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The Honorable District Judge Tana Lin

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

10 TORRES FERRERA, ALMA LORENA

CIVIL ACTION NO. 2:26-CV-00583

11 Petitioner,

**REPLY TO RESPONDENT'S RESPONSE
TO EMERGENCY MOTION FOR TRO**

12 v.

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

16 Respondents.

17
18 **I. INTRODUCTION**

19 Respondents' opposition mischaracterizes the relief sought in Petitioner's Emergency
20 Motion for Temporary Restraining Order. Petitioner does not challenge the validity of her
21 underlying removal order in this proceeding. Instead, Petitioner seeks narrowly tailored
22 emergency relief solely to preserve this Court's jurisdiction to adjudicate her pending habeas
23 petition.
24

25 Respondents themselves created the present emergency by providing counsel with only
26 forty-eight (48) hours' notice of Petitioner's imminent removal, leaving insufficient time for
27 meaningful judicial review absent immediate intervention by this Court. If removal proceeds
28
REPLY TO RESPONDENT'S RESPONSE TO EMERGENCY MOTION FOR TRO - 1

1 before the Court can review the legality of Petitioner's detention, the habeas action will
2 effectively be mooted and the Court will be deprived of the ability to grant meaningful relief.
3 Courts have repeatedly recognized that government action interfering with judicial review
4 constitutes irreparable harm. *Nken v. Holder*, 556 U.S. 418, 434 (2009).
5

6 This case also involves extraordinary humanitarian equities that Respondents largely
7 ignore. Petitioner is the mother of five United States citizen children, including minor children
8 currently being cared for by minor siblings and by the very individual whose conduct led
9 Petitioner to seek humanitarian protection. Petitioner is also a documented survivor of trafficking
10 and domestic violence with a pending T-Visa petition.
11

12 Maintaining the status quo for a brief period while the Court evaluates the legality of
13 Petitioner's detention imposes minimal burden on the Government while preventing irreversible
14 harm to Petitioner, her minor children, and this Court's jurisdiction. The Temporary Restraining
15 Order should therefore be granted.
16

17 **II. THE COURT HAS JURISDICTION TO PRESERVE ITS HABEAS REVIEW**

18 Respondents argue that this Court lacks jurisdiction under 8 U.S.C. §1252(g) because
19 Petitioner seeks to prevent execution of a removal order. This argument mischaracterizes the
20 nature of the relief requested.
21

22 Petitioner does not challenge the validity of the removal order itself. Rather, Petitioner
23 seeks temporary relief solely to preserve the Court's jurisdiction to adjudicate her pending
24 habeas petition challenging the legality of her detention.

25 Federal courts possess authority to issue ancillary injunctive relief necessary to protect
26 their jurisdiction and ensure meaningful judicial review. *Ex parte Endo*, 323 U.S. 283, 304
27 (1944). The Supreme Court has likewise recognized that courts may stay removal where
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1 necessary to ensure that judicial review remains meaningful. *Nken v. Holder*, 556 U.S. 418, 427–
2 34 (2009).

3 Here, removal before adjudication of the habeas petition would eliminate the Court’s
4 ability to grant effective relief. The requested Temporary Restraining Order therefore
5 preserves—not expands—the Court’s jurisdiction.
6

7 **III. PETITIONER WILL SUFFER IRREPARABLE HARM ABSENT EMERGENCY**

8 **RELIEF**

9 Respondents contend that Petitioner cannot demonstrate irreparable harm. The record
10 demonstrates otherwise.
11

12 First, Respondents have provided formal notice of imminent removal. If Petitioner is
13 removed before the Court adjudicates her habeas petition, the case will effectively be mooted
14 and the Court will lose the ability to provide meaningful relief. Courts consistently recognize that
15 interference with judicial review constitutes irreparable harm. *Nken v. Holder*, 556 U.S. 418, 434
16 (2009).
17

18 Second, Petitioner’s removal would impose severe humanitarian consequences on her
19 family. Petitioner is the mother of five United States citizen children who rely on her for
20 emotional and financial support. Since her detention, her seventeen-year-old daughter has been
21 forced to assume primary caregiving responsibilities for younger siblings. Her two youngest
22 children are temporarily residing with their father—the same individual whose conduct led
23 Petitioner to pursue humanitarian relief.
24

25 Deportation and immigration detention carry profound consequences for families and
26 often impose severe hardship on United States citizen children. *Padilla v. Kentucky*, 559 U.S.
27 356, 365 (2010); *Nken v. Holder*, 556 U.S. 418, 435–36 (2009). The Ninth Circuit has likewise
28

1 recognized the significant liberty interests implicated by immigration detention and its human
2 impact on families. *Hernandez v. Sessions*, 872 F.3d 976, 991–94 (9th Cir. 2017).

3
4 Third, Petitioner is actively pursuing humanitarian immigration relief as a survivor of
5 trafficking and domestic violence through a pending T-Visa petition filed with USCIS. Removal
6 at this stage would severely impair Petitioner’s ability to pursue that relief and coordinate with
7 counsel in gathering evidence necessary to support her petition. Courts have repeatedly
8 recognized that interference with access to the courts and pending litigation constitutes
9 irreparable harm. *Doe v. Kelly*, 878 F. Supp. 2d 412, 417 (S.D.N.Y. 2012).

10
11 These combined harms—loss of judicial review, family separation, and interference with
12 humanitarian relief—are precisely the type of irreversible consequences that justify emergency
13 injunctive relief.

14 **IV. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR TEMPORARY**
15 **RELIEF**

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17 The balance of equities strongly favors maintaining the status quo. Granting a Temporary
18 Restraining Order merely delays removal temporarily while the Court evaluates the legality of
19 Petitioner’s detention. Respondents suffer no meaningful prejudice from a brief pause in removal
20 proceedings.

21 By contrast, denial of relief would result in Petitioner’s immediate removal, permanent
22 separation from her minor United States citizen children, and the effective termination of this
23 Court’s jurisdiction over the pending habeas petition.

24
25 Courts routinely recognize that preserving judicial review and preventing irreversible
26 harm serves the public interest. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

27 **V. CONCLUSION**

1 Respondents have provided forty-eight (48) hours' notice of Petitioner's imminent
2 removal to Honduras. If removal occurs before this Court adjudicates the pending habeas
3 petition, the case will effectively be mooted and the Court will be deprived of the ability to grant
4 meaningful relief.

5
6 Petitioner is the mother of five United States citizen children currently experiencing
7 severe hardship as a result of her detention. She is also a survivor of trafficking and domestic
8 violence who is actively pursuing humanitarian relief through a pending T-Visa petition.

9
10 Maintaining the status quo while the Court reviews the legality of Petitioner's detention
11 imposes minimal burden on Respondents while preventing irreversible harm to Petitioner, her
12 children, and the Court's jurisdiction.

13 For these reasons, Petitioner respectfully requests that the Court grant the Emergency
14 Motion for Temporary Restraining Order and prohibit Respondents from removing or
15 transferring Petitioner pending resolution of this Court's habeas proceedings.

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18 Respectfully submitted this 8th day of March 2026.

19 /s/Vicky J Currie

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21 Vicky J Currie, WSBA #24192
22 Attorney for Petitioner
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