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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

A.M.H.,	)	File No. 3:26-cv-329
Petitioner,	)	Agency No: [redacted]
vs.	)	**MOTION FOR TEMPORARY RESTRAINING ORDER**
LAURA HERMOSILLA, Seattle Field Office Director, U.S. Immigration and Customs Enforcement and Removal Operation, et al.	)	ORAL ARGUMENT REQUESTED
Respondents.	)	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 Oregon, or the state of Washington, should the petitioner be in the state of Washington at the time such order is issued, 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. S*tormans, 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 the 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 could be ordered deported at his Master Calendar Hearing on February 23, 2026, and immediately detained and transferred out of the District of Oregon. This will transfer petitioner away from his lawyers, his employer and his friends and family, possibly seeking to undermine this court's jurisdiction.

The Petitioner is a 20-year-old young man who continues to rely heavily on his

support system, including close friends and family members, Due to his age and circumstances, Multnomah County appointed Fartun Mohamad Abdi as his legal guardian on 06/09/2025. This guardianship reflects the Petitioner's ongoing need for guidance, stability, and assistance in navigating significant life and legal matters and makes Petitioner eligible for Special Immigrant Juvenile Visa, which visa is pending now.

Petitioner fled Somalia after experiencing serious harm and threats to his safety. These threats placed him at risk of further harm or death if he were to return, as the perpetrators of violence and threats against him continue to search for him to this day. Because of these circumstances, Petitioner submitted an asylum application seeking protection in the United States.

Petitioner's detention or transfer would cause significant hardship, as it would undermine the court-appointed guardianship arrangement, particularly if his legal guardian is not located near the place of detention or transfer. Separation from his legal guardian would severely limit his access to essential emotional and legal support as a time when stability is critical. Additionally, much of the Petitioner's immediate family remains in Somalia, where they are unable to provide him with support or protection. As a result, the Petitioner relies extensively on his legal guardian as his primary source or support in the United States. Any disruption to this arrangement would impose severe hardship on the Petitioner and negatively affect his safety, well-being, and ability to pursue his asylum claim.

Additionally Petitioner has obtained a certificate in coding and is now participating in an internship to prepare him for a career in the technical field. He has been very dedicated to his studies and his career. Any detention will significantly

interrupt his employment and schooling.

With the threat of detention and deportation constantly being held over Petitioner, he is having trouble concentrating at work and completing his studies. Petitioner came to the U.S. to seek safety from those who threaten him and now in the U.S. after establishing his life, he is again living in fear that he will be handed back over to the same men he escaped, after enduring and surviving extreme physical abuse and psychological harm.

Such impacts constitute irreparable harm. See e.g., *Andreiu v. Ashcroft*, 253 F.3d 477, 484 (9th Cir.2001), factors include separation from family members, medical needs, and potential economic hardship."; see also As the Supreme Court has explained, "[t]he time spent in jail awaiting trial has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness." *Barker v. Wingo*, 407 U.S. 514, 532-33 (1972); *accord Nat'l Ctr. for Immigrants Rights, Inc. v. I.N.S.*, 743 F.2d 1365, 1369 (9th Cir. 1984). Moreover, the Ninth Circuit has recognized in "concrete terms the irreparable harms imposed on anyone subject to immigration detention" including "subpar medical and psychiatric care in ICE detention facilities, the economic burdens imposed on detainees and their families as a result of detention, and the collateral harms to children of detainees whose parents are detained." *Hernandez*, 872 F.3d at 995.

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). Petitioner has been in the United States since 2022 and has demonstrated continuous and stable residence during that time. He has no criminal record and has fully complied with all requirements imposed by immigration authorities, including attending all required ICE check-ins. Petitioner

has submitted an I-360, petitioner for Special Immigrant Juvenile Status with USCIS and has a pending asylum application before the Executive Office for Immigration Review. His consistent compliance with immigration procedures and lack of any criminal history demonstrate that he is not a danger to himself or others, not a flight risk. There is no rational basis for his detention, nor his termination of asylum proceedings before given the opportunity to a fair hearing.

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 detention would cause significant and unnecessary hardship by disrupting the legal guardianship and support structure that has been put in place to ensure his wellbeing. Petitioner has a court-appointed legal guardian who provides essential guidance, care, and support, which the Petitioner continues to rely on. If Petitioner is placed in detention, his legal guardian would be unable to adequately look after him or fulfill the responsibilities of that role, effectively undermining the purpose of the guardianship.

Petitioner has pursued all available forms of immigration relief through proper and lawful channels, including submitting applications as encouraged by immigration authorities, and he has fully complied with all instructions and requirements imposed by authorities. Petitioner's detention, despite his compliance, would contradict the policy goal of encouraging individuals to seek relief through the appropriate legal processes. Removing him from his established support system despite his lack of any criminal record of violations would create unnecessary hardship, destabilize his care

arrangement, negatively impact his schooling and career progress, and directly harm his ability to meaningfully pursue his pending applications for relief.

The merits of the petition weigh 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 18 day of February 2026

/s/ Alicia Vial Beesley

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Attorney for petitioner