

DETAINED

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Attorney for Petitioner

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

Sila YILDIRIM

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-2696

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER
AND STAY OF REMOVAL**

AGENCY FILE NO:



**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND STAY OF REMOVAL**

PETITIONER'S MOTION FOR TRO
AND STAY OF REMOVAL
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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 her removal from the United States and her transfer to another detention facility while these proceedings are pending.

II. Basis for Motion

The petitioner came to the U.S. to seek asylum in October 2024. She has lived in the U.S. without incident since that time. She was re-detained on December 11, 2025 by Immigration and Customs Enforcement and remains detained at the Northwest ICE Processing Center.

Ms. Yildirim was detained along with her spouse, Emirhan Aslan. Detention has been extremely difficult for Ms. Yildirim and she fears that she may be arbitrarily transferred out of state, away from her husband and support system. 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 or warning, to Eloy Arizona, Jena Louisiana, and Pearsall Texas.

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.

1 *Sherley v. Sibelius*, 644 F.3d 388, 392 (D.C. Cir. 2011) (alteration in original, quoting *Winter v.*
2 *Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). “The same standard applies to both
3 temporary restraining orders and to preliminary injunctions.” *Sterling Commercial Credit-Michigan,*
4 *LLC v. Phoenix Industries I, LLC*, 762 F. Supp. 2d 8, 12 (D.D.C. 2011) (quoting *Hall v. Johnson*, 599
5 F. Supp. 2d 1, 3 n.2 (D.D.C. 2009)).

6 The traditional test, which remains viable in the Ninth Circuit, is known as the “sliding
7 scale” test and requires the petitioner to prove “serious questions going to the merits” and “a
8 hardship balance that tips sharply toward the petitioner.” *Alliance For The Wild Rockies v. Cottrell*,
9 632 F.3d 1127 (9th Cir. 2011). As under the *Winter* test, the petitioner must also show a likelihood
10 of irreparable injury and that the injunction is in the public interest. “Under this approach, the
11 elements of the preliminary injunction test are balanced, so that a stronger showing of one element
12 may offset a weaker showing of another.” *Alliance For The Wild Rockies*, 632 F.3d at 1131.

13 Ms. Yildirim both of these tests.

14 ***B. Ms. Yildirim is likely to succeed on the merits and has raised serious legal questions.***

15 Ms. Yildirim’s fundamental due process rights were violated when she was detained
16 without explanation after having previously been released by the Department of Homeland
17 Security at the border.

18 ***C. Ms. Yildirim faces irreparable harm, and a hardship balance tips sharply toward her.***

19 If transferred, Mr. Yildirim faces long term separation from her family, a change in
20 jurisdiction over his custody, and prolonged and unnecessary detention.

1 ***D. The balance of equities tips in favor of Ms. Yildirim, and an injunction is in the public***
2 ***interest.***

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

7 **IV. Conclusion**

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

- 10 1. Enjoining and restraining the Respondents and all of their respective
11 officers, agents, servants, employees, attorneys and persons acting on their
12 behalf in concert or in participation with them from:
13 a. Removing or deporting Ms. Yildirim from the United States while these
14 proceedings are pending;
15 b. Transferring Ms. Yildirim from the Northwest ICE Processing Center
16 to any other detention facility during the pendency of these proceedings.

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

- 19 1. Grant this Emergency Motion for Temporary Restraining Order and Stay of Removal
20 today;

- 1 2. Enter the Proposed Order Granting Petitioner's Emergency Motion for Temporary
- 2 Restraining Order and Stay of Removal today; and
- 3 3. Grant such other and further relief as justice may require.

4 Dated: December 24, 2025

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