

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE

4 Greggory SORIO,

5 Petitioner,

6 vs.

7 Laura HERMOSILLO, Seattle Field Office
8 Director, Enforcement and Removal Operations,
9 United States Immigration and Customs
10 Enforcement (ICE); Bruce SCOTT, Warden,
11 Northwest ICE Processing Center; Kristi
12 NOEM, Secretary, United States Department of
13 Homeland Security; Pamela BONDI, United
14 States Attorney General; UNITED STATES
15 DEPARTMENT OF HOMELAND
16 SECURITY,

17 Respondents.

Case No.: 2:25-cv-2492

PETITIONER'S *EX PARTE* EMERGENCY
APPLICATION FOR TEMPORARY
RESTRAINING ORDER

18 **EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER**

19 Petitioner is in imminent danger of being removed pursuant to an Order of Removal and
20 denied Stay of Removal request. An order prohibiting deportation is warranted because
21 Petitioner is likely to suffer irreparable harm if he is forced to travel twenty-plus hours to his
22 home country of the Philippines. Petitioner does not seek to overturn the decision of the
23 Immigration Judge ordering his removal; rather, he seeks a Temporary Restraining Order to
24 permit him to attend his future doctor's appointment and receive adequate medical attention that
25 will allow his medical conditions to stabilize prior to his travel home to the Philippines.

26 Pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the All Writs Act,
27 Petitioner hereby applies for a temporary restraining order against Respondents. Petitioner is a
28 civil immigration detainee who is at substantial risk of immediate, summary removal from the

PETITIONER'S EX PARTE EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING
ORDER - 1

1 United States pursuant to an Order of Removal issued by a Tacoma Immigration Judge on
2 October 2, 2025. Petitioner's application for a Stay of Removal was denied by Immigration and
3 Customs Enforcement ("ICE") on December 6, 2025.

4 As set forth in the following evidence, Respondent's denial of Petitioner's application for
5 a Stay of Removal places Petitioner at immediate risk of irreparable injury, and the balance of
6 hardships and the public interest favor relief. Petitioner is in need of critical healthcare and
7 cannot be removed from the United States in his current condition.

8
9 In support of this Motion, Petitioner relies upon the accompanying evidence in support of
10 a Temporary Restraining Order and underlying Petition for Writ of Habeas Corpus. A proposed
11 order is attached for the Court's convenience. Petitioner respectfully requests that the Court grant
12 this emergency application and issue a temporary restraining order preventing his removal from
13 the United States until such time that his medical conditions have stabilized and he has been
14 deemed safe to travel by independent medical review.
15

16
17 **STATEMENT OF FACTS**

18 Petitioner is a noncitizen who entered the United States as a lawful permanent resident in
19 2007. Ex. A; Petitioner's Application for Stay of Removal. He has resided in the United States
20 since then and has two U.S. citizen children. *Id.* He was apprehended in March 2025 following
21 his release from criminal incarceration. *Id.* Respondents considered him subject to the mandatory
22 detention provisions of 8 U.S.C. § 1182 and denied him release on bond. Petitioner has been
23 detained at the Tacoma Northwest Detention Center for the entirety of his removal proceedings.
24 He sought relief before the Tacoma Immigration Court in the form of Cancellation of Removal
25 under Immigration and Nationality Act ("INA") § 240A(a) and Withholding of Removal under
26 INA § 241(b)(3)(B). Both applications were denied in a decision issued October 2, 2025 by the
27 PETITIONER'S EX PARTE EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING
28 ORDER - 2

1 Tacoma Immigration Court. Ex. G. On November 26, 2025, Petitioner filed an application for a
2 Stay of Removal based on exceptional medical need. Ex. A. On December 6, 2025, ICE denied
3 the Stay of Removal request. Ex. B. On December 7, 2025, Philippine Airlines refused to allow
4 Petitioner onboard the flight ICE scheduled for his removal due to his medical condition. Supp,
5 Decl. of Counsel. On December 8, Petitioner was informed that ICE would attempt to put him on
6 a plane again on December 8, 2025 at 9:30 p.m. *Id.* Respondents informed Petitioner's counsel
7 that he would be deported as soon as possible. *Id.*

9 Since being detained by ICE, Petitioner has complained of stomach and chest pains, pain
10 in his foot, and trouble breathing. Ex. F; Decl. of Petitioner. Petitioner vomited blood and passed
11 blood in his stool for months before he was brought to the hospital by ICE. *Id.* Upon arriving at
12 St. Joseph Medical Center in Tacoma on October 22, 2025, Petitioner was diagnosed with
13 tachycardia, ulcerative colitis, and osteomyelitis. Ex. C; Petitioner's Medical Records. His
14 medical documents show that his symptoms worsened progressively for five months without
15 comprehensive medical care. *Id.* Petitioner had two amputations on his right foot due to a bone
16 infection. *Id.* His records show that he lost thirty pounds in detention, developed anemia, a
17 kidney injury, and a vitamin D3 deficiency. *Id.* He was discharged from the hospital on
18 November 12, 2025, after ten days of hospitalization, with eleven medications and instructions to
19 continue wound care on his amputations and return in six weeks. *Id.*

22 Upon his return to detention at the Northwest Detention Center, Petitioner's medical
23 condition deteriorated. *Id.*, Decl. of Petitioner. At a medical appointment on November 26, 2025,
24 his steroid dosage increased in response to his passing blood in his stool and vomiting blood.
25 Decl. of Petitioner. Petitioner was told to return in six weeks to receive an IV infusion of
26 medication intended to taper him off steroid medication. Ex. C. He returned to the Northwest
27 PETITIONER'S EX PARTE EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING
28 ORDER - 3

1 Detention Center, where ICE medical staff attempted to remove the stitches from the wounds on
2 his right foot. Decl. of Petitioner. In the process, his sutures opened back up and he was left with
3 open wounds. *Id.* In the following days, Petitioner was denied medical tape and gauze needed to
4 protect his open wounds while showering. *Id.* His tachycardia returned, he began passing blood
5 again, and he is currently unable to walk. *Id.*

6
7 Following the filing of his Stay of Removal, Counsel continued to update Respondents on
8 Petitioner's medical condition. Ex. E. Multiple attempts to seek alternative medical care went
9 unanswered by Respondents. *Id.* Upon receiving the Stay of Removal denial, Counsel attempted
10 to contact Respondents through the telephone number provided in the denial. Supp. Decl. of
11 Counsel. Counsel's calls went unanswered and Counsel was unable to leave a voicemail. *Id.* On
12 December 7, 2025, Counsel was informed that Petitioner would be deported that night. *Id.* On
13 December 7, 2025, Philippine Airlines refused to allow Petitioner to board a scheduled removal
14 flight given statements of support and documentation from community members outlining his
15 dire medical situation. *Id.* On December 8, 2025, Respondents informed Petitioner, through
16 counsel, that Petitioner would be deported as soon as possible. *Id.* Petitioner files this petition
17 and application for temporary restraining order in response to Petitioner's imminent deportation.
18
19

20 ARGUMENT

21 On a motion for a TRO, the movant "must establish that he is likely to succeed on the
22 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the
23 balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v.*
24 *Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int'l Sales Co. v. John D. Brush &*
25 *Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and TRO
26 standards are "substantially identical"). A TRO may issue where "serious questions going to the
27 PETITIONER'S EX PARTE EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING
28 ORDER - 4

1 merits [are] raised and the balance of hardships tips sharply in [plaintiff's] favor." *All. for the*
2 *Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (citation modified). To succeed
3 under the "serious question" test, Mr. Sorio must also show that he is likely to suffer irreparable
4 injury and that an injunction is in the public's interest. *Id.* at 1132.

5
6 This Court has the authority to grant Petitioner's release pending adjudication of his
7 habeas. See *Mapp v. Reno*, 241 F.3d 221, 230 (2d Cir. 2001). *Mapp* sets forth that the district
8 court has the "inherent authority" to set bail pending the adjudication of a habeas petition when
9 the petition has raised (1) substantial claims and (2) extraordinary circumstances that (3) "make
10 the grant of bail necessary to make the habeas remedy effective." *Id.*; see also *Elkimya v. Dep't*
11 *of Homeland Sec.*, 484 F.3d 151, 154 (2d Cir. 2007) (discussing standard and holding that the
12 REAL ID Act of 2005 "did not qualify our inherent authority to admit bail to petitioners in
13 immigration cases"). See e.g. *Ozturk v. Trump*, No. 2:25-CV-374, 2025 WL 1420540, at *10 (D.
14 Vt. May 16, 2025); *Mahdawi v. Trump*, No. 2:25-CV-389, 2025 WL 1243135, at *14 (D. Vt.
15 Apr. 30, 2025); *United States v. Nkanga*, 452 F. Supp. 3d 91, 96 (S.D.N.Y. 2020); *Avendano*
16 *Hernandez v. Decker*, 450 F. Supp. 3d 443 (S.D.N.Y. 2020); *Coronel v. Decker*, 449 F. Supp. 3d
17 274, 290 (S.D.N.Y. 2020); *Barbecho v. Decker*, No. 20-CV-2821 (AJN), 2020 WL 2513468, at
18 *7 (S.D.N.Y. May 15, 2020); *S.N.C. v. Sessions*, No. 18 Civ. 7680 (LGS), 2018 WL 6175902, at
19 *6 (S.D.N.Y. Nov. 26, 2018); *Kiadii v. Decker*, 423 F. Supp. 3d 18 (S.D.N.Y. 2018);
20 *D'Alessandro v. Mukasey*, No. 08 Civ. 914, 2009 WL 799957, at *3 (W.D.N.Y. Mar. 25, 2009)

21
22 While the Ninth Circuit has not explicitly adopted the *Mapp* standard, it has recognized
23 that district courts have the inherent authority to order release while a district court action is
24 pending. See e.g. *Nadarajah v. Gonzalez* 1084 (9th Cir. 2006) ("we grant his motion for
25 immediate release, subject to terms and conditions to be set by the appropriate delegate of the
26 PETITIONER'S EX PARTE EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING
27 ORDER - 5
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1 Attorney General.”); *Gebreweldi v. Barr*, No. 20-71009, 2020 WL 13017241, at *1 (9th Cir.
2 May 1, 2020) (unpublished) (“the district court can adjudicate petitioner’s request for release
3 under 28 U.S.C. § 2241, and we anticipate that it will do so promptly..”); *Singh v. United States*
4 *Citizenship & Immigr. Servs.*, No. SACV171538JVSJCGX, 2018 WL 6265006, at *3 (C.D. Cal.
5 Mar. 8, 2018) (“The Court further orders that Singh be released from custody forthwith pending
6 further proceedings in this case.”)

7
8 *Mapp* confirms that the federal courts have the inherent authority to order release in the
9 immigration context but emphasized the “limited” nature of that authority, which is “to be
10 exercised in special cases only,” when “extraordinary or exceptional circumstances exist which
11 make the grant of bail necessary to make the habeas remedy effective” 241 F.3d at 226. As the
12 July 30, 2025 order issued by Magistrate Judge Pym in *Vasquez Perdomo v. Noem*, 2:25-cv-
13 05605-MEMF-SP (CD. Cal. Jul. 30, 2025) Dkt # 132 (Exh. D) found, there are times when
14 original jurisdiction to order release should be exercised favorably.
15

16
17 **I. Petitioner is likely to succeed on the merits of his claim.**

18 The Fifth Amendment’s Due Process Clause prohibits the federal government from depriving
19 “any ‘person...of...liberty...without due process of law,’” and its protections extend “to all
20 ‘persons’ within the United States, including aliens.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 693
21 (2001). Freedom from physical restraint falls at the core of the liberty interest protected from
22 arbitrary governmental action by the Due Process Clause. *Youngberg v. Romeo*, 102 457 U.S.
23 307, 316 (1982).
24

25 The government deprives a detainee of this substantive liberty interest without due process
26 when it detains them under conditions that “amount to punishment.” *Bell v. Wolfish*, 441 U.S.
27 520, 526 (1979). “Conditions which pose an objectively unreasonable and substantial risk of
28
PETITIONER’S EX PARTE EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING
ORDER - 6

1 serious harm to detainee health or safety are not rationally related to a legitimate nonpunitive
2 government purpose.” *Gutierrez-Lopez v. Figueroa*, 462 F.Supp.3d, 973, 985 (D. Ariz. May 27,
3 2020) (citing *Castro v. County of Los Angeles*, 833 F.3d 1060, 1085 (9th Cir. 2016) (IKUTA, J.,
4 dissenting) (“objectively unreasonable action has no legitimate nonpunitive governmental
5 purpose”); *Farmer v. Brennan*, 511 U.S. 825, 833 (1994); *Whitley v. Albers*, 475 U.S. 312, 320
6 (1896) (the government’s “responsibility to attend to the medical needs of prisoners does not
7 ordinarily clash with other equally important governmental responsibilities”); *Estelle v. Gamble*,
8 429 U.S. 97, 103 (1976) (the denial of medical care which results in pain and suffering does not
9 “serve any penological purpose”). Here, the continued denial of medical care for the Petitioner
10 throughout his time in detention, which has all but created Petitioner’s current medical problems,
11 violated his substantive due process rights and allowing him to be placed on a flight, where there
12 is no guarantee his medical situation will be adequately cared for or monitored, is a violation of
13 the Fifth Amendment of the Constitution.

14
15
16 Not only to the conditions of his confinement violate substantive due process, but procedural
17 due process requires analysis of Petitioner’s request for a Stay of Removal before a neutral
18 decisionmaker. As this Court has recently recognized, the three-factor test establishing in Under
19 the three-part test established in *Mathews v. Eldridge*, 424 U.S. 319 (1976) is appropriate for
20 analyzing procedural due process claims. *See, e.g. E.A.T.-B. v. Wamsley*, --- F. Supp. 3d --- No.
21 C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025). Petitioner’s private interest in
22 being released on an alternative to detention is high given the exceptional medical circumstances
23 he is facing. The risk of erroneous deprivation is high given the changed conditions since
24 Petitioner last had notice and opportunity to be heard. Finally, Respondent’s interest in civil
25
26
27

1 detention is low given the many alternatives to detention available and the intention of Petitioner
2 to depart as soon as he is medically stable.

3
4 **II. Petitioner will suffer irreparable harm absent a TRO.**

5
6 Petitioner will suffer irreparable harm absent an order staying deportation and requiring
7 adequate medical care. His deportation interferes with access to medical care and the medical
8 professionals that have been treating him over the past almost two months. After waiting five
9 months in detention for medical attention, Petitioner is now at risk of losing the care he has only
10 just been permitted. All of Petitioner's medical conditions developed while in ICE custody and
11 worsened progressively as his requests for treatment were ignored or denied. Petitioner has
12 already suffered irreparable harm under Respondents care and further denying access to his
13 medical team only furthers his existing injuries.

14
15 **III. The balance of hardships and public interest warrant a TRO.**

16
17 The final two factors for a preliminary injunction—the balance of hardships and public
18 interest— “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418,
19 435 (2009). Here, Petitioner faces weighty hardships: further interruption of his medical care for
20 ulcerative colitis will set him back and trigger gastrointestinal bleeding. Further, the lack of
21 hygienic wound care on the journey to the Philippines could cause further infection to his bones.
22 Interruption of his antibiotic treatment could quickly lead to reinfection, sepsis, and death.

23
24 In contrast, Respondents face minimal hardship: the administrative costs associated with
25 detention and medical care. Respondents could minimize the former by allowing Petitioner
26 humanitarian release while he completes the most urgent aspects of his medical care. There is a
27 financial benefit to *not* continuing to detain Petitioner, especially given his cooperation with the
28 PETITIONER'S EX PARTE EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING
ORDER - 8

1 attempted deportation on December 7, 2025. “[T]he balance of hardships tips decidedly in
2 plaintiffs’ favor” when “[f]aced with such a conflict between financial concerns and preventable
3 human suffering.” *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017) (quoting *Lopez v.*
4 *Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983)). The public interest is served by preventing
5 avoidable health crises. Respondents were told by an airline that Petitioner is not fit to travel; it
6 follows that this is human suffering that can be mitigated.

7
8 **CONCLUSION**

9 Accordingly, as outlined in the accompanying proposed order, Plaintiffs request that the
10 Court grant temporary injunctive relief to the named Plaintiffs, enjoining Defendants from
11 effecting the removal of Petitioner and allowing him the opportunity to seek adequate medical
12 care and stabilize his health before executing his removal order.
13

14
15 Dated this 8th of December, 2025:

16
17 s/Sam Sueoka
18 Sam Sueoka, WSBA No. 59949
19 Attorney for Petitioner
20 P.O. Box 18011
21 Seattle, WA 98118
22 (808) 729-1088
23 ssueoka@proton.me

24
25 s/Louise Carhart
26 Louise Carhart
27 Attorney for Petitioner
28 Kempster, Corcoran, Quiceno & Lenz-Calvo, Ltd.
332 S Michigan Ave, Suite 1428
Chicago, IL 60604
312 341 9730
louise@kclc-ltd.com
Bar Number 6343214

WORD COUNT CERTIFICATION

I certify that this motion contains 2,644 words, in compliance with the Local Civil Rules.

s/Sam Sueoka

Sam Sueoka, WSBA No. 59949

Attorney for Petitioner

P.O. Box 18011

Seattle, WA 98118

(808) 729-1088

ssueoka@proton.me