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Counsel for petitioners.

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

Lazaro Felipe Navarro-Maury,

Petitioner,

v.

Laura HERMOSILLO, Seattle Acting Field
Office Director, Enforcement and Removal
Operations, U.S. Immigration and Customs
Enforcement (ICE); U.S. DEPARTMENT OF
HOMELAND SECURITY; EXECUTIVE
OFFICE FOR IMMIGRATION REVIEW;
Bruce SCOTT, Warden, Northwest ICE
Processing Center,

Respondents.

Case No.

Agency No: 

**MOTION FOR EMERGENCY
TEMPORARY RESTRAINING
ORDER AND SUPPORTING
MEMORANDUM**

Expedited Hearing Requested

MOTION

Petitioner moves the court for the following relief by way of a temporary restraining order ("TRO"):

- a) Issuance of an immediate order barring the respondents from removing petitioner from the state of Washington, without notice to the court and approval by the court;
- b) Issuance of an order to show cause why this petition should not be granted within three (3) days.

SUPPORTING MEMORANDUM

I. LEGAL STANDARDS.

The standard for a TRO is the same as for preliminary injunction. See *New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n.2 (1977). A TRO is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008).

For preliminary relief, a party must show (a) likelihood of succeed on the merits, (b) likely irreparable harm without preliminary relief, (c) the balance of equities tips in party, and (d) an injunction is in the public interest. *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (citing *Winter*, 555 U.S. at 20).

As alternative test is if “serious questions going to the merits were raised and he balance of the hardships tips sharply in the plaintiff’s favor,” thereby allowing preservation of the status quo when complex legal questions require further inspection or deliberation. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134- 35 (9th Cir. 2011).

III. ARGUMENT.

A. Petitioner will likely suffer irreparable harm.

Without a TRO, petitioner will be imminently transferred out of the State of Washington. This will transfer petitioner away from his lawyers and his family, possibly seeking to undermine this court’s jurisdiction.

Petitioner also has a bond hearing scheduled before the Tacoma Immigration Court on February 2nd, 2026. However, petitioner and his attorney learned that respondents are attempting to transfer respondent to El Paso, Tx on January 29, 2026. This will substantially affect respondent’s due process rights, a right to attorney of his choosing as well as he will be taken away from his family and friends

who are able to visit him regularly while he is detained at Tacoma, WA.

Such impacts constitute irreparable harm. See e.g., *Leiva-Perez v. Holder*, 640 F.3d 962, 969-70 (9th Cir. 2011) (describing “separation from family members” and the mental damage concomitant with such separation as irreparable harm) (quotation marks omitted); see also *Ching v. Mayorkas*, 725 F.3d 1149, 1157 (9th Cir. 2013) (“The right to live with and not be separated from one’s immediate family is ‘a right that ranks high among the interests of the individual’ and that cannot be taken away without procedural due process.”) (quoting *Landon v. Plasencia*, 459 U.S. 21, 34-35 (1982)).

B. Likely to succeed on the merits.

Due process requires government action not be irrational and arbitrary. See *United States v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). Here, the timing of the transfer — days before a scheduled bond hearing — is arbitrary and lacks any legitimate penological or administrative justification that outweighs the severe interference with Petitioner’s access to counsel and the courts. Courts have enjoined immigration enforcement practices that undermine access to legal process. *Orantes-Hernandez*, 919 F.2d at 565.

The government may not manipulate detention location in a manner that effectively deprives a detainee of meaningful participation in his proceedings. Such conduct infringes procedural due process and access-to-courts principles.

C. Balance of equities and public interest tips sharply in favor of TRO.

The balance of hardships tips substantially favors petitioner. “[I]n addition to the potential hardships facing Plaintiffs in the absence of the injunction, the court ‘may consider . . . the indirect hardship to their friends and family members.’” *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017), quoting *Golden Gate Rest. Ass’n v. City & Cty. of San Francisco*, 512 F.3d 1112, 1126 (9th Cir. 2008). Petitioner’s family resides in Washington and Oregon and provides in-person visitation,

emotional support, and documentation assistance for court proceedings. Courts have repeatedly recognized that forced separation from family during immigration proceedings constitutes irreparable harm. *Leiva-Perez v. Holder*, 640 F.3d 962, 969–70 (9th Cir. 2011); *Landon v. Plasencia*, 459 U.S. 21, 34–35 (1982). These harms are immediate and cannot be undone after transfer.

The merits of the petition weight the public interest toward a TRO. “Generally, public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution.” *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005); see also *Zepeda v. U.S. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) (“INS cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations”). “The public interest also benefits from a preliminary injunction that ensures that federal statutes are construed and implemented in a manner that avoids serious constitutional questions.” *Rodriguez v. Robbins*, 715 F.3d 1127, 1146 (9th Cir. 2013).

III. CONCLUSION

For the above reasons, a TRO should be granted.

Dated this 28th day of January 2025

s/Fekadu Shibeshi
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