from family
18 members is an important irreparable harm factor. *See Washington v. Trump*, 847 F.3d 1151, 1169
19 (9th Cir. 2017) (per curiam) (finding “separated families” to be a “substantial injur[y] and even
20 irreparable harm[.]”).

21 **III. The balance of hardships and public interest weigh heavily in Petitioner’s**
22 **favor.**

23 Petitioner faces a weighty hardship: loss of liberty, deprivation of the right to remain in
24 the U.S. pending an asylum application, deprivation of the right to apply for asylum, and
25 separation from his family. The government, by contrast, faces no hardship as to Petitioner, as all
26 it must do is permit Mr. Bonilla to continue to pursue his asylum application pending a decision
27 by the BIA. Indeed, “in cases involving a constitutional claim, a likelihood of success on the

1 merits . . . strongly tips the balance of equities and public interest in favor of granting a
2 preliminary injunction.” *Baird v. Bonta*, 81 F.4th 1036, 1048 (9th Cir. 2023). Additionally,
3 because “the government’s . . . policy is inconsistent with federal law, . . . the balance of
4 hardships and public interest factors weigh in favor of a preliminary injunction.” *Moreno Galvez*
5 *v. Cuccinelli*, 387 F.Supp.3d 1208, 1218 (W.D. Wash. 2019). Defendants “cannot suffer harm
6 from an injunction that merely ends an unlawful practice.” *Rodriguez v. Robbins*, 715 F.3d 1127,
7 1145 (9th Cir. 2013). Accordingly, the balance of hardships and the public interest
8 overwhelmingly favor injunctive relief to ensure that Respondents comply with the law.

9 **IV. An order prohibiting transfer is appropriate.**

10 This Court has authority to issue orders to preserve its jurisdiction and ability to order
11 relief. While this case is ultimately centered on Petitioner’s unlawful removal and right to Due
12 Process, the “use of habeas for transfer claims is not novel.” *Trump v. J.G.G.*, 604 U.S. 670, 674
13 (2025) (Kavanaugh, J., concurring). Moreover, it is common practice for courts to enjoin the
14 transfer of Petitioners while a habeas petition is pending, to ensure that the court can provide
15 effective relief. *See, e.g., Svenin v. Casey*, 2025 WL 2917319, at *3 (S.D. Cal. Oct. 14, 2025)
16 (“Courts typically enjoin the Government from transferring detainees out of the district during
17 the pendency of the habeas proceedings.”); *Cantero Garcia v. Wamsley*, 2025 WL 3022252, at *2
18 (W.D. Wash. Oct. 29, 2025).

19 Courts have recognized that such interference with access to counsel is a form of
20 irreparable harm, as it can have significant effects on a person’s ability to defend or present their
21 case. *See, e.g., Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 879 (C.D. Cal. 2025); *Immigrant*
22 *Def’s. L. Ctr. v. Noem*, 145 F.4th 972, 993 (9th Cir. 2025). Indeed, a court “has the inherent
23 authority and responsibility to protect the integrity of its proceedings which [are] undoubtedly
24 impacted’ when a habeas petitioner is transferred to a detention facility outside of the district.”
25 *Lahamendu v. Bondi*, 2025 WL 3066437, at *6 (W.D. Wash. Nov. 3, 2025) (quotation omitted).
26 To preserve this Court’s jurisdiction, and prevent the denial of access to counsel, Petitioner asks
27 that the Court order that he not be transferred out of the District pending his habeas petition.

1 **CONCLUSION**

2 For the foregoing reasons, Petitioner respectfully requests the Court grant his motion for
3 a temporary restraining order.

4 Respectfully submitted this 12th day of November, 2025.

5
6 s/ Christopher Strawn

7 Christopher Strawn

8 WSBA No. 32243

9 NORTHWEST IMMIGRANT RIGHTS PROJECT

10 615 Second Ave., Suite 400

11 Seattle, WA 98104

12 (206) 957-8611

13
14
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Counsel for Petitioners

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WORD COUNT CERTIFICATION

I certify that this brief contains 4,111 words, in compliance with the Local Civil Rules.

s/ Christopher Strawn
Christopher Strawn, WSBA No. 32243
Northwest Immigrant Rights Project
615 Second Ave., Ste 400
Seattle, WA 98104
(206) 957-8628
amanda@nwirp.org