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District Judge Ricardo S. Martinez

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

10 TORRES FERRERA, ALMA LORENA

11 Petitioner,

12 v.

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

16 Respondents.

CIVIL ACTION NO. 2:26-CV-00583

**EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER**

17  
18 **I. INTRODUCTION**

19 Petitioner respectfully moves this Court for a Temporary Restraining Order prohibiting  
20 Respondents from removing or transferring Petitioner during the pendency of this Court's review  
21 of her habeas petition. This motion is emergency in nature as Petitioner is at risk of removal  
22 beginning Friday, March 6, 2026.

23  
24 On March 4, 2026 at approximately 12:34 p.m., counsel for Petitioner received written  
25 notice from Michelle Lambert, Assistant United States Attorney and counsel of record for  
26 Respondent Alejandro Mayorkas, providing forty-eight (48) hours' notice of Petitioner's planned  
27

1 removal to Honduras (Declaration of Vicky J Currie, Exhibit A). The notice indicates that  
2 Respondents intend to carry out Petitioner's removal imminently.

3 Petitioner is currently detained at the Northwest ICE Processing Center ("NWIPC") in  
4 Tacoma, Washington. Her detention followed approximately seven years of compliance with  
5 ICE supervision, including regular check-ins through the Intensive Supervision Appearance  
6 Program (ISAP).  
7

8 Petitioner is a long-time resident of the United States with strong family and community  
9 ties. She is the mother of six children, five of whom are United States citizens, who rely heavily  
10 on her for emotional and financial support, and have been destabilized by Petitioner's detention.  
11 Petitioner is also actively pursuing humanitarian relief as a victim and survivor of human  
12 trafficking. Because she meets all the criteria required to attain a T-Visa, Petitioner's likelihood  
13 of obtaining humanitarian relief is extremely high.  
14

15 Without immediate judicial intervention, Petitioner will be removed from the United  
16 States before this Court can review the legality of her detention, and before she knows the  
17 outcome of her T-Visa petition, causing irreparable harm to Petitioner and her USC children.  
18 Accordingly, emergency relief is necessary to preserve the status quo and this Court's  
19 jurisdiction.  
20

## 21 **II. FACTUAL BACKGROUND**

### 22 **A. Detention History**

23 Petitioner first entered the United States in 2005. She was removed in 2009 and last  
24 reentered in May 2010 near McAllen, Texas.  
25

26 Despite her prior removal order, DHS paroled Petitioner and permitted her to remain in  
27 the United States under supervision. She has complied with ICE reporting requirements and  
28

1 participated in ISAP monitoring since 2019, including telephonic check-ins requiring  
2 photographic verification and geolocation confirmation.

3 On January 26, 2026, Petitioner reported to ICE regarding an ankle monitor installation.  
4 She was initially released but instructed to return the following day due to equipment  
5 malfunction. When she complied and returned, Petitioner was taken into custody despite no  
6 allegation of supervision violation, flight risk, or danger to the community. This detention  
7 occurred without apparent consideration of Petitioner's substantial humanitarian equities,  
8 including her five United States citizen (USC) children, and her pending T-Visa petition.  
9

10 **B. Family Hardship**

11  
12 Petitioner is the mother of five USC children (ages 17, 14, 7, 4 and 2) and one non-citizen  
13 child (age 26). Petitioner's children reside in the United States and depend on her for emotional  
14 and financial support. It is important to note that Petitioner has full custody of all of her USC  
15 children. Currently, Petitioner's two youngest children are being cared for by their father (who is  
16 the perpetrator that led Petitioner to file a T-Visa), *only* because Petitioner is detained. This is  
17 causing issues within the family making it more evident that Petitioner needs to be back with her  
18 children.  
19

20 Petitioner's detention has forced her 17-year-old daughter, K [REDACTED] to assume the role  
21 of primary caregiver within the household. K [REDACTED] is now responsible for the daily care of her  
22 14-year-old and 7-year-old siblings, including supervision, transportation, and emotional  
23 support.  
24

25 Petitioner's detention is taking a profound toll on all of her children, particularly  
26 K [REDACTED] who has been compelled to assume adult parental responsibilities prematurely in order  
27 to stabilize the family unit. The emotional strain, educational disruption, and psychological  
28

1 burden imposed upon the minor children as a result of Petitioner's detention constitute  
2 significant humanitarian harm.

3 **C. Humanitarian Relief Eligibility – Pending T-Visa Petition**

4  
5 Petitioner is currently pursuing humanitarian immigration relief. Petitioner is a  
6 documented survivor of trafficking and domestic violence. Counsel corrects the statements on  
7 Petitioner's Petition for Writ of Habeas Corpus that said Petitioner is pursuing U-Visa relief;  
8 Petitioner is not pursuing a U-Visa (although she is eligible for a U-Visa due to being a victim of  
9 domestic violence), instead, she has a pending T-Visa petition that was filed with USCIS in July  
10 2025 by another attorney; our office recently received a copy of this petition (Declaration of  
11 Vicky J Currie, Exhibit B).  
12

13 To be eligible for such status, the Applicant must show that they: (1) have been a victim  
14 of a severe form of trafficking in persons; (2) are physically present in the United States as a  
15 result of trafficking; (3) have complied with any reasonable request for assistance in the  
16 investigation and prosecution of acts of trafficking in persons; and (4) would suffer extreme  
17 hardship involving severe and unusual harm upon removal. See INA § 101 (a)(15)(T); 8 C.F.R. §  
18 214.202.  
19

20 Page 5 of her T-Visa cover letter says the following:

21 ***“IV. The Applicant has demonstrated that "removal from the United States would subject***  
22 ***the Applicant to extreme hardship involving unusual and severe harm" pursuant to 8***  
23 ***C.F.R. § 214.209.***

24 *The Applicant's personal circumstances and the impact upon their life if removed meet*  
25 *the requirement of extreme hardship involving unusual and severe harm. See 8 C.F.R. § 214.209.*  
26 *Multiple factors may be considered in the extreme hardship analysis, including the applicant's*  
27

1 *age, maturity, personal circumstances; any physical or psychological issues that the applicant*  
2 *has that are not available to them abroad; the nature and extent of the physical and*  
3 *psychological consequences of their trafficking experience; the impact of the loss of access to the*  
4 *U.S. court system; the likelihood of re-victimization, retaliation, and threat of personal safety*  
5 *and economic harm in the country of return, among other factors. 8 C.F.R. § 214.209(b). The*  
6 *Applicant will face extreme hardship if removed, in the following ways:*

8 *A. There are no comparable victim services available for the Applicant abroad.*

9 *B. The Applicant will suffer significant economic harm.*

10 *C. The Applicant would lose access to the U.S. criminal justice system and the ability*  
11 *to hold the traffickers accountable, which only furthers the victimization.*

12 *D. The Applicant will face severe harm in the country of origin.*

13 *E. The Applicant would suffer separation from the social networks that have been*  
14 *formed in the United States that contribute to stability and healing.*

15 *F. The Applicant's individual safety will be threatened by the existence of armed*  
16 *conflict and violence in the country of origin.*

17 *G. The Applicant's family will suffer extreme emotional, economic, and*  
18 *psychological hardship, which will result in hardship to the Applicant."*

19 **Based on her positive equities, Petitioner meets every requirement to obtain this**  
20 **humanitarian relief, therefore it is extremely likely that she will be approved.** Continued  
21  
22 detention of a T-Visa petitioner and survivor of trafficking and domestic violence—particularly  
23  
24 one with multiple USC children—undermines the humanitarian objectives embedded within  
25  
26 federal immigration law and raises serious due process concerns when custody review is  
27  
28 restricted or delayed.

1 **D. Prior Removal & Supervision Compliance**

2 Although Petitioner has a prior removal order, DHS exercised discretion to parole her and  
3 permit supervision rather than execution of removal. Since 2019, she has complied with  
4 reporting obligations and ISAP monitoring; it has been *approximately seven years*. Although  
5 Petitioner has made mistakes in the past, she has proven that it is her intention to follow the rules  
6 ICE has set for her.  
7

8 Petitioner's current detention occurred not due to flight, danger, or violation of  
9 supervision, but while complying with ICE's instructions to return to her designated check-in  
10 location to correct an equipment malfunction, where she was instead taken into custody.  
11

12 **E. Imminent Removal**

13 On March 4, 2026 at 12:34 p.m., counsel for Petitioner received written notice via email  
14 from ICE providing forty-eight (48) hours' notice that Respondents intend to remove Petitioner  
15 to Honduras. In response to that email, our office responded gave notice that we would be filing  
16 a TRO for the Petitioner (Declaration of Vicky J Currie, Exhibit A).  
17

18 Petitioner's removal will occur before this Court has an opportunity to adjudicate  
19 Petitioner's pending habeas petition challenging the legality of her detention, and before her T-  
20 Visa Petition can be granted. Without intervention from this Court, Petitioner will be removed  
21 from the United States imminently.  
22

23 **III. ARGUMENT - IRREPARABLE HARM TO PETITIONER**

24 Transfer or removal of Petitioner from the Northwest ICE Processing Center would cause  
25 immediate and irreparable harm and would frustrate this Court's ability to provide meaningful  
26 habeas review.  
27

1 First, Respondents have provided forty-eight (48) hours' notice of Petitioner's intended  
2 removal to Honduras, creating an imminent risk that Petitioner will be removed from the United  
3 States before this Court can adjudicate the legality of her detention. Removal would effectively  
4 moot the pending habeas petition and eliminate the Court's ability to grant meaningful relief.  
5 Courts recognize that government action interfering with judicial review of removal proceedings  
6 constitutes irreparable harm. *Nken v. Holder*, 556 U.S. 418, 434 (2009).  
7

8 Second, Petitioner is the mother of five USC children, all of whom depend on her for  
9 emotional and financial support. Since Petitioner's detention, her seventeen-year-old daughter  
10 has been forced to assume primary caregiving responsibilities for younger siblings, including a  
11 14-year-old and a 7-year-old child. Her two youngest children are in the temporary care of their  
12 father, who is the reason Petitioner filed a T-Visa Petition. Removal would permanently separate  
13 Petitioner from her children and further destabilize an already fragile caregiving arrangement.  
14

15 Courts recognize that deportation and immigration detention impose severe consequences  
16 on families and may result in profound hardship for USC children. *Padilla v. Kentucky*, 559 U.S.  
17 356, 365 (2010); *Nken v. Holder*, 556 U.S. 418, 435–36 (2009). The Ninth Circuit has likewise  
18 recognized the significant liberty interests implicated by immigration detention and its human  
19 impact on families. *Hernandez v. Sessions*, 872 F.3d 976, 991–94 (9th Cir. 2017).  
20

21 Third, Petitioner is a documented survivor of trafficking and domestic violence who is  
22 actively pursuing humanitarian immigration relief. She has a pending T-Visa petition with  
23 USCIS. Transfer or removal would severely impair Petitioner's ability to coordinate with  
24 counsel, obtain supporting documentation, and pursue the relief available to victims of domestic  
25 violence under federal law. Courts have repeatedly recognized that interference with access to  
26  
27  
28

1 the courts and pending habeas litigation constitutes irreparable harm. *Doe v. Kelly*, 878 F. Supp.  
2 2d 412, 417 (S.D.N.Y. 2012).

3 Federal courts possess broad authority to issue ancillary injunctive relief necessary to  
4 preserve habeas jurisdiction and prevent government action that would undermine judicial  
5 review. *Ex parte Endo*, 323 U.S. 283, 304 (1944); *Rumsfeld v. Padilla*, 542 U.S. 426, 441–42  
6 (2004). Here, the threatened removal would occur after this Court’s habeas jurisdiction attached  
7 upon filing, and such action would impair—not merely inconvenience—the Court’s ability to  
8 adjudicate Petitioner’s claims.  
9

10 Courts within this District have specifically enjoined ICE from transferring detainees  
11 where such transfers would interfere with pending habeas proceedings and access to counsel.  
12 *Calderon-Rodriguez v. Wilcox*, 374 F. Supp. 3d 1024 (W.D. Wash. 2019). Maintaining  
13 Petitioner’s current location imposes no burden on Respondents, while removal or transfer risks  
14 irreversible harm to Petitioner, her minor children, and the integrity of this Court’s habeas  
15 review.  
16

#### 17 18 **IV. CONCLUSION**

19 Emergency relief is necessary because Respondents have provided Petitioner and counsel  
20 with a 48-hour notice of imminent removal to Honduras, and we provided out notice of filing  
21 this motion for TRO. Removal would irreparably harm Petitioner and her minor U.S. citizen  
22 children, interfere with Petitioner’s pursuit of humanitarian relief, which she is highly likely to  
23 be granted, and deprive this Court of meaningful review.  
24

25 Petitioner respectfully requests that this Court issue a Temporary Restraining Order  
26 prohibiting Respondents from transferring Petitioner or removing Petitioner from the United  
27 States pending resolution of this Court’s habeas proceedings.  
28

1 Respectfully submitted this 6<sup>th</sup> day of March 2026.

2  
3 /s/Vicky J Currie

4 Vicky J Currie, WSBA #24192  
5 Attorney for Petitioner  
6

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

8 Pursuant to Federal Rule of Civil Procedure 65(b)(1)(B), undersigned counsel certifies  
9 that on March 4, 2026, she provided notice to the United States of Petitioners' intent to seek a  
10 Temporary Restraining Order. Specifically, counsel emailed Michelle R. Lambert, Assistant  
11 United States Attorney for the Western District of Washington of the United States Attorney's  
12 Office, who is also counsel of record for Respondent Alejandro Mayorkas, informing her of  
13 Petitioner's Emergency Motion for Temporary Restraining Order, directly after Respondent's  
14 formal 48-hour notice of intent to remove Petitioner to Honduras. Petitioner's counsel will  
15 promptly email all filed documents to Michelle R. Lambert once they are filed. Accordingly,  
16  
17  
18 Petitioner has complied with Rule 65(b)'s notice requirement.  
19  
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**CERTIFICATE OF SERVICE**

I, Vicky J Currie, certify that on this 6<sup>th</sup> day of March 2026, I served true and correct copy of the **EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER** upon the following Respondents by electronic service as permitted:

**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)

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

DATED this 6<sup>th</sup> day of March 2026.

/s/Vicky J Currie

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Vicky J Currie, WSBA #24192  
Attorney for Petitioner