DETAINED

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

EDDY RODRIGO GREGORIO ORDOÑEZ, *Petitioner,* v. PAMELA BONDI, *et al.;* *Respondents.*	Case No.: 2:25-cv-2356 MOTION FOR EMERGENCY TEMPORARY RESTRAINING ORDER AND STAY OF REMOVAL Agency File Number: [redacted]

MOTION FOR EMERGENCY TEMPORARY RESTRAINING ORDER AND STAY OF REMOVAL

I. Motion

1. 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. His state caseworkers have received word that his transfer is pending tonight. Counsel will notify

the government of this motion through the ECF/CM filing system, but do not anticipate they will receive notice of the motion until Monday morning.

II. Basis for Motion

2. Petitioner is an 18-year-old non-citizen who is currently being held in detention at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE). He has been detained since November 18, 2025. He became a ward of the state of Oregon after suffering the loss of his father, his only parent in the U.S., in 2021.

3. On November 20, 2025, a Juvenile Court in Oregon issued findings continuing its jurisdiction over Petitioner and determining he had suffered abuse, abandonment, and/or neglect and that it was in his best interest to remain in care of the state. The findings also determined he is eligible for Special Immigrant Juvenile Classification.

4. He filed a petition for a writ of habeas corpus on November 21, 2025. He seeks release because he has only just learned that he is subject to an order of removal that was issued when he was 12 years old after his late father failed to appear with Petitioner in immigration court; he is eligible to reopen proceedings based on his youth at the time and because he is eligible for Special Immigrant Juvenile Status (SIJS) and resulting relief from deportation if he remains in care of the State of Oregon.

5. Petitioner is not in possession of a passport, and thus is liable to be subjected to prolonged detention while Respondents seek to deport him. Respondents' stated intent to arbitrarily transfer Petitioner out of the Northwest jeopardizes his established eligibility to pursue Special Immigrant Juvenile Status (SIJS). Transfer and continued detention risks terminating the state of Oregon's jurisdiction over Petitioner and his SIJS eligibility.

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6. This afternoon, following a meeting with his caseworkers at NWIPC and before he spoke with counsel, Respondents presented Petitioner with an order, presumably for deportation or voluntary departure, and encouraged him to sign it. When Petitioner refused, Respondents informed him he was to be transferred to Louisiana on a flight due to depart at 2:00 a.m. on November 22, 2025.

7. Petitioner seeks an emergency TRO and stay of removal tonight.

III. Argument

A. Standards for Temporary Restraining Order

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

9. The traditional test, which remains viable in the Ninth Circuit, is known as the "sliding scale" test and requires the petitioner to prove "serious questions going to the merits" and "a hardship balance that tips sharply toward the petitioner." *Alliance For The Wild Rockies v. Cottrell,* 632 F.3d 1127 (9th Cir. 2011). As under the *Winter* test, the petitioner must also

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show a likelihood of irreparable injury and that the injunction is in the public interest. "Under this approach, the elements of the preliminary injunction test are balanced, so that a stronger showing of one element may offset a weaker showing of another." *Alliance For The Wild Rockies,* 632 F.3d at 1131.

10. Petitioner meets both of these tests.

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

11. As stated in the petition, Petitioner seeks release in part because he was just found eligible for Special Immigrant Juvenile Classification by the Juvenile Court of the State of Oregon, which also retained jurisdiction over Petitioner. Because petitioner has no passport and is thus not imminently deportable, Petitioner's transfer is likely to result in prolonged detention out of state, which risks terminating the jurisdiction of the state of Oregon before he is able to complete a petition for Special Immigrant Juvenile Status. Petitioner has additionally alleged that Respondents detained him arbitrarily and obtained evidence against him through unreasonable (and violent) seizur. Petitioner is likely to succeed on the merits as *Winter* requires, and he has raised serious legal questions, as the sliding scale test requires.

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

1. Petitioner faces substantial hardships and irreparable harm if he is transferred to another detention facility or if he is removed from the United States.

2. Because prolonged detention after transfer is likely, and is likely to terminate the jurisdiction of the state of Oregon, Petitioner will lose the support of his caseworkers and his foster family, along with his possible future as a beneficiary of SIJS relief, if transferred or

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deported. Transfer or deportation would contravene the findings of the Juvenile Court which determined it would be in Petitioner's best interest to remain in Oregon.

3. The probability of transfer is high, and the probability of removal is high due to the removal order, though to where is unknown. Transfer would separate Petitioner from his attorneys and his support system. Removal would also be an irreparable harm for similar reasons.

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

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

13. As to the balance of equities, Petitioner will suffer serious harm if he is transferred or deported, while Respondents will suffer no harm if he is not.

14. As to the public interest, it is in the public interest for the government to follow its own laws, and to defer to the judgment of states and Juvenile Courts regarding the best interests of vulnerable children and youth. A prolonged detention or removal would violate the Juvenile Court's findings and return Petitioner to harm.

15. Further, this administration has developed a pattern of deporting individuals from the United States without providing proper process and without allowing them access to federal review. That is exactly what the respondents will accomplish if they are permitted to remove Petitioner. Petitioner seeks the opportunity to access the laws that were passed by Congress and the regulations that were promulgated by the very agencies that now seek to overstep.

IV. Conclusion

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

1. Enjoining and restraining the Respondents and all of their respective officers, agents, servants, employees, attorneys and persons acting on their behalf in concert or in participation with them from:

   a. Removing or deporting Petitioner from the United States while these proceedings are pending;

   b. Transferring Petitioner from the Northwest ICE Processing Center to any other detention facility during the pendency of these proceedings.

17. WHEREFORE, for the reasons set forth in his Petition for Writ of Mandamus, and in this Motion the Petitioner respectfully requests this Court:

1. Grant this Emergency Motion for Temporary Restraining Order and Stay of Removal today, November 21, 2025
2. Enter the Proposed Order Granting Petitioner's Emergency Motion for Temporary Restraining Order and Stay of Removal today; and

3. Grant such other and further relief as justice may require.

Dated: November 21, 2025

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/s/ Kelly Vomacka

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