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Attorney for Petitioners  
ELEONORA ABRAMIAN and  
SEMEN ABRAMIAN

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ARIZONA  
PHOENIX DIVISION**

ELEONORA ABRAMIAN and )  
SEMEN ABRAMIAN, )

Petitioners, )

v. )

PAM BONDI, Attorney General, )  
KRISTI NOEM, U.S. Secretary of )  
Homeland Security, )

RODNEY S. SCOTT, Commissioner )  
of U.S. Customs and Boarder Protection, )

MARK MORGAN, Director of U.S. )  
Immigration Customs Enforcement, )

JOHN CANTU, Phoenix Field Office )  
Director, ICE Enforcement and )  
Removal Operations; )

DAVID MARIN, Los Angeles Field )  
Office Director, ICE Enforcement and )  
Removal Operations; )

[NAME], Assistant Field Office )  
Director, Florence, AZ ICE ERO )

NAME, Assistant Field Office Director, )  
Los Angeles ERO Adelanto; )

DAVID NEAL, Director, )  
Executive Office for Immigration Review, )

DAREN K. MARGOLIN, Director, Board )  
of Immigration Appeals; )  
and JOHN DOES 1-10, )

Respondents.



Case No. \_\_\_\_\_

(Emergency TRO and  
Preliminary Injunction Requested)

## EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

### I. INTRODUCTION

This case concerns the imminent and medically dangerous removal of Petitioners Eleonora and Semen Abramian while their motion to reopen is pending before the BIA and must be amended. ICE has scheduled Eleonora for removal tonight, despite providing less than 24 hours\* notice, having transferred her abruptly from Adelanto to Florence last week, and despite ICE's failure to conduct any medical travel evaluation even though her treating physician recommended against long-distance air travel.

Furthermore, on November 14, a BIA staff member named Jamie assured undersigned counsel that Eleonora "would not be removed over the weekend," which prevented counsel from seeking judicial relief earlier. ICE's actions now directly contradict that assurance, leaving only hours for judicial intervention.

A TRO is urgently required to preserve Petitioners' ability to amend their motion to reopen, ensure meaningful access to counsel, and prevent severe health risks.

### II. LEGAL STANDARD

A TRO is appropriate when the movant shows:

1. Likelihood of success on the merits;
2. Likelihood of irreparable harm absent relief;
3. Balance of equities tips sharply in their favor; and
4. Relief is in the public interest.

*Winter v. NRDC*, 555 U.S. 7 (2008).

The Ninth Circuit also applies the sliding scale approach allowing for injunctions where serious questions exist and the balance of hardships tips sharply in the movant's favor. *All for the Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011).

Rule 65(b) allows *ex parte* relief where immediate and irreparable harm will occur before the adverse party may be heard and where counsel certifies efforts to give notice.

### III. ARGUMENT

#### A. Petitioners Are Likely to Succeed on the Merits or Raise Serious Legal Questions

##### 1. The BIA's unexplained denial of a stay violates the APA

The BIA denied Petitioners' stay request without explanation, failing to address:

- the abrupt transfer that cut off communication,
- the necessity of an amended motion to reopen, and
- the consequences of allowing removal during the pendency of proceedings.

Unreasoned agency action is arbitrary and capricious under 5 U.S.C. § 706(2)(A).

##### 2. Due Process is violated when individuals are deprived of a fair opportunity to pursue a motion to reopen

Courts have recognized that the sudden execution of long-dormant removal orders without allowing noncitizens a fair opportunity to pursue or complete a motion to reopen raises serious due process concerns. See *Chhoeun v. Marin*; *Devitri v. Cronen*, 290 F. Supp. 3d 86 (D. Mass. 2017).

Here:

- Petitioners have already filed a motion to reopen,
- but must amend it to correct deficiencies and add new evidence,
- and the sudden removal would prevent that.

##### 3. The BIA's misrepresentation deprived Petitioners of access to judicial review

On November 14, a BIA staff member told counsel that Eleonora would not be removed over the weekend. Counsel relied on that assurance. ICE's scheduling of removal for November 16 prevented timely resort to this Court and constitutes prejudicial government misrepresentation.

##### 4. The All Writs Act authorizes relief to preserve practical access to review

Although removal does not divest the Ninth Circuit of jurisdiction, it severely impairs Petitioners' ability to amend their motion to reopen, gather evidence, access medical records, and communicate with counsel. Relief under 28 U.S.C. §§ 1331 and 1651(a) is appropriate to preserve meaningful review.

## **B. Petitioners Face Immediate and Irreparable Harm**

### **1. Eleonora faces serious medical risk**

Eleonora has hypertension and heart-related risk. Her treating physician recommended against long-distance air travel. ICE has not conducted any travel-fitness evaluation, violating ICE's own standards. Forced removal by international flight today places her at substantial risk of hypertensive crisis, stroke, or cardiac complications.

### **2. Removal will obstruct Petitioners' ability to pursue their motion to reopen**

Petitioners must file an amended motion to reopen to address deficiencies and add new evidence. If removed today:

- Counsel will be forced to prepare filings from abroad,
- Petitioners will lose stable communication,
- Access to records and affidavits will be interrupted,
- Participation in the case will be severely compromised.

### **3. Misrepresentation by the BIA prevented earlier seeking of relief**

The misleading statement on November 14 deprived counsel of the ability to seek timely protection. Removal now would compound that prejudice irreparably.

## **C. The Balance of Equities Tips Sharply Toward Petitioners**

The harm to Petitioners - medical danger, loss of fair process,

The harm to Petitioners - serious medical risk, loss of fair process, inability to amend their motion to reopen, and deprivation of meaningful access to counsel—far outweighs any

governmental interest in removing them **today** rather than after their legal claims can be properly adjudicated.

Petitioners have lived under long-standing orders of supervision for many years, reporting every six months, and—like the petitioners in *Chhouhan*—were reasonably lulled into believing that DHS did not intend sudden removal. The Government’s abrupt shift from years of stability to a same-weekend removal, after a BIA staff member assured counsel otherwise, is precisely the type of prejudice courts seek to prevent through equitable relief.

Moreover, the Government suffers no harm from a brief pause on removal while the BIA adjudicates Petitioners’ pending motion and while counsel prepares the necessary amended filing. ICE maintains full authority to detain Petitioners and can resume removal efforts if and when lawful procedures are completed.

#### **D. A TRO Is in the Public Interest**

The public has a strong interest in ensuring that:

1. federal agencies comply with the law,
2. due process is respected,
3. noncitizens have access to counsel, and
4. motions to reopen—which Congress expressly authorized—are meaningfully available.

The public also has an interest in avoiding preventable medical emergencies during removal operations; transporting an individual with unassessed hypertension and heart-related risk on a long international flight in shackles contravenes basic standards of care and ICE’s own medical protocols.

The public interest strongly favors maintaining the status quo for a short period while Petitioners’ claims are adjudicated.

#### **E. Immediate Relief Is Required Under Rule 65(b)**

Petitioners seek *ex parte* relief under Rule 65(b) because:

- ICE scheduled Eleonora's removal for **Sunday, November 16, 2025 at approximately 6:00 p.m.**;
- undersigned counsel received **less than 24 hours' notice**;
- Eleonora was abruptly transferred from Adelanto to Florence, cutting off communication;
- ICE has not conducted any **travel-fitness medical evaluation**;
- a BIA staff member incorrectly assured counsel on November 14 that **no weekend removal would occur**; and
- waiting for regular briefing would permit Petitioners' removal before the Court may be heard.

Undersigned counsel certifies under Rule 65(b)(1) that she has made every reasonable effort to give notice to the Government, including attempts to contact ICE officers, supervisors, and relevant field offices.

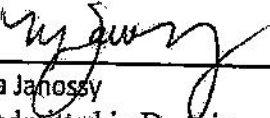
#### **IV. REQUESTED RELIEF**

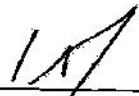
For the foregoing reasons, Petitioners respectfully request that the Court issue:

1. **A temporary restraining order immediately prohibiting Respondents from removing Eleonora or Semen Abramian from the United States until:**
  - Petitioners have filed an amended motion to reopen;
  - the BIA has adjudicated that motion; and
  - any resulting petition for review and stay request before the Ninth Circuit are resolved.
2. **An order requiring ICE to maintain Petitioners within facilities where they have meaningful access to counsel, without abrupt transfers that interfere with communication or case preparation.**
3. **An Order to Show Cause why a preliminary injunction should not be granted maintaining this relief through the pendency of proceedings.**
4. **Any other relief the Court deems just and proper, including habeas relief under 28 U.S.C. § 2241, mandamus relief, and relief under the All Writs Act.**
- 5.

Dated: November 16, 2025

Respectfully submitted,

  
\_\_\_\_\_  
Maria Janossy  
Not admitted in D. Ariz.  
Application pending  
Counsel assisting petitioner pro se for emergency filing

  
\_\_\_\_\_  
Eleonora Abramian  
Pro Se Petitioner