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

MALDONADO, Juan

Petitioner,

v.

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

Respondents.

CIVIL ACTION NO. 2:26-cv-00014

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 faces an imminent risk of transfer, which would irreparably harm his access to counsel, disrupt preparation and adjudication of his pending habeas petition, and frustrate this Court's ability to exercise meaningful judicial review. The requested relief is narrow, time-limited, and necessary to preserve the status quo while the Court considers the legality of Petitioner's detention. Immediate injunctive relief is therefore warranted. Petitioner relies on the sworn factual

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER - 1

1 allegations set forth in his pending Petition for Writ of Habeas Corpus and supporting
2 declarations, which are incorporated herein by reference.

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

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

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

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

27 The factual basis for the imminent risk of transfer and resulting irreparable harm is
28 established in Petitioner's sworn habeas filings already before this Court.

III. CONCLUSION

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

Respectfully submitted this 4th day of January 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioners

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 4, 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, informing her 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

1 I, Vicky J Currie, certify that on this 4th day of January, 2026, I served true and correct
2 copy of the **EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER** upon
3 the following Respondents by electronic service as permitted:

4 **BRUCE SCOTT**

5 Warden, Northwest ICE Processing Center
6 1623 East J Street
7 Tacoma, WA 98421

8 **ALEJANDRO MAYORKAS**

9 Secretary, U.S. Department of Homeland Security
10 245 Murray Lane SW
11 Washington, DC 20528

12 **Required Service on the United States**

13 **Michelle R. Lambert**

14 Assistant United States Attorney
15 United States Attorney's Office
16 Western District of Washington
17 700 Stewart Street, Suite 5220
18 Seattle, WA 98101
19 (via CM/ECF and email)

20 **Attorney General of the United States**

21 U.S. Department of Justice
22 950 Pennsylvania Avenue NW
23 Washington, DC 20530

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

26 DATED this 4th day of January 2026.

27 /s/Vicky J Currie

28 Vicky J Currie, WSBA #24192
Attorney for Petitioner