

DETAINED

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Attorney for Petitioner

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

Sergio GOMEZ Romero

Petitioner,

v.

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

Responden

ts.

Case No. 2:25-cv-02207

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

AGENCY FILE NO:



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

PETITIONER'S MOTION FOR TRO
AND STAY OF REMOVAL
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I. Motion

Under FRCP 65 and 5 U.S.C. §705, the petitioner moves this Court for an Emergency Temporary Restraining Order and Stay of Removal, preventing his removal from the United States and his transfer to another detention facility while these proceedings are pending.

II. Basis for Motion

Mr. Gomez has lived nearly his entire life in Washington State. His parents, partner, and children all reside in Washington State. The Department of Homeland Security has recently transferred large numbers of detainees to Arizona, Texas, and other places. In order to maintain jurisdiction over this matter and to remain close to his family, it is important that Mr. Gomez not be transferred or removed.

III. Argument

A. Standards for Temporary Restraining Order

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

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

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

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

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

10 Mr. Gomez meets both of these tests.

11 ***B. Mr. Gomez is likely to succeed on the merits and has raised serious legal questions.***

12 Mr. Gomez’s fundamental due process rights were violated when he was detained without
13 explanation after having previously been released by Immigration and Customs Enforcement in
14 2011.

15 ***C. Mr. Gomez faces irreparable harm, and a hardship balance tips sharply toward him.***

16 If transferred, Mr. Gomez faces long term separation, a change in jurisdiction over his
17 custody, and prolonged and unnecessary detention.

18 ***D. The balance of equities tips in favor of Mr. Gomez, and an injunction is in the public interest.***

19 The remaining two factors for an injunction are the same under both legal tests, and they
20 both favor Mr. Gomez. As ICE agents continue to aggressively arrest people in the community it
21

1 is critical that they be held to account and follow basic principles of due process. The public has a
2 vested interest in ensuring that their liberty interests are honored and protected.

3
4 **IV. Conclusion**

5 1. Under FRCP 65, the petitioner moves this Court to issue an Emergency
6 Temporary Restraining Order and Stay of Removal:

- 7 1. Enjoining and restraining the Respondents and all of their respective
8 officers, agents, servants, employees, attorneys and persons acting on their
9 behalf in concert or in participation with them from:
- 10 a. Removing or deporting Mr. Gomez from the United States while these
 - 11 proceedings are pending;
 - 12 b. Transferring Mr. Gomez from the Northwest ICE Processing Center to
 - 13 any other detention facility during the pendency of these proceedings.

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

- 16 1. Grant this Emergency Motion for Temporary Restraining Order and Stay of Removal
17 today;
- 18 2. Enter the Proposed Order Granting Petitioner's Emergency Motion for Temporary
19 Restraining Order and Stay of Removal today; and
- 20 3. Grant such other and further relief as justice may require.

21 Dated:



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