

DETAINED

Julia C. Hunter
Law Offices of Carol L. Edward & Associates, P.S.
500 Denny Way,
Seattle, WA 98109
206-956-9556
julia@seattle-immigration.com

Attorney for Petitioner

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

SANTOS OROZCO VALLE,

Petitioner,

v.

BRUCE SCOTT, et. al.,

Respondents.

Case No.: 25-2429

EX PARTE EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER
AND STAY OF REMOVAL

Agency File Number: 

Note on Motion Calendar: December 2, 2025

INTRODUCTION

1. Petitioner, Santos Orozco Valle ("Mr. Orozco Valle") respectfully moves this Court for a temporary for a temporary restraining order ("TRO") pending its adjudication of his Petition for Writ of Habeas Corpus filed on December 2, 2025. Specifically, Petitioner requests the Court order Respondents to cease any ongoing actions and refrain from taking any additional actions toward effectuating Petitioner's removal from the United States until this Court has adjudicated his petition.

2. A TRO prohibiting Petitioner's removal is necessary because Petitioner is likely to succeed on his underlying petition for a writ of habeas corpus. A proposed order also accompanies this motion.

STATEMENT OF FACTS

3. Petitioner, Mr. Orozco Valle is a 40-year-old citizen of Mexico who is currently detained in the Northwest ICE Processing Center in Tacoma, Washington, and is now at imminent risk of deportation to a third country despite having been granted withholding of removal under the Convention Against Torture by an Immigration Judge with the Tacoma Immigration Court on November 18, 2025.

4. Even though the Immigration Judge ordered Mr. Orozco Valle removed, that order of removal was withheld when the Immigration Judge granted Mr. Orozco Valle protection under the Convention Against Torture. *See* 8 C.F.R. § 1208.16.

5. Today Petitioner was informed by Respondents that they intend to removal Mr. Orozco Valle to Honduras.

BASIS FOR MOTION

6. First and foremost, Respondents' actions to try to effectuate his removal to a third country violate Mr. Orozco Valle's due process rights to appeal the Immigration Judge's decision. The order of removal entered on November 18, 2025, is not administratively final because the time allotted for Mr. Orozco Valle to appeal that decision has not expired. 8 C.F.R. § 1241.1. Thus, any attempt to remove Mr. Orozco Valle to another country during the appeal period is blatantly unlawful and a deprivation of Mr. Orozco Valle's due process rights. *See Salazar-Gonzalez v. Lynch*, 798 F.3d 917, 921 (9th Cir. 2015) ("When a lawyer's error results in an alien being denied his right to appeal altogether, we apply a 'presumption of prejudice.'").

7. Second, Mr. Orozco Valle continues to challenge his unlawful re-detention and arbitrary revocation of humanitarian parole by Respondents. As explained in depth in the petition, Respondents violated Mr. Orozco Valle's due process rights when they re-detained him

1 out of nowhere in May 2025 without providing Mr. Orozco Valle with any written notice
2 explaining the basis for the revocation of his release. In fact, Mr. Orozco Valle was preparing
3 with counsel for his long-awaited individual hearing on his asylum application at the time he was
4 arbitrarily re-arrested by Respondents. At no point during his nearly seven months of detention
5 did Respondent's provide Mr. Orozco Valle with a hearing before a neutral decisionmaker where
6 Respondents were required to justify the basis for re-detention or explain why Mr. Orozco Valle
7 is a flight risk or danger to the community.

8 8. Third, Mr. Orozco Valle also challenges the process by which Respondent has
9 employed and continues to employ in its effectuation of the removal order to a third country
10 without providing Mr. Orozco Valle with a meaningful opportunity to present a claim of fear of
11 torture or persecution as to Honduras in accordance with the Immigration and Naturalization Act
12 and Foreign Affairs Reform Restructuring Act of 1998 (FARRA). Mr. Orozco Valle has no close
13 connection to Honduras and fears that he would suffer harm rising to the level of persecution or
14 torture if removed there. *See id.* 8 U.S.C. § 1231(b)(2). Pursuant to Respondents' current policy
15 governing third country removals, Respondents do not have to provide Mr. Orozco Valle with
16 any substantive process for applying for protection from Honduras.

17 9. Even where, as is the case here, Respondents informed Mr. Orozco Valle of his
18 imminent removal to Honduras, he was not affirmatively asked whether he had a fear of removal
19 to that country. Moreover, once a person expresses a fear of return to the proposed third country,
20 Respondents' policy provides that an interview will occur within 24 hours, without notice to
21 counsel, and without any opportunity to prepare for the interview. According to Respondents'
22 police, whatever the outcome of this streamlined process is the final determination. Petitioner is
23 deprived of his right to seek review by an immigration judge or judicial review from a federal

1 court. More alarmingly, Respondent's policy does not prevent the proposed third country—
 2 Honduras in this case—from removing Petitioner back to his native country of Mexico, which he
 3 fled and the Immigration Judge determined Mr. Orozco Valle faced a clear probability of torture
 4 with the consent and acquiescence of the Mexican Government. As Petitioner can attest
 5 firsthand. Respondents' current policy allows them to remove Mr. Orozco Valle at any time and
 6 without providing any meaningful process for him to present claims for protection.

7 ARGUMENT

8 10. On a motion for a temporary restraining order, the movant "must establish that he
 9 is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of
 10 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the
 11 public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int'l*
 12 *Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary
 13 injunction and TRO standards are "substantially identical"). A TRO may issue where "serious
 14 questions going to the merits [are] raised and the balance of hardships tips sharply in [plaintiff's]
 15 favor." *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (citation
 16 modified). To succeed under the "serious question" test, Mr. Orozco Valle must also show that
 17 he is likely to suffer irreparable injury and that an injunction is in the public's interest. *Id.* at
 18 1132.

19 I. Petitioner is likely to succeed on the merits.

20 First, Petitioner's claim that Respondents violated his due process rights when they re-
 21 detained Mr. Orozco Valle without notice and without a pre-detention hearing before a neutral
 22 decisionmaker is likely to succeed because this Court has already ruled in favor of other
 23 plaintiffs in similar cases. *See Ramirez Tesara v. Wamsley*, 2025 WL 2637663, at *2–3 (W.D.

1 Wa. Sept. 12, 2025), *Kumar v. Wamsley*, 2025 WL 2677089, at *2–3 (W.D. Wa. Sept. 17, 2025);
 2 *Ledesma Gonzalez v. Bostock*, 2025 WL 2841574, at *7–8 (W.D. Wa. Oct. 7, 2025). And even if
 3 this Court were to conclude that Petitioner’s case is somehow distinct from the plaintiffs in the
 4 above-mentioned cases, the due process principles that guided the Court’s decisions in those
 5 cases still applies to this one. Specifically, to determine whether there has been a due process
 6 violation, this Court applies the time-honored framework from *Mathews v. Eldridge*, 424 U.S.
 7 319 (1976) to evaluate the liberty interest at stake, the risk of erroneous deprivation of liberty
 8 through the current procedures used, the probable value, if any, of additional or substitute
 9 procedural safeguards, and the Government’s interest and burden that the additional or substitute
 10 procedural requirement would entail. *Id.* at 335.

11 Second, Petitioner’s claim that Respondents’ current policy on third country removal
 12 violates his statutory right to seek protection is also likely to succeed on the merits. Respondents’
 13 policy is an egregious affront to the principles of due process that noncitizens are entitled to
 14 under the Fifth Amendment of the U.S. Constitution. As detailed in the Writ, the streamlined
 15 process by which Respondents can effectuate removal to a country other than a noncitizen’s
 16 country of birth fails to provide Petitioner with a meaningful opportunity to express fear of return
 17 to that country, present a fear-based claim before a neutral arbiter, and seek review of any
 18 administrative decision regarding his claim before an immigration judge or federal court.

19 **II. Petitioner will suffer irreparable harm absent a TRO.**

20 Petitioner will suffer irreparable harm absent an order from this Court prohibiting his
 21 removal to a third country without adequate procedural safeguards in accordance with Mr.
 22 Orozco Valle’s statutory, regulatory, and due process rights, and the United States’ commitment
 23 to non-refoulement under international law. *See* Immigration and Nationality Act § 241(b)(3);

1 Due Process Clause of the Fifth Amendment; Foreign Affairs Reform and Restructuring Act of
2 1998, Pub. L. No. 105–277, div. G, tit. XXII, § 2242(a), 112 Stat. 2681, 2681–822 (1998)
3 (codified at Note to 8 U.S.C. § 1231); *see also* 8 C.F.R. § 1240.10(f); 8 C.F.R. §
4 1240.11(c)(1)(i).

5 First, Respondents are communicating directly with Mr. Orozco Valle and blatantly
6 ignoring that he is represented by counsel. As a represented individual, Respondents should have
7 communicated directly with counsel with regard to any proposed third country removal; yet no
8 notice or communication was provided. Courts have recognized that such interference with
9 access to counsel is a form of irreparable harm, as it can have significant effects on a person’s
10 ability to defend or present their case. *See, e.g., Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850,
11 879 (C.D. Cal. 2025); *cf. Immigrant Defs. L. Ctr. v. Noem*, 145 F.4th 972, 993 (9th Cir. 2025)
12 (“Noncitizens’ ‘fundamental’ right to counsel must be respected in substance as well as in
13 name.”).

14 Second, Petitioner would suffer irreparable harm in the form of being summarily
15 removed to a country that Mr. Orozco Valle has no close connection to and fears would suffer
16 persecution and torture without a meaningful opportunity to contest this removal in court. Mr.
17 Orozco Valle has no family in Honduras and no support system of any kind. Additionally,
18 Petitioner would suffer irreparable harm by being deported to Honduras without any guarantees
19 that Honduras would not turn around and deport him to Mexico where he will more likely than
20 not suffer persecution and torture at the hands of the cartels and Mexican police.

21 Lastly, additional forms of harm are present here. Mr. Orozco Valle has now been
22 detained for nearly seven months. Due to his prolonged detention, Mr. Orozco Valle has been
23 unable to financially support his U.S. citizen son, long-time U.S. citizen partner, and his four

1 children in Mexico, who he provide critical economic assistance. Such economic harm also
 2 constitutes irreparable harm. While it “is true that economic injury alone does not support a
 3 finding of irreparable harm,” this is “because such injury can be remedied by a damage award.”
 4 *Rent-A-Center, Inc. v. Canyon Television & Appliance Rental, Inc.*, 944 F.2d 597, 603 (9th Cir.
 5 1991). There are no means in a case like this one by which Mr. Orozco Valle could possibly
 6 obtain damages from the federal government, and thus this default rule does not apply. *See, e.g.*,
 7 *Goldie’s Bookstore, Inc. v. Superior Court*, 739 F.2d 466, 471 (9th Cir. 1984) (“Mere financial
 8 injury ... will not constitute irreparable harm if adequate compensatory relief will be available in
 9 the course of litigation.” (emphasis added)).

10 **III. The balance of hardships and the public interest justify a TRO.**

11 The final two factors for a preliminary injunction—the balance of hardships and public
 12 interest—“merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418,
 13 435 (2009). Here, Petitioner faces extreme hardships: summary expulsion to a country with
 14 known human rights abuses, deprivation of his statutory right to present a fear-based claim
 15 before an immigration judge, loss of access to counsel in challenging his removal, and continued
 16 economic hardship by removing Petitioner to a country with no support system whatsoever after
 17 being detained for nearly seven months. Respondents, on the other, face no hardship with respect
 18 to Petitioner’s request for a TRO, as all they must do is refrain from removing Petitioner until
 19 after this Court has adjudicated his underlying petition. Respondents communication to
 20 Petitioner about removal to Honduras, without notifying counsel and during Mr. Orozco Valle’s
 21 statutory appeal period are especially egregious. Respondents are well aware that Mr. Orozco
 22 Valle is represented by counsel and that Mr. Orozco Valle is entitled to file an appeal with the
 23 Board of Immigration Appeals within 30 days of the entry of the Immigration Judge’s order

1 before his removal order can be deemed administratively final. Lastly, Respondents are further
 2 aware that Petitioner is more than likely to prevail on the merits of the underlying petition.
 3 Despite that, Respondents are clandestinely trying to remove Mr. Orozco Valle to Honduras,
 4 taking him away from his home, his family, and his community in this state. Avoiding such
 5 “preventable human suffering” strongly tips the balance in favor of Petitioner. *Hernandez v.*
 6 *Session*, 872 F.3d 976, 996 (9th Cir. 2017) (quoting *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th
 7 Cir. 1983)). What is more, “the public interest benefits from an injunction that ensures that
 8 individuals are not deprived of their liberty and held in immigration detention because of . . . a
 9 likely [illegal] process.” *Id.* at 996. That rationale applies here too, as but for Respondents’
 10 unlawful policy, Mr. Orozco Valle would likely be out of detention and at home in this state,
 11 without facing removal to a dangerous third country. Accordingly, the balance of hardships and
 12 the public interest favor a temporary restraining order to ensure that Respondent do not removal
 13 Petitioner in violation of his statutory, regulatory, and due process rights.

14 CONCLUSION

15 For the reasons above, the Court should order Respondents to refrain from taking any
 16 action to effectuate Mr. Orozco Valle’s removal to Honduras.

17 WHEREFORE, for the reasons set forth in his Petition for a Writ of Habeas Corpus, and
 18 in this Motion, Mr. Orozco Valle respectfully requests this Court:

- 19 1. Grant this Emergency Motion for Temporary Restraining Order and Stay of Removal
 20 today, December 2, 2025,
- 21 2. Enter the Proposed Order Granting Petitioner’s Emergency Motion for Temporary
 22 Restraining Order and Stay of Removal today, December 2, 2025; and
- 23 3. Grant such other and further relief as justice may require.

1 Dated: December 2, 2025.

/s/ Julia C. Hunter

2 Julia C. Hunter, WSBA 56233
3 Law Offices of Carol L. Edward
& Associates, P.S.
4 500 Denny Way, Seattle, WA 98109
206-956-9556
5 julia@seattle-immigration.com
Attorney for Petitioner