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**DETAINED**

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

RONIA MOHAMMADI,

Petitioner,

vs.

PAMELA BONDI, United States Attorney General;
KRISTI NOEM, Secretary of U.S. Department of Homeland Security;
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcements;
CAMMILLA WAMSLEY, Seattle Field Office Director, Immigration and Customs Enforcement;
BRUCE SCOTT, Warden, Northwest ICE Processing Center;

Respondents.

Case No.: 2:26-cv-420

MOTION FOR TEMPORARY RESTRAINING ORDER

## MOTION FOR TEMPORARY RESTRAINING ORDER

### I. MOTION

1. Under FRCP 65, Petitioner moves this Court for a Temporary Restraining Order to restore the status quo and preserve the rights of Petitioner until a final judgment on the merits can be rendered. *U.S. Philips Corp. v. KBC Bank N.V.*, 590 F.3d 1091, 1094 (9th Cir. 2010).

2. Petitioner requests that this Court order her immediate release from custody while her petition for writ of habeas corpus is pending.

3. Petitioner is aware of this Court's General Order 10-25 issued on December 18, 2025. However, given the physical, mental, and emotional abuse Petitioner suffered in Afghanistan and the psychological toll continued detention is taking on her, Petitioner asserts that the irreparable harm warrants filing this Temporary Restraining Order in this circumstance, especially considering she has been granted asylum by an Immigration Judge.

## II. BASIS FOR MOTION

4. This Motion is filed in conjunction with a Petition for Writ of Habeas Corpus filed with the Court on February 5, 2026. The basis for this motion is explained more fully in that Petition.

5. Petitioner is detained at the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington. The NWIPC is a privately-owned and operated immigration detention center run by the GEO Group, a private contractor for Immigration and Customs Enforcement.

6. Additional relevant procedural history is contained in the Declaration of Hilary Smith, filed with the habeas petition and this motion, with attached exhibits.

7. Petitioner is filing this motion in order to restore the status quo ante litem while her petition is pending. This "refers not simply to any situation before the filing of a lawsuit, but instead to 'the last uncontested status which preceded the pending controversy.'" *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000) (quoting *Tanner Motor Livery, Ltd. v. Avis, Inc.*, 316 F.2d 804, 809 (9th Cir.1963)). The pending controversy stems from Petitioner's detainment on July 25, 2025. She is requesting her immediate release because although she now has a grant



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of asylum, her detention was initiated due to a violation of due process and the Administrative Procedure Act (APA).

## III. ARGUMENT

### *A. Standards for Temporary Restraining Order*

8. To grant a Temporary Restraining Order, the plaintiff must meet one of two tests. The more recent test, known as the *Winter* test, requires the plaintiff to prove as follows: (1) that they are likely to succeed on the merits; (2) that they are likely to suffer irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in their favor; and (4) that an injunction is in the public interest. *Sherley v. Sibelius*, 644 F.3d 388, 392 (D.C. Cir. 2011) (alteration in original, quoting *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). "The same standard applies to both temporary restraining orders and to preliminary injunctions." *Sterling Commercial Credit-Michigan, LLC v. Phoenix Industries I, LLC*, 762 F. Supp. 2d 8, 12 (D.D.C. 2011) (quoting *Hall v. Johnson*, 599 F. Supp. 2d 1, 3 n.2 (D.D.C. 2009)).

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



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10. Petitioner meets both of these tests.

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

11. As the Petition sets out, Petitioner is unlawfully detained.

12. Petitioner was granted humanitarian parole upon entry into the country that was valid until August 31, 2025. *See* Decl. of Hilary Smith, Exh 1, Most Recent I-94; Exh. 2, Notice to Appear. However, Respondents revoked her parole on July 25, 2025, without any justification or reasoning. *See id.*

13. The regulations state that revocation of parole can occur "upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials . . . neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States . . . ." 8 C.F.R. § 212.5(e)(2)(i).

14. Multiple courts within this circuit and across the country have found that when a noncitizen is paroled into the United States pursuant to § 1182(d)(5), they have a liberty interest in their continued release and are entitled to certain due process protections. *See Chavarria v. Chestnut*, 1:25-cv-01755-DAD-AC, 2025 U.S. Dist. LEXIS 255174, at *8-9 (E.D. Cal. Dec. 9, 2025) (granting petitioner's temporary restraining order); *Omer G. G. v. Kaiser*, No. 1:25-cv-01471-KES-SAB (HC), 2025 U.S. Dist. LEXIS 230551, at *5, 9 (E.D. Cal. Nov. 22, 2025) (determining that the petitioner was entitled to a post-deprivation bond hearing after he was initially released pursuant to § 1182(d)(5)(A) and later re-detained); *Salazar v. Casey*, No. 25-cv-02784-JLS-VET, 2025 U.S. Dist. LEXIS 216353, at *4, 6 (S.D. Cal. Nov. 3, 2025) (ordering the petitioner released from custody subject to the conditions of her preexisting



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parole under § 1182(d)(5)(A), and requiring notice and a hearing prior to her re-detention); *Noori v. Larose*, No. 25-cv-1824-GPC-MSB, 2025 U.S. Dist. LEXIS 194953, at *9-10, 14 (N.D. Cal. Oct. 1, 2025) (enjoining re-detention of the petitioner during the pendency of his removal proceedings without leave of the court, when the petitioner was previously released on humanitarian parole pursuant to § 1182(d)(5)(A)); *Rodriguez Cabrera v. Mattos*, No. 2:25-cv-01551-RFB-EJY, 2025 U.S. Dist. LEXIS 216258, 2025 WL 3072687, at *9-11, 14 (D. Nev. Nov. 3, 2025) (ordering the petitioner's immediate release following re-detention when he was initially released pursuant to § 1182(d)(5)(A)).

15. "The Due process generally 'requires some kind of a hearing before the State deprives a person of liberty.'" *Salazar v. Casey*, No. 25-CV-2784 JLS (VET), 2025 U.S. Dist. LEXIS 216353, 2025 WL 3063629, at *3 (S.D. Cal. Nov. 3, 2025) (quoting *Zinermon v. Burch*, 494 U.S. 113, 127 (1990)). "Although the initial decision to detain or release an individual may be within the government's discretion, 'the government's decision to release an individual from custody creates an implicit promise, upon which that individual may rely, that their liberty will be revoked only if [they] fail[ ] to live up to the . . . conditions [of release].'" *Id.* (alterations in original) (quoting *Pinchi v. Noem*, No. 25-cv-5632-PCP, 792 F. Supp. 3d 1025, 2025 WL 2084921, at *3 (N.D. Cal. July 25, 2025)).

16. To determine whether the procedures afforded to Petitioner are constitutionally sufficient to satisfy the Due Process Clause, the Court considers: (1) the private interest affected, (2) "the risk of an erroneous deprivation of such interest," along with "the probable value, if any, of additional or substitute procedural safeguards," and (3) the Government's interest, including "the



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fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *See Mathews v. Eldridge*, 424 U.S. 319, 334-35 (1976).

17. All three factors support a finding that the government's revocation of Petitioner's humanitarian parole without notification, individual consideration, reasoning, or an opportunity to be heard violated her Due Process rights.

18. First, "[f]reedom from imprisonment . . . lies at the heart of the liberty [the Due Process Clause] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Second, without notice or an opportunity to be heard, the risk of erroneous deprivation is high. The circumstances surrounding Petitioner's release on humanitarian parole did not meaningfully change and she was provided no reasoning for why her parole was revoked prior to its expiration. Procedural safeguards would have given Petitioner an opportunity to learn and address the reasons for the change and to make sure that her release was not being revoked arbitrarily. Finally, any fiscal or administrative burdens the government would allegedly suffer if it were required to provide notice and reasoning for the change are minimal and outweighed by the risk of erroneous deprivation of the liberty at issue. *See E.A. T.-B. v. Wamsley*, No. 25-cv-1192-KKE, 2025 WL 2402130, at *5 (W.D. Wash. Aug. 19, 2025).

19. Therefore, Petitioner has not only raised serious questions regarding the merits, but also has shown a likelihood of success on the merits of her claim.

**C. *Petitioner faces irreparable harm, and a hardship balance tips sharply toward her.***

20. Petitioner faces substantial hardships and irreparable harm if she is to remain unlawfully detained.



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21. As a threshold matter, Petitioner has "established a likelihood of irreparable harm by virtue of the fact that [she is] likely to be unconstitutionally detained for an indeterminate period of time." *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017). And, "it is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).

22. Where, as here, the "alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary." *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005).

23. Petitioner has been granted asylum. She has met her evidentiary burden to show that she is entitled to remain in this country in protected status, until she is eligible to adjust her status to that of a lawful permanent resident. Although her decision is on appeal, the government appeals based on unreliable evidence it submitted in her case—evidence the Immigration Judge gave no more than minimal weight due to its unreliability. Decl. of Hilary Smith, Exh. 3, Decision of the Immigration Judge.[1] The government will have to show the judge made a clear error in this factual finding.

24. Remaining in detention after both a due process violation and a grant of asylum constitutes irreparable injury. *Hernandez*, 872 F.3d at 999. ("[U]nlawful detention certainly constitutes extreme or very serious damage, and that damage is not compensable in damages.").

25. Further, her detention is going to be further prolonged. Because the government appealed the grant of the Immigration Judge, there is no reliable timeline for when the Board will decide

[1] Only the first page of the decision has been submitted in order to preserve the sensitive details of Petitioner's asylum claim.



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her appeal. Likely, she will be detained for at least another six months. Exh. 5, BIA Completions by Total & Average Processing Times (indicating detained appeals take, on average, 190 days). It is not permissible to let this harm continue any longer than it already has.

26. Petitioner's detention inflicts substantial harm on her because she is separated from her support system, which includes her U.S. citizen fiancé. Such "separation from family members" is an important irreparable harm factor. *Leiva-Perez v. Holder*, 640 F.3d 962, 969–70 (9th Cir. 2011) (per curiam) (citation omitted); *see also, e.g.*, *Washington v. Trump*, 847 F.3d 1151, 1169 (9th Cir. 2017) (per curiam) (finding "separated families" to be a "substantial injur[y] and even irreparable harm[]"); *cf. Hernandez*, 872 F.3d at 996 (recognizing that "government compelled [family] separation" causes family members "trauma" and "other burdens"). Over the past four years, Petitioner has made a life for herself in the United States, a life that was not possible and would have been a death sentence in Afghanistan under the Taliban's rule.

27. Lastly, the conditions in detention are abysmal, especially for someone who suffered intense and prolonged physical, emotional, and sexual abuse in the past, abuse that led to suicidal ideation and self-harm, as was discussed and evidenced at her asylum hearing. Petitioner is currently suffering a mental health crisis due to her prolonged detention, withdrawing from communicating with her friends and family and asking them not to visit her anymore.

28. Courts have found that reliable reports highlight the "subpar medical and psychiatric care in ICE detention facilities." *Hernandez*, 872 F.3d at 995. Former detainees have described conditions and their time at NWIPC as "a nightmare"—staff is not fully equipped to handle medical concerns, detainees often suffer irreparable damages, and the conditions lead to mental



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health crises.[2] Petitioner does not know how much longer she can wait out the process in detention, despite her grant of asylum. She is not getting the care and support she needs given the trauma she experienced in her past. She remained hopeful that the government would not appeal her decision, but that hope was dashed when the government filed its appeal on the last day it could, without giving her any notice.

29. Petitioner has demonstrated that she has suffered and will continue to suffer irreparable harm and this factor weighs in favor of granting her motion for a temporary restraining order.

***D. The balance of equities tips in favor of Petitioner, and an injunction is in the public interest.***

30. The remaining two factors for an injunction are the same under both legal tests, and they both favor Petitioner.

31. The balance of the equities and public interest analyses merge when the government is the opposing party, as is the case here. *See Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)).

32. A violation of Petitioner's constitutional rights through prolonged detention would cause her continued immense harm whereas the burden on the government in releasing her would be minimal.

33. "Just as the public has an interest in the orderly and efficient administration of this country's immigration laws, the public has a strong interest in upholding procedural protections

[2] "Conditions inside Northwest ICE Processing Center 'a nightmare,'" Sharon Yoo, KING 5 (Oct. 31, 2025). Available at: https://www.king5.com/article/news/community/facing-race/washington-immigration/nightmare-conditions-inside-ice-detention-center-tacoma/281-1c20754c-93c6-4514-a989-e39ce5cf89d3.



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against unlawful detention." *Hoac v. Becerra*, No. 2:25-cv-01740-DC-JDP, 2025 U.S. Dist. LEXIS 136002, at *6 (E.D. Cal. July 16, 2025) (internal quotation marks omitted).

34. Petitioner faces weighty hardships: a loss of her liberty and separation from her family, friends, and support system. The government faces no hardship—all it must do is release a person who they had previously granted humanitarian parole and lived in the United States without incident for nearly four years while actively pursuing asylum, which has now been granted.

35. There is no public interest in keeping Petitioner in detention who is "held in immigration detention because of . . . a likely [illegal] process[,]" *Hernandez*, 872 F.3d at 996, especially considering "that costs to the public of immigration detention are staggering." *Zapata v. Kaiser*, No. 25-cv-07492-RFL, 2025 U.S. Dist. LEXIS 190934, at *38 (N.D. Cal. Sept. 26, 2025).

36. Finally, that Petitioner has shown a likelihood of success on the merits tips the public interest further in her favor. *Riley's Am. Heritage Farms v. Elsasser*, 32 F.4th 707, 731 (9th Cir. 2022) (quoting *Melendres*, 695 F.3d at 1002).

37. The third and fourth *Winter* factors weigh in favor of Petitioner's request for the requested relief.

***E. Immediate release is warranted.***

38. This Court should order Petitioner's immediate release. "[A] postdeprivation hearing cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty." *E.A. T.-B.*, 2025 WL 2402130, at *6. In other words, Petitioner's unlawful detention without a pre-deprivation hearing is already occurring and has been occurring for over six months, and only immediate release remedies that issue. Moreover,



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the evidence here demonstrates that Petitioner has made every effort to follow the law: receiving parole and applying for and being granted asylum. As a result, the Court should order his immediate release and provide that Petitioner may only be re-detained if ICE justifies re-detention by clear and convincing evidence at a hearing where ICE is required to demonstrate Petitioner is a flight risk or danger to the community.

***E. In the alternative, Petitioner requests a bond hearing within seven days.***

39. Alternatively, Petitioner's detention is now prolonged. She has been detained for over six months, and due process requires, at a minimum, an individualized determination before an Immigration Judge to assess her dangerousness or flight risk. *Casas-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942 (9th Cir. 2008).

40. While her NTA charges her an "arriving alien," that is not accurate. Because Petitioner was granted parole in 2021 and had been in the United States for nearly four years when she was detained, she can no longer be considered an "arriving alien." Marina V.N. v. Robbins, No. 1:25-cv-01845-KES-SKO (HC), 2025 U.S. Dist. LEXIS 263387, at *6 (E.D. Cal. Dec. 21, 2025) ("Section 1225(b)(1) applies to "an alien . . .who is arriving in the United States or . . . [a]n alien . . . who has not been admitted or paroled into the United States, and who has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility . . . .").

41. Respondent is detained under 8 U.S.C. § 1226(a) and is entitled to a bond hearing.



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42. For similar reasons as above, Petitioner has shown a likelihood of success on the merits of this claim, she continues to suffer irreparable harm, and the balance of equities tips sharply in her favor when considering whether she is entitled to an immediate bond hearing.

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

A. Grant this Motion for Temporary Restraining Order today;

B. Enter the Proposed Order Granting Petitioner's Motion for Temporary Restraining Order today, granting the following relief:

1. Immediately release Petitioner from Respondent's custody on the same conditions she was subject to immediately prior to her detention on July 25, 2025;
2. Enjoin and restrain Respondent's from re-detaining Petitioner for any purpose, absent exigent circumstances, without providing Petitioner written notice and a pre-detention hearing before a neutral adjudicator;;
3. In the alternative, enjoin Respondents from continuing to detain Petitioner unless they provide her with an individualized bond hearing before an immigration judge under 8 U.S.C. § 1226(a) within ten (10) days of the date of this Order.

4. Grant such other and further relief as justice may require.

Respectfully submitted this 5th day of February,



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*/s/ Hilary Smith*
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