

DETAINED

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

N.Y.F.S.,


Petitioner,
v.

PAMELA BONDI, *et al.*;

Respondents.

Case No.: 2:25-cv-2556

MOTION FOR EMERGENCY
TEMPORARY RESTRAINING ORDER
AND STAY OF REMOVAL

Agency File Number: 

MOTION FOR EMERGENCY TEMPORARY RESTRAINING ORDER
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(CASE NO. 2:25-cv-2556)

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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 her removal from the United States and her transfer to another detention facility while these proceedings are pending.

II. Basis for Motion

1. Petitioner is a 40-year-old woman from Honduras who is a single mother to her four year old U.S. Citizen son. Petitioner is a victim of trafficking and domestic violence. Petitioner is currently being held in detention at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE). She has been detained since November 26, 2025.

2. Petitioner filed a petition for a writ of habeas corpus on December 12, 2025. She seeks release because she has only just learned that she is subject to an order of removal that was issued in 2019 after she left the state where her removal proceedings were pending in an effort to escape the father of her children. Petitioner was unaware of further immigration court proceedings and she is eligible to reopen proceedings based on lack of notice and extraordinary circumstances.

3. Petitioner continues to witness fellow detainees being torn from their units and being told they are being transferred to other states.

4. Petitioner fears that at any moment she will be transferred and she will lose her access to counsel and her ability to care of her son.

5. Respondents may attempt to transfer Petitioner at anytime.

6. Petitioner seeks an emergency TRO and stay of removal today.

III. Argument

A. Standards for Temporary Restraining Order

7. 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)).

8. 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 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.

9. Petitioner meets both of these tests.
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B. Petitioner is likely to succeed on the merits and has raised serious legal questions.

10. As stated in the petition, Petitioner seeks release in part because she was unaware of a removal order against her and has a high likelihood of succeeding in setting aside the removal order if she can retain her current counsel. Additionally, Petitioner is eligible to apply and will most likely be approved for a Trafficking Visa. Petitioner has a fear of returning to her country.

11. Petitioner's transfer is likely to result in prolonged detention out of state, which separates her even further from her four year old son whose trauma at losing his mother increases every day that she is gone.

12. Petitioner has additionally alleged that Respondents detained her arbitrarily and obtained evidence against her through unreasonable seizure. Petitioner is likely to succeed on the merits as *Winter* requires, and she 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 she is transferred to another detention facility or if she is removed from the United States.

2. Petitioner will lose the support of her attorney if transferred or deported, she would be unable to set aside the removal order and if return to Honduras she would be vulnerable to abuse from the father of her children, while her youngest child would be left in the U.S. without his mother.

3. The probability of transfer is high, and the probability of removal is high due to the removal order.

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

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

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

15. As to the public interest, it is in the public interest for the government to follow its own laws, and care for its children. A prolonged detention or removal would put Petitioner's child in substantial risk without his mother to care for him.

16. 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

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

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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.

18. WHEREFORE, for the reasons set forth in his Petition for Habeas Corpus, and in this Motion the Petitioner respectfully requests this Court:

1. Grant this Emergency Motion for Temporary Restraining Order and Stay of Removal today, December 12, 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: December 12, 2025

/s/ AVB

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