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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 CRUZ-Rodas, Narciso
11 ESPINOZA-Balcaceres, Mercedes
12 LOPEZ, Miguel

13 Petitioners,

14 v.

15 BRUCE SCOTT, Warden of the Northwest ICE
16 Processing Center;
17 ALEJANDRO MAYORKAS, Secretary of the
18 U.S. Department of Homeland Security

19 Respondents.

CIVIL ACTION NO. 2:26-cv-00012

EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER

20 **I. INTRODUCTION**

21 Petitioners respectfully move this Court for Temporary Restraining Orders for each of
22 them, prohibiting Respondents from transferring them out of the Northwest ICE Processing
23 Center in Tacoma, Washington during the pendency of their habeas corpus proceedings.
24 Petitioners face an imminent risk of transfer, which would irreparably harm their access to
25 counsel, disrupt preparation and adjudication of their pending habeas petition, and frustrate this
26 Court's ability to exercise meaningful judicial review. The requested relief is narrow, time-
27 limited, and necessary to preserve the status quo while the Court considers the legality of
28

1 Petitioner's detention. Immediate injunctive relief is therefore warranted. Petitioners rely on the
2 sworn factual allegations set forth in their pending Petitions for Writ of Habeas Corpus and
3 supporting declarations, which are incorporated herein by reference.
4

5 **II. IRREPARABLE HARM AND THE NEED TO**
6 **PRESERVE THIS COURT'S JURISDICTION**

7 Transfer of Petitioners from the Northwest ICE Processing Center would cause
8 immediate and irreparable harm and would frustrate this Court's ability to provide meaningful
9 habeas review. Federal courts possess broad authority to issue ancillary injunctive relief
10 necessary to preserve habeas jurisdiction and prevent government action that would undermine
11 judicial review. *Rumsfeld v. Padilla*, 542 U.S. 426 (2004); *Ex parte Endo*, 323 U.S. 283, 304
12 (1944).
13

14 A sudden transfer would substantially interfere with Petitioners' access to counsel,
15 disrupt preparation of pending habeas proceedings, and risk rendering this Court's review
16 ineffective. Courts have repeatedly recognized that such interference constitutes irreparable
17 harm. *Nken v. Holder*, 556 U.S. 418, 434–35 (2009); *Doe v. Kelly*, 878 F. Supp. 2d 412, 417
18 (S.D.N.Y. 2012). The Ninth Circuit has likewise held that civil immigration detention implicates
19 fundamental liberty interests protected by due process and requires meaningful access to the
20 courts. *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017); *Singh v. Waters*, 87 F.4th 1026
21 (9th Cir. 2024).
22

23 Courts within this District have specifically enjoined ICE from transferring detainees
24 where such transfers would interfere with pending habeas proceedings and access to counsel.
25 *Calderon-Rodriguez v. Wilcox*, 374 F. Supp. 3d 1024 (W.D. Wash. 2019). Because Petitioners'
26 habeas petition is currently pending before this Court, transfer at this juncture would improperly
27 frustrate judicial review and cause irreparable harm that cannot be remedied after the fact.
28

1 The factual basis for the imminent risk of transfer and resulting irreparable harm is
2 established in Petitioners' sworn habeas filings already before this Court.

3
4 **III. CONCLUSION**

5 Petitioners have demonstrated a likelihood of irreparable harm absent immediate relief, as
6 well as the necessity of preserving this Court's jurisdiction to adjudicate the pending habeas
7 petition. The balance of equities and the public interest favor maintaining the status quo while
8 judicial review is ongoing. Accordingly, Petitioners respectfully request that the Court issue a
9 Temporary Restraining Order enjoining Respondents from transferring Petitioners out of the
10 Western District of Washington during the pendency of these proceedings, and grant such other
11 relief as the Court deems just and proper.
12

13
14 Respectfully submitted this 2nd day of January 2026.

15 /s/Vicky J Currie

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17 Vicky J Currie, WSBA #24192
18 Attorney for Petitioners

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

20 Pursuant to Federal Rule of Civil Procedure 65(b)(1)(B), undersigned counsel certifies that on
21 January 2, 2026, she provided notice to the United States of Petitioners' intent to seek a Temporary
22 Restraining Order. Specifically, counsel emailed Michelle R. Lambert and Katherine Collins, Assistant
23 United States Attorneys for the Western District of Washington, as well as left a voicemail informing
24 them of Petitioners' Emergency Motion for Temporary Restraining Order and the need for immediate
25 judicial intervention to prevent Petitioners' imminent transfer. Petitioners' counsel will promptly email all
26 filed documents to Michelle R. Lambert once they are filed. Accordingly, Petitioners have complied with
27 Rule 65(b)'s notice requirement.
28

CERTIFICATE OF SERVICE

I, Vicky J Currie, certify that on this 2nd day of January, 2026, I served true and correct copies of the **EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER** upon the following Respondents by electronic service as permitted:

BRUCE SCOTT

Warden, Northwest ICE Processing Center
1623 East J Street
Tacoma, WA 98421

ALEJANDRO MAYORKAS

Secretary, U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Required Service on the United States

Michelle R. Lambert

Assistant United States Attorney
United States Attorney's Office
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101
(via CM/ECF and email)

Attorney General of the United States

U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

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

DATED this 2nd day of January 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioners