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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

VALDES OVIEDO, AMADO ARMANDO

Petitioner,

v.

IMMIGRATION AND CUSTOMS  
ENFORCEMENT FIELD OFFICE DIRECTOR

Respondent.

CIVIL ACTION NO. 2:25-CV-02720-KKE

**EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER**

**I. INTRODUCTION**

Petitioner respectfully moves this Court for a Temporary Restraining Order prohibiting Respondents from transferring Petitioner out of the Northwest ICE Processing Center in Tacoma, Washington during the pendency of his habeas corpus proceedings.

Petitioner has been granted withholding of removal and has complied with routine ICE check-ins for years pursuant to that status. On August 20, 2025, Petitioner was taken into custody during a routine check-in with his ICE officer—an appointment he had consistently attended without incident since the Immigration Court granted him protection. Petitioner is a Cuban national, and it is unknown whether Cuba would accept him for removal at all.

1 Petitioner suffers from multiple serious medical conditions, including diabetes,  
2 hypertension, and cardiac issues. Since his detention at NWIPC, Petitioner has required  
3 hospitalization for these conditions. He also has extensive family and community ties in  
4 Washington, including United States citizen children, grandchildren, and a son serving in the  
5 United States Navy.  
6

7 A custodial transfer would cause concrete, non-speculative harm by disrupting medically  
8 necessary and ongoing treatment, severing access to family support, and impairing Petitioner's  
9 ability to litigate his pending habeas petition, which he filed pro se. The requested relief is  
10 narrow, time-limited, and necessary to preserve the status quo while the Court considers the  
11 legality of Petitioner's detention. Immediate injunctive relief is therefore warranted.  
12

## 13 **II. IRREPARABLE HARM AND THE NEED TO** 14 **PRESERVE THIS COURT'S JURISDICTION**

15 Transfer of Petitioner from the Northwest ICE Processing Center would cause immediate  
16 and irreparable harm and would frustrate this Court's ability to provide meaningful habeas  
17 review.  
18

19 First, Petitioner has been granted withholding of removal—a form of protection reflecting  
20 a final determination that he cannot lawfully be removed to his country of origin. Petitioner has  
21 complied with ICE supervision for years under this status and was detained only after appearing  
22 voluntarily for a routine check-in. Transfer to another facility, particularly outside this District,  
23 creates a substantial risk of administrative error, disruption of custody classification, or actions  
24 inconsistent with Petitioner's protected status. Courts recognize that interference with legally  
25 protected immigration status constitutes irreparable harm. *Nken v. Holder*, 556 U.S. 418, 434  
26 (2009).  
27  
28

1 Second, Petitioner is sixty-five (65) years old and suffers from multiple serious and  
2 chronic medical conditions, including diabetes, hypertension, and cardiac issues. Since his  
3 detention, Petitioner has required hospitalization related to these conditions. Transfers between  
4 ICE facilities routinely result in interruptions of care, delayed access to medication, and  
5 inconsistent medical monitoring. For a medically vulnerable detainee, such disruptions pose  
6 immediate risks that cannot be undone after the fact. See *Hernandez v. Sessions*, 872 F.3d 976,  
7 994 (9th Cir. 2017).

9 Third, Petitioner has deep family and community ties in Washington, including multiple  
10 United States citizen family members and a son currently serving in the United States Navy.  
11 Transfer would sever these critical support systems, exacerbate Petitioner's medical  
12 vulnerability, and impair his ability to coordinate legal assistance and participate meaningfully in  
13 his habeas proceedings, which he initiated pro se. Courts have repeatedly recognized that  
14 interference with access to the courts and pending habeas litigation constitutes irreparable harm.  
15 *Doe v. Kelly*, 878 F. Supp. 2d 412, 417 (S.D.N.Y. 2012).

17 Federal courts possess broad authority to issue ancillary injunctive relief necessary to  
18 preserve habeas jurisdiction and prevent government action that would undermine judicial  
19 review. *Ex parte Endo*, 323 U.S. 283, 304 (1944); *Rumsfeld v. Padilla*, 542 U.S. 426, 441–42  
20 (2004). Here, the threatened transfer would occur after this Court's habeas jurisdiction attached  
21 upon filing, and further custodial movement would impair—not merely inconvenience—the  
22 Court's ability to adjudicate Petitioner's claims.

24 Courts within this District have specifically enjoined ICE from transferring detainees  
25 where such transfers would interfere with pending habeas proceedings and access to counsel.  
26 *Calderon-Rodriguez v. Wilcox*, 374 F. Supp. 3d 1024 (W.D. Wash. 2019). Maintaining  
27

Petitioner's current location imposes no burden on Respondents, while transfer risks irreversible harm to Petitioner and the integrity of this Court's habeas review.

### III. CONCLUSION

Because Petitioner's habeas petition is currently pending before this Court, and because Petitioner's age, medical conditions, protected immigration status, and pro se posture make him uniquely vulnerable to transfer-related harm, injunctive relief is necessary to prevent irreparable injury that cannot be undone after the fact.

Respectfully submitted this 27<sup>th</sup> day of January 2026.

/s/Vicky J Currie

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Vicky J Currie, WSBA #24192  
Attorney for Petitioner

### CERTIFICATION OF NOTICE PURSUANT TO FED. R. CIV. P. 65(B)(1)(B)

Pursuant to Federal Rule of Civil Procedure 65(b)(1)(B), undersigned counsel certifies that on January 27, 2026, she provided notice to the United States of Petitioners' intent to seek a Temporary Restraining Order. Specifically, counsel emailed Michelle R. Lambert, Assistant United States Attorney for the Western District of Washington, and defendant's attorney Kristin B Johnson, of the United States Attorney's Office, informing them of Petitioner's Emergency Motion for Temporary Restraining Order and the need for immediate judicial intervention to prevent Petitioner's imminent transfer. Petitioner's counsel will promptly email all filed documents to Michelle R. Lambert once they are filed. Accordingly, Petitioner has complied with Rule 65(b)'s notice requirement.

**CERTIFICATE OF SERVICE**

I, Vicky J Currie, certify that on this 27<sup>th</sup> day of January, 2026, I served true and correct copy of the **EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER** upon the following Respondents by electronic service as permitted:

**Immigration and Customs Enforcement Field Office Director**

*Defendant*

**Kristin Berger Johnson**  
US ATTORNEY'S OFFICE (SEA)  
700 STEWART ST  
STE 5220  
SEATTLE, WA 98101-1271  
206-553-7970  
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*Attorney for Defendant*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 27<sup>th</sup> day of January 2026.

/s/Vicky J Currie

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Vicky J Currie, WSBA #24192  
Attorney for Petitioner