

1 Rene L. Valladares  
 Federal Public Defender  
 2 Nevada State Bar No. 11479  
 3 \*Laura Barrera  
 Assistant Federal Public Defender  
 4 Michigan State Bar No. P80957  
 \*Ashlyn Saenz-Ochoa  
 5 Assistant Federal Public Defender  
 6 New Mexico State Bar No. 161658  
 411 E. Bonneville Ave., Ste. 250  
 7 Las Vegas, Nevada 89101  
 (702) 388-6577  
 8 Laura\_Barrera@fd.org  
 9 Ashlyn\_Saenz-Ochoa@fd.org

10 \*Attorney for Petitioner Alexander Suarez-Ramirez  
 11

12  
 13 UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

14 Alexander Suarez-Ramirez,  
 15  
 16 Petitioner,  
 17  
 v.  
 18 Bondi, *et al.*,  
 19 Respondents.

Case No. 2:25-cv-02369-MMD-EJY  
**Petitioner's Emergency Motion for  
 Temporary Restraining Order**

20  
 21  
 22  
 23  
 24  
 25  
 26  
 27



1 2025 WL 2014208 (C.D. Cal. Jun. 25, 2025); *Ortega v. Kaiser*, 25-cv-05259-JST,  
2 2025 WL 1771438 (N.D. Cal. June 26, 2025); *Hoac v. Becerra*, No. 2:25-CV-01740-  
3 DC-JDP, 2025 WL 1993771, at \*7 (E.D. Cal. July 16, 2025); *Phan v. Becerra*, No.  
4 2:25-CV-01757-DC-JDP, 2025 WL 1993735, at \*7 (E.D. Cal. July 16, 2025).

5 Petitioner therefore respectfully requests this Court's immediate action for  
6 the reasons stated below.

7 **STATEMENT OF FACTS**

8 The statements in the following paragraphs are made on information and  
9 belief, unless otherwise specifically noted.

10 Mr. Suarez-Ramirez was being held by ICE at the Henderson Detention  
11 Center. Undersigned counsel, AFPDs Saenz-Ochoa and Irvin visited Mr. Suarez-  
12 Ramirez at the Henderson Detention Center on December 5, 2025.

13 Mr. Suarez-Ramirez expressed his absolute fear of being deported to Mexico.  
14 Mr. Suarez-Ramirez is a citizen of Cuba. He was granted withholding of removal to  
15 Cuba on July 14, 2025. ICE has previously attempted to deport Mr. Suarez-Ramirez  
16 to Mexico multiple times. On previous attempts, Mr. Suarez-Ramirez has verbally  
17 expressed his fear of removal to Mexico to DHS/ICE officers. Mr. Suarez-Ramirez  
18 was previously robbed and assaulted in Mexico, and, upon information and belief,  
19 his family was subsequently targeted for extortion. These events form the basis of  
20 his credible fear of removal to Mexico. Mr. Ramirez-Suarez also has a long history of  
21 physical<sup>1</sup> and psychological trauma and suffers from mental health concerns. Mr.  
22 Ramirez-Suarez's detention and impending deportation to Mexico has caused much  
23 suffering. Mr. Suarez-Ramirez has thought about and has attempted suicide before  
24

25 \_\_\_\_\_  
26 <sup>1</sup> When AFPDs Saenz-Ochoa and Irvin visited Mr. Suarez-Ramirez, they  
27 learned that his pinky finger on his right hand was amputated and upon  
information and belief, [REDACTED]

1 while in immigration custody in Florence, Arizona, in fear of being deported to  
2 Mexico.

3 There are many definitive facts that are still unknown regarding Mr. Suarez-  
4 Ramirez's case. The timeline of immigration actions is not clear. Although,  
5 undersigned counsel has visited with Mr. Suarez-Ramirez, more concrete  
6 information and records are needed, especially regarding the recent reopening of his  
7 immigration case on August 6, 2025. There are also concerns that Mr. Suarez-  
8 Ramirez's verbal attestations of fear of removal to Mexico are not being considered  
9 properly and that his mental health is deteriorating significantly while in custody.

10 The government's response to Mr. Suarez-Ramirez's petition is not expected  
11 until December 18, 2025.<sup>2</sup> ICE/DHS are transferring Mr. Suarez-Ramirez to  
12 Arizona in a likely attempt to remove him from this country, which may very well  
13 happen before that time. While Mr. Suarez-Ramirez has an open case in this  
14 district, he must be prevented from being deported to a country he fears.

#### 15 ARGUMENT

16 To obtain a TRO, a plaintiff "must establish that he is likely to succeed on the  
17 merits, that he is likely to suffer irreparable harm in the absence of preliminary  
18 relief, that the balance of equities tips in his favor, and that an injunction is in the  
19 public interest." *Winter v. Nat. Res. Def Council, Inc.*, 555 U.S. 7, 20 (2008); accord  
20 *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839-40 & n.7 (9th  
21 Cir. 2001) (noting that a TRO and preliminary injunction involve "substantially  
22 identical" analysis). A "variant[] of the same standard" is the "sliding scale": "if a  
23 plaintiff can only show that there are 'serious questions going to the merits'—a  
24 lesser showing than likelihood of success on the merits—then a preliminary  
25 injunction may still issue if the balance of hardships tips *sharply* in the plaintiff's  
26

---

27 <sup>2</sup> ECF No. 6.

1 favor, and the other two *Winter* factors are satisfied.” *Immigrant Defs. L. Ctr. v.*  
2 *Noem*, 145 F.4th 972, 986 (9th Cir. 2025) (internal quotation marks omitted).

3 Under this approach, the four *Winter* elements are “balanced, so that a  
4 stronger showing of one element may offset a weaker showing of another.” *All. for*  
5 *the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). A TRO may be  
6 granted where there are “serious questions going to the merits’ and a hardship  
7 balance ... tips sharply toward the plaintiff,” so long as the other *Winter* factors are  
8 met. *Id.* at 1132.

9 Here, this Court should issue a temporary restraining order because  
10 “immediate and irreparable injury . . . or damage” is occurring and will continue in  
11 the absence of an order. Fed. R. Civ. P. 65(b). Respondents are transferring Mr.  
12 Suarez-Ramirez to Arizona in a likely attempt to deport him to Mexico in violation  
13 of his due process, statutory, and regulatory rights, even when he has voiced  
14 multiple times that he has a credible fear of being deported to Mexico. Because Mr.  
15 Suarez-Ramirez meets the *Winter* factors, outlined below, this Court should order  
16 Petitioner’s return to this district and enjoin removal to a third country to which  
17 petitioner fears removal.

18 **I. Petitioner will likely succeed on the merits, or at a minimum,**  
19 **Petitioner raises serious merits questions.**

20 On November 26, 2025, Mr. Suarez-Ramirez filed his § 2241 petition.<sup>3</sup> He  
21 raised five claims that he has been unconstitutionally detained and that he cannot  
22 be removed to a third country without an adequate opportunity to seek fear-based  
23 protections:

24 Ground One: Petitioner’s continued detention violates his Fifth Amendment  
25 right to due process because his removal is not reasonably foreseeable.

---

26  
27 <sup>3</sup> ECF No. 2.

1           Ground Two: Petitioner’s continued detention violates the Immigration and  
2 Nationality Act, 8 U.S.C. § 1231 (a)(6).

3           Ground Three: ICE’s continued detention of Petitioner, without providing an  
4 individualized custody assessment pursuant to ICE policy, violates the  
5 Administrative Procedures Act, 5 U.S.C. § 706(2)(A).

6           Ground Four: ICE’s policy to remove noncitizens to a third country without  
7 an adequate opportunity to seek fear-based protection violates Petitioner’s Fifth  
8 Amendment right to due process and constitutes arbitrary and capricious agency  
9 action in violation of the Administrative Procedure Act, 5 U.S.C. § 706.

10           Ground Five: Petitioner’s continuing detention solely on the basis of  
11 facilitating third country removal pursuant to recent ICE policy violates the Due  
12 Process Clause of the Fifth Amendment.

13           At this time, ICE is attempting to remove Mr. Suarez-Ramirez to Mexico  
14 without providing him with the process to which he is entitled, which directly  
15 implicates Grounds Four and Five of his §2241 petition. ICE’s current procedures  
16 for removal of detainees to third countries, described in detail below violate the  
17 Fifth Amendment, the INA, the CAT, and implementing regulations, all of which  
18 mandate meaningful notice and opportunity to respond to any attempt of removal to  
19 a third country in reopened removal proceedings. They also require an opportunity  
20 for Mr. Suarez-Ramirez to make a fear-based claim against removal to a third  
21 country in reopened removal proceedings.

22           Respondents’ policy for third-country removals violates all of these laws  
23 because it directs ICE agents to remove individuals to third countries without any  
24 notice and without any opportunity to respond. *See Y.T.D. v. Andrews*, 2025 WL  
25 2675760, at \*13 (E.D. Cal. Sept. 18, 2025 (permanently enjoining Respondent from  
26 removing petitioner to third country without “(a) Providing him and his counsel  
27 with written notice in a language the Petitioner can understand. (b) Following

1 notice, Petitioner must be given a meaningful opportunity, and a minimum of ten  
2 days, to raise a fear-based claim for CAT protection prior to removal. (c) If  
3 Petitioner demonstrates ‘reasonable fear’ of removal to the third country,  
4 Defendants must move to reopen his immigration proceedings. (d) If the non-citizen  
5 is not found to have demonstrated a ‘reasonable fear’ of removal to the third  
6 country, Defendants must provide a meaningful opportunity, and a minimum of  
7 fifteen days, for the non-citizen to seek reopening of his immigration proceedings.”).

8 Prior to any third-country removal, Mr. Suarez-Ramirez must be provided  
9 with constitutionally and statutorily compliant notice and an opportunity to  
10 respond and contest that removal if it gives rise to a fear of persecution or torture in  
11 that country, in reopened removal proceedings. *See Nguyen*, 2025 WL 2419288, at  
12 \*29 (granting preliminary injunction against “removing Petitioner to a country  
13 other than [home country] without notice and a meaningful opportunity to be heard  
14 in reopened removal proceedings with a hearing before an immigration judge”).

15 Mr. Suarez-Ramirez further addresses this pressing issue below.

16 **A. Petitioner is likely to succeed on the merits of his claim that he**  
17 **is entitled to adequate notice and an opportunity to be heard**  
18 **prior to any third country removal.<sup>4</sup>**

19 Petitioner is likely to succeed on the merits of his claim that he may not be  
20 removed to a third country absent adequate notice and an opportunity to be heard,  
21 especially when it is one that he has voiced a credible fear of multiple times.

22 U.S. law enshrines protections against dangerous and life-threatening  
23 removal decisions. By statute, the government is prohibited from removing an  
24 immigrant to any third country where a person may be persecuted or tortured, a  
25 form of protection known as withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A).

---

26  
27 <sup>4</sup> Grounds Four & Five of his habeas petition concern this issue. See ECF No.  
2 at 19–22.

1 The government “may not remove [a noncitizen] to a country if the Attorney  
2 General decides that the [noncitizen's] life or freedom would be threatened in that  
3 country because of the [noncitizen's] race, religion, nationality, membership in a  
4 particular social group, or political opinion.” *Id.*; *see also* 8 C.F.R. §§ 208.16,  
5 1208.16. Withholding of removal is a mandatory protection.

6 Similarly, Congress codified protections enshrined in the Convention Against  
7 Torture (CAT) prohibiting the government from removing a person to a country  
8 where they would be tortured. *See* FARRA 2681-822 (codified as 8 U.S.C. § 1231  
9 note) (“It shall be the policy of the United States not to expel, extradite, or  
10 otherwise effect the involuntary return of any person to a country in which there  
11 are substantial grounds for believing the person would be in danger of being  
12 subjected to torture, regardless of whether the person is physically present in the  
13 United States.”); 28 C.F.R. § 200.1; *id.* §§ 208 .16-208.18, 1208.16-1208.18. CAT  
14 protection is also mandatory.

15 To comport with the requirements of due process, the government must  
16 provide notice of the third country removal and an opportunity to respond. Due  
17 process requires “written notice of the country being designated” and “the statutory  
18 basis for the designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v.*  
19 *Nielsen*, 409 F. Supp. 3d 998, 1019 (W.D. Wash. 2019); *accord D.V.D. v. U.S. Dep't*  
20 *of Homeland Sec.*, No. 25-cv-10676-BEM, 2025 WL 1453640, at \*1 (D. Mass. May  
21 21, 2025); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999).

22 Due process also requires the following: “[A]sk[ing] the noncitizen whether  
23 they fear persecution or harm upon removal to the designated country and  
24 memorialize in writing the noncitizen's response. This requirement ensures DHS  
25 will obtain the necessary information from the noncitizen to comply with section  
26 1231(b)(3) and avoids [a dispute about what was said].” *Aden*, 409 F. Supp. 3d at  
27 1019. “Failing to notify individuals who are subject to deportation that they have

1 the right to apply for asylum in the United States and for withholding of  
2 deportation to the country to which they will be deported violates both INS  
3 regulations and the constitutional right to due process.” *Andriasian*, 180 F.3d at  
4 1041.

5 If the noncitizen claims fear, measures must be taken to ensure that the  
6 noncitizen can seek asylum, withholding, and relief under CAT before an  
7 immigration judge reopened removal proceedings. The amount and type of notice  
8 must be “sufficient” to ensure that “given [a noncitizen’s] capacities and  
9 circumstances, he would have a reasonable opportunity to raise and pursue his  
10 claim for withholding of deportation.” *Aden*, 409 F. Supp. 3d at 1009 (citing  
11 *Mathews v. Eldridge*, 424 U.S. 319, 349 (1976) and *Kossov v. I.N.S.*, 132 F.3d 405,  
12 408 (7th Cir. 1998)); *cf. D.V.D.*, 2025 WL 1453640, at \*1 (requiring a minimum of 15  
13 days notice).

14 “[L]ast minute” notice of the country of removal will not suffice, *Andriasian*,  
15 180 F.3d at 1041; *accord Najjar v. Lunch*, 630 Fed. App’x 724 (9th Cir. 2016), and  
16 for good reason: To have a meaningful opportunity to apply for fear-based protection  
17 from removal, immigrants must have time to prepare and present relevant  
18 arguments and evidence. Merely telling a person where they may be sent, without  
19 giving them a chance to look into country conditions, does not give them a  
20 meaningful chance to determine whether and why they have a credible fear.

21 Respondents’ third country removal policy skips over these statutory and  
22 constitutional procedural protections. Because ICE’s policies for third country  
23 removal fail to comply with existing law, they also violate the Administrative  
24 Procedures Act.

25 Faced with similar arguments, several courts have recently granted  
26 individual TROs against removal to third countries in instances such as this. See  
27 *Rodriguez-Gutierrez*, No. 25-cv-02726-BAS-SBC (S.D. Cal. Nov. 7, 2025); *J.R.*, 2025

1 WL 1810210; *Vaskanyan*, 2025 WL 2014208; *Ortega*, 2025 WL 1771438; *Hoac*, 2025  
2 WL 1993771, at \*7; *Phan*, 2025 WL 1993735, at \*7.

3 Therefore, Mr. Suarez-Ramirez demonstrates that he is likely to succeed on  
4 the merits and a TRO is appropriate.

5 **II. Petitioner will suffer irreparable harm absent injunctive relief.**

6 Petitioner also meets the second factor, irreparable harm. “It is well  
7 established that the deprivation of constitutional rights ‘unquestionably constitutes  
8 irreparable injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)  
9 (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Where the “alleged deprivation  
10 of a constitutional right is involved, most courts hold that no further showing of  
11 irreparable injury is necessary.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th  
12 Cir. 2005) (quoting 11A Charles Alan Wright et al., *Federal Practice and Procedure*,  
13 § 2948.1 (2d ed. 2004)). Further, unlawful detention itself “constitutes extreme or  
14 very serious damage, and that damage is not compensable in damages.” *Hernandez*  
15 *v. Sessions*, 872 F.3d 976, 999 (9th Cir. 2017) (internal citations omitted).

16 Third-country deportations pose that risk and more. Recent third-country  
17 deportees have been held, indefinitely and without charge, in hazardous foreign  
18 prisons.<sup>5</sup> They have been subjected to solitary confinement.<sup>6</sup> They have been  
19 removed to countries so unstable that the U.S. government recommends making a  
20 will and appointing a hostage negotiator before traveling to them.<sup>7</sup>

---

22 <sup>5</sup> Edward Wong et al., *Inside the Global Deal-Making Behind Trump’s Mass*  
23 *Deportations*, N.Y. Times (Jun. 25, 2025), available at  
24 [https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-](https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html)  
[deportations.html](https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html)

25 <sup>6</sup> Gerald Imray, *Men deported by US to Eswatini in Africa will be held in*  
26 *solitary confinement for undetermined time*, Associated Press (Jul. 18, 2025),  
27 available at [https://apnews.com/article/eswatini-united-states-trump-deportation-](https://apnews.com/article/eswatini-united-states-trump-deportation-immigrants-a5853b16b7b275cbcbfe6caff87d0bb8)  
[immigrants-a5853b16b7b275cbcbfe6caff87d0bb8](https://apnews.com/article/eswatini-united-states-trump-deportation-immigrants-a5853b16b7b275cbcbfe6caff87d0bb8)

<sup>7</sup> See Wong, *supra*.

1 DHS/ICE has attempted Mr. Suarez-Ramirez's removal to Mexico before. He  
2 voiced his credible fear then and his reasonable refusal to be deported to Mexico  
3 based on this fear. Mr. Suarez-Ramirez also suffers from extensive trauma and  
4 deals with mental health concerns, to include attempted suicide. His removal to  
5 Mexico, a country he is afraid of, will cause Mr. Suarez-Ramirez irreparable  
6 physical and mental harm. These and other threats to Petitioner's health and life  
7 independently constitute irreparable harm.

8 Mr. Suarez-Ramirez's removal from the United States, and this district,  
9 would further cause irreparable harm because he would lose his ability to have his  
10 claims heard by this Court. This Court, also, would lose its ability to exercise its  
11 jurisdiction over Mr. Suarez-Ramirez's claims. "Were Petitioner prematurely  
12 removed from the United States District of Nevada, or more broadly the United  
13 States, this Court could be deprived of jurisdiction over his claims." *See Berhe*, No.  
14 2:25-cv-01782-RFB-DJA (D. Nev. Nov. 26, 2025). The authority to grant this relief  
15 and to exercise jurisdiction over Mr. Suarez-Ramirez's claims is expressly given to  
16 this Court under the All Writs Act. *Id.* at 3; *see also F.T.C. v. Dean Foods Co.*, 384  
17 U.S. 597, 601 (1966).

18 **III. The balance of hardships and the public interest weigh heavily in**  
19 **Petitioner's favor.**

20 The final two factors for a TRO—the balance of hardships and public  
21 interest—"merge when the Government is the opposing party." *Nken v. Holder*, 556  
22 U.S. 418,435 (2009). That balance tips decidedly in Petitioner's favor.

23 The government "cannot reasonably assert that it is harmed in any legally  
24 cognizable sense" by being compelled to follow the law. *Zepeda v. I.N.S.*, 753 F.2d  
25 719, 727 (9th Cir. 1983). Moreover, it is always in the public interest to prevent  
26 violations of the U.S. Constitution and ensure the rule of law. *See Nken*, 556 U.S. at  
27 436 (describing public interest in preventing noncitizens "from being wrongfully

1 removed, particularly to countries where they are likely to face substantial harm");  
2 *Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019) (when  
3 government's treatment "is inconsistent with federal law, ... the balance of  
4 hardships and public interest factors weigh in favor of a preliminary injunction.").

5 Petitioner also faces weighty hardships: unlawful, indefinite detention and  
6 removal to a third country where he is likely to suffer imprisonment and serious  
7 harm. The balance of equities favors preventing the violation of "requirements of  
8 federal law," *Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1069 (9th Cir.  
9 2014), by granting emergency relief to protect against unlawful third country  
10 removal by returning him to this district so he may fully adjudicate his § 2241  
11 habeas petition.

#### 12 CONCLUSION

13 For these reasons, Petitioner requests that this Court grant this motion and order:

- 14 - Respondents return Mr. Suarez-Ramirez to Nevada.
- 15 - Respondents, their agents, and contractors halt any actions intended to  
16 effectuate the deportation of Mr. Suarez-Ramirez to Mexico, until the full  
17 adjudication of his § 2241 petition.
- 18 - Respondents, their agents, and contractors to not deport Mr. Suarez-Ramirez  
19 to Mexico.

20 Dated December 16, 2025

21 Respectfully submitted,

22  
23 Rene L. Valladares  
24 Federal Public Defender

25 /s/ Ashlyn Saenz-Ochoa

26 Ashlyn Saenz-Ochoa  
27 Assistant Federal Public Defender

1                   **DECLARATION IN SUPPORT OF EMERGENCY MOTION**

2           1.       My name is Ashlyn Saenz-Ochoa. I am an Assistant Federal Public  
3 Defender in the district of Nevada. I am one of the attorneys representing  
4 Alexander Suarez-Ramirez in this case, Case No. 2:25-cv-02369-MMD-EJY.

5           2.       Mr. Suarez-Ramirez has been in custody since May 2025, in violation  
6 of his constitutional rights and the Government's own policies, as outlined in the  
7 petition (ECF No. 2).

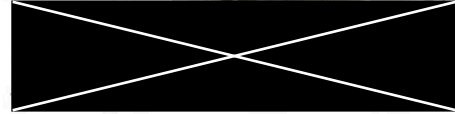
8           3.       This case constitutes an emergency because the DHS, ICE, and/or its  
9 acting agents, and/or contractors are transferring Mr. Saurez-Ramirez from  
10 Henderson Detention Center to Arizona in a likely effort to effectuate his  
11 deportation to Mexico.

12           4.       My office number is 702-388-6577. My address is 411 E. Bonneville  
13 Ave., Ste. 250, Las Vegas, Nevada 89101.

14           5.       According to her notice of appearance (ECF No. 5), Attorney for  
15 Respondents is Virginia Tomova. Her number is 702-388-6336 and her address is  
16 501 Las Vegas Blvd. So., Suite 1100, Las Vegas, Nevada 89101. It was  
17 communicated to AFD Laura Barrera that Christian Ruiz and Summer Johnson  
18 are also assigned to this case.

19           6.       Lead counsel, AFD Laura Barrera, reached out to AUSA Christian  
20 Ruiz and Summer Johnson this morning requesting further information regarding  
21 Mr. Suarez-Ramirez being removed from Henderson Detention Center. As of the  
22 signing of this declaration, we have not received a response.  
23  
24  
25  
26  
27

1 I declare under penalty of perjury that the forgoing statement is true. This  
2 statement was executed in Las Vegas, Nevada, on December 11, 2025.



3  
4  
5 Ashlyn Saenz-Ochoa

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27