DETAINED

Stephen C. Robbins
6 South 2nd St. Ste. 1002
Yakima, WA 98901
(509) 823-4523
stephen@robbinsimmigration.com

Attorney for Petitioner

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

Yair Eduardo GRAJEDA Velazquez Petitioner, v. Cammilla WAMSLEY, Seattle Field Office Director, Enforcement and Removal Operations, United States Immigration and Customs Enforcement (ICE); Bruce SCOTT, Warden, Northwest ICE Processing Center; Kristi NOEM, Secretary, United States Department of Homeland Security; Pamela BONDI, United States Attorney General; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; Respondents.	Case No. 2:25 cv 02641 **EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND STAY OF REMOVAL** **AGENCY FILE NO:** [redacted]

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND STAY OF REMOVAL

I. Motion

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.

II. Basis for Motion

The petitioner came to the U.S. to seek asylum with his family in 2024. He was re-detained on Monday, December 15 after allegedly "missing" photo uploads in the Intensive Supervision Appearance Program (ISAP). Mr. Grajeda asserts that he always communicated with the ISAP office when there were issues with the app or upload function.

Mr. Grajeda is at risk of being arbitrarily transferred out of state, away from his friends, and family, and legal representation. The undersigned has represented approximately 8 individuals who were detained at Tacoma, Washington since October, 2025. Half of those individuals have been transferred out of state without cause.

III. Argument

A. Standards for Temporary Restraining Order

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.

Robbins Law PLLC
6 South 2nd St. Ste. 1002
Yakima, WA 98901
(509)823-4523

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)).

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.

Mr. Grajeda meets both of these tests.

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

Mr. Grajeda's fundamental due process rights were violated when he was detained without explanation after having previously been released by the Department of Homeland Security at the border.

C. Mr. Grajeda faces irreparable harm, and a hardship balance tips sharply toward him.

If transferred, Mr. Grajeda faces long term separation, a change in jurisdiction over his custody, and prolonged and unnecessary detention.

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

Robbins Law PLLC
6 South 2nd St. Ste. 1002
Yakima, WA 98901
(509)823-4523

The remaining two factors for an injunction are the same under both legal tests, and they both favor Mr. Grajeda. As ICE agents continue to aggressively arrest people in the community it is critical that they be held to account and follow basic principles of due process. The public has a vested interest in ensuring that their liberty interests are honored and protected.

IV. Conclusion

1. 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 Mr. Grajeda from the United States while these proceedings are pending;

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

WHEREFORE, for the reasons set forth in his Petition for Writ of 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;

Robbins Law PLLC
6 South 2nd St. Ste. 1002
Yakima, WA 98901
(509)823-4523

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: Dec. 21, 2025

s/ Stephen C. Robbins
Stephen C. Robbins
Robbins Law PLLC
6 South 2nd St. Ste. 1002
Yakima, WA 98901