

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

PHOUVONG MANIVONG,

Petitioner,

v.

Laura HERMOSILLO, Acting Seattle Field
Office Director, Enforcement and Removal
Operations, United States Immigration and
Customs Enforcement (ICE);
Bruce SCOTT, Warden, Northwest ICE
Processing Center;
Markwayne Mullin, Secretary, United States
Department of Homeland Security;
Pamela BONDI, United States Attorney
General;
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Respondents;

Case No.

**EX PARTE EMERGENCY MOTION
FOR TEMPORARY RESTRAINING
ORDER AND STAY OF REMOVAL**

**NOTE ON MOTION CALENDAR: APRIL,
02, 2026**

INTRODUCTION

Petitioner PHOUVONG MANIVONG respectfully moves for an emergency Temporary Restraining Order and temporary stay of removal enjoining Respondents from removing him from the United States, transferring him outside this Court's jurisdiction, or otherwise taking action that would defeat this Court's ability to adjudicate his pending Petition for Writ of Habeas Corpus. Petitioner was abruptly re-detained by Immigration and Customs Enforcement ("ICE") on March 20, 2026, despite having been released under an Order of Supervision ("OSUP") on April 4, 2012, and despite having remained fully compliant with all conditions of release for nearly fourteen years.

1 This motion is an emergency because Respondents have abruptly terminated Petitioner's long-
2 standing liberty and are now actively positioned to execute his removal before this Court can
3 adjudicate his constitutional challenge. Petitioner has lived in the United States for more than
4 forty-two years. He did not abscond. He did not violate supervision. He remained continuously
5 available to DHS and ICE for nearly fourteen years. Yet Respondents seized him without notice,
6 without identifying any violation, and without affording him any pre-deprivation process.

7 Absent immediate relief, Respondents may remove Petitioner before this Court can rule, thereby
8 mooted the habeas petition and depriving the Court of its ability to grant meaningful relief. See
9 *Nken v. Holder*, 556 U.S. 418, 421–22, 434–35 (2009); *Leiva-Perez v. Holder*, 640 F.3d 962,
10 964–66 (9th Cir. 2011). A stay is therefore necessary to preserve the status quo and this Court's
11 jurisdiction.

12 Petitioner's habeas petition challenges the constitutionality of Respondents' re-detention
13 decision. Specifically, Petitioner challenges the Government's revocation of his liberty without
14 written notice, without any individualized determination of danger or flight risk, and without a
15 pre-deprivation hearing before a neutral decisionmaker. That constitutional injury was complete
16 when Respondents terminated Petitioner's long-standing supervised release and seized his
17 physical liberty without due process. No subsequent process can retroactively justify that
18 unconstitutional deprivation. See *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Zadvydas v.*
Davis, 533 U.S. 678, 690 (2001).

19 Courts in this District have repeatedly held that where DHS re-detains a noncitizen who was
20 previously released into the community without notice and a pre-deprivation hearing, due
21 process is violated and immediate injunctive relief is warranted to restore the status quo ante. See
22 *E.A. T.-B. v. Wamsley*, 2025 WL 2402130, at *6 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v.*
23 *Wamsley*, 2025 WL 2637663, at *5 (W.D. Wash. Sept. 12, 2025); *Kumar v. Wamsley*, 2025 WL
24 2677089 (W.D. Wash. Sept. 17, 2025); *Phetsadakone v. Scott*, 2025 WL 2579569, at *5 (W.D.
25 Wash. Sept. 5, 2025); *Ledesma Gonzalez v. Bostock*, 2025 WL 2841574, at *9 (W.D. Wash. Oct.
26 7, 2025).

1 The Court should preserve the last uncontested status quo, Petitioner's authorized liberty under
2 supervision and enjoin removal and transfer until the Court adjudicates the merits.

3 **PROCEDURAL POSTURE AND CHANGED CIRCUMSTANCES**
4

5 Petitioner seeks emergency relief because his fourteen-year status quo of authorized liberty was
6 abruptly shattered on March 20, 2026. Without a TRO maintaining the status quo, Respondents
7 can remove Petitioner or transfer him outside this judicial district before the Court reaches the
8 merits of the habeas petition, effectively defeating the Court's ability to grant meaningful relief.

9 Petitioner entered the United States on or about May 17, 1984, as a refugee and later adjusted
10 status to lawful permanent residence. Following a 2012 removal order, DHS exercised its
11 discretionary authority to release Petitioner under an Order of Supervision on April 4, 2012.
12 From that point forward, Petitioner lived openly and lawfully in the community pursuant to
13 DHS's own release decision.

14 For more than fourteen years, Petitioner complied with every condition imposed by DHS and
15 ICE. He appeared at all required ICE check-ins, maintained a stable residence, supported himself
16 through steady employment, and remained continuously available for supervision. At no point
17 during this fourteen-year period did DHS allege that Petitioner violated any condition of release.

18 Petitioner has no criminal convictions in the last fifteen years. Although he had drug-related
19 convictions in 2010, DHS has been aware of those convictions for over a decade and
20 nevertheless chose to release him and allow him to remain in the community under supervision
21 for nearly fourteen years.

22 On March 20, 2026, Petitioner was driving to work in Portland, Oregon when ICE officers
23 abruptly stopped and re-detained him. At the time of the seizure, Petitioner presented his valid
24 work permit, yet he was taken into custody regardless. Before revoking his liberty, Respondents
25 provided no written notice, identified no alleged supervision violation, made no disclosed
26 individualized finding of danger or flight risk, and afforded no hearing before a neutral
27 decisionmaker. Petitioner was then transferred to the Northwest ICE Processing Center in
Tacoma, Washington, where he remains detained.

1 The Government's abrupt re-detention of Petitioner after fourteen years of compliant release
2 demonstrates that removal is no longer theoretical but actively being pursued. If Respondents
3 remove Petitioner before this Court rules, they will unilaterally defeat this Court's jurisdiction
4 and extinguish Petitioner's ability to obtain meaningful relief on his habeas claims.

5 The constitutional injury at issue occurred on March 20, 2026, when Respondents revoked
6 Petitioner's long-standing liberty and re-detained him without notice or pre-deprivation process.
7 That violation remains ongoing.

8 **LEGAL STANDARD**

9
10 A temporary restraining order is warranted where the movant demonstrates a likelihood of
11 success on the merits, a likelihood of irreparable harm absent relief, and that the balance of
12 equities and public interest favor relief. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20
13 (2008). The Ninth Circuit also applies a sliding-scale approach under which serious questions
14 going to the merits and a balance of hardships sharply in the movant's favor support relief so
15 long as irreparable harm is shown and the injunction is in the public interest. *Alliance for the
Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131–32 (9th Cir. 2011).

16 This Court has jurisdiction because Petitioner does not challenge the validity of his 2012 final
17 order of removal. He challenges the constitutionality of Respondents' revocation of his
18 previously granted supervised release and his re-detention without due process. That claim is
19 independent of the removal order and is cognizable in habeas under 28 U.S.C. § 2241. See 28
20 U.S.C. §§ 2241, 1331, 1651.

21 ***II. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS***

22 Respondents' re-detention of Petitioner violates the Due Process Clause of the Fifth Amendment.
23 "Freedom from imprisonment—from government custody, detention, or other forms of physical
24 restraint—lies at the core of the liberty protected by the Due Process Clause." *Zadvydas*, 533
25 U.S. at 690. When the Government has released an individual on conditions and later seeks to
26 terminate that continued liberty, due process requires meaningful procedural protections before
27 re-detention. *Morrissey*, 408 U.S. at 482.

1 Here, ICE released Petitioner on an Order of Supervision on April 4, 2012, and allowed him to
2 remain at liberty in the community for nearly fourteen years. Petitioner complied with all
3 supervision requirements, appeared for every required check-in, remained continuously available
4 to immigration authorities, maintained a stable residence, and supported himself through steady
5 employment. On March 20, 2026, while driving to work, he was abruptly seized and re-detained.

6 Before terminating Petitioner's long-standing liberty, Respondents did not provide written notice
7 of any alleged violation, did not disclose any individualized determination that Petitioner posed a
8 danger or flight risk, and did not afford a hearing before a neutral decisionmaker. The complete
9 absence of notice or process before re-detention renders the deprivation of liberty
10 constitutionally deficient.

11 This Court has repeatedly held that due process requires meaningful safeguards before DHS may
12 terminate a noncitizen's liberty through re-detention under materially similar circumstances. See
13 *E.A. T.-B.*, 2025 WL 2402130; *Ramirez Tesara*, 2025 WL 2637663; *Kumar*, 2025 WL 2677089;
14 *Ledesma Gonzalez*, 2025 WL 2841574. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976),
15 Petitioner's liberty interest is exceptionally weighty, the risk of erroneous deprivation without
16 process is high, and the Government's interest in bypassing basic procedures is minimal.

17 The existence of a 2012 removal order does not cure the constitutional defect. The injury
18 occurred when Respondents summarily revoked Petitioner's long-standing liberty without
19 process. Administrative convenience cannot retroactively validate an unconstitutional seizure.

20 Petitioner is therefore likely to succeed on the merits of his procedural due process claim.

21 ***III. PETITIONER WILL SUFFER IRREPARABLE HARM ABSENT AN INJUNCTION***

22 Petitioner will suffer irreparable harm absent immediate relief for several independent reasons.

23
24 First, ongoing detention without due process is itself irreparable harm. A loss of physical liberty
25 is irreparable. See *Moreno Galvez v. Cuccinelli*, 492 F. Supp. 3d 1169, 1181 (W.D. Wash. 2020),
26 *aff'd in part*, 52 F.4th 821 (9th Cir. 2022). Each day Petitioner remains confined without the
27 process the Constitution requires inflicts a continuing injury that cannot be remedied by

1 damages.

2 Second, the threat of removal is immediate and real. Petitioner was re-detained after fourteen
3 years of full compliance and continuous supervision. That abrupt change in posture demonstrates
4 that Respondents are no longer merely supervising Petitioner but actively moving toward
5 removal. Deportation is a paradigmatic form of irreparable harm. *Nken*, 556 U.S. at 435.

6 Third, removal would moot the pending habeas petition and deprive this Court of meaningful
7 remedial authority. If removed before this Court rules, Petitioner will lose the only practical
8 opportunity for judicial review of his constitutional claim. Without a stay, Respondents can
9 unilaterally defeat this Court's jurisdiction by executing removal before the Court can adjudicate
10 the merits.

11 Fourth, the deprivation of constitutional rights unquestionably constitutes irreparable injury.
12 *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Petitioner's constitutional injury began
13 the moment he was seized without notice or hearing and continues so long as he remains
14 detained or subject to imminent removal.

15 ***IV. The Balance of Hardships and Public Interest Strongly Favor Relief***
16

17 The balance of equities and public interest favor immediate relief. These factors merge when the
18 Government is the opposing party. *Nken*, 556 U.S. at 435.

19 Petitioner faces extreme and irreversible hardship: continued detention, imminent deportation to
20 a country from which he has long been separated, separation from his family, and the destruction
21 of meaningful habeas review. For an individual who has lived in the United States for over forty-
22 two years and remained compliant for fourteen years under DHS supervision, the hardship is
23 extraordinary.

24 By contrast, Respondents suffer no cognizable hardship from a narrow, temporary stay
25 preserving the status quo. Maintaining the status quo imposes no burden on Respondents beyond
26 requiring them to comply with the Constitution while this Court adjudicates the petition. DHS
27 itself previously determined that supervised release was appropriate and allowed Petitioner to

1 remain in the community for nearly fourteen years.

2 The public interest likewise favors relief. The public has a strong interest in ensuring that
3 individuals are not deprived of liberty through unconstitutional procedures and in preserving the
4 judiciary's ability to adjudicate constitutional claims before irreversible executive action occurs.

5
6 ***V. EMERGENCY RELIEF IS REQUIRED TO PRESERVE THE COURT'S***
7 ***JURISDICTION AND THE STATUS QUO***

8 This Court has recognized that post-deprivation process cannot cure the unconstitutional
9 termination of liberty where DHS re-detains a previously released noncitizen without the
10 required safeguards. See *E.A. T.-B.*, 2025 WL 2402130, at *6. That principle applies with even
11 greater force where, as here, the sudden re-detention of a long-term compliant individual places
12 him at risk of removal before the Court can act.

13 Courts also restore the last uncontested status quo pending adjudication. See *Ramirez Tesara*,
14 2025 WL 2637663, at *5 (quoting *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th
15 Cir. 2000)). Here, the last uncontested status quo was Petitioner's liberty under an Order of
16 Supervision. Without emergency relief, that status quo will be permanently destroyed before the
17 Court can decide whether Respondents acted constitutionally.

18 **REQUESTED RELIEF**

19 Petitioner respectfully requests that this Court enter an order:

- 20
- 21 1. Enjoining Respondents from removing Petitioner from the United States pending
22 resolution of the Petition for Writ of Habeas Corpus;
 - 23 2. Enjoining Respondents from transferring Petitioner outside the Western District of
24 Washington, or otherwise outside this Court's jurisdiction, pending resolution of the
25 petition;
 - 26 3. Restoring and maintaining the status quo by returning Petitioner to release under the prior
27 Order of Supervision pending adjudication of the petition, or, at minimum, prohibiting

1 removal until the Court adjudicates the merits;

2 4. Granting expedited consideration of this motion; and

3
4 5. Granting such other and further relief as the Court deems just and proper.

5 At minimum, if the Court is not prepared to issue a full TRO immediately, Petitioner respectfully
6 requests an immediate administrative stay of removal until the Court rules.

7
8 **CONCLUSION**

9 For the foregoing reasons, Petitioner respectfully requests that this Court immediately grant his
10 motion for a Temporary Restraining Order and emergency stay of removal. Absent prompt relief,
11 Respondents may remove Petitioner before this Court can adjudicate his habeas petition, thereby
12 mooting review, defeating the Court's jurisdiction, and irreparably depriving Petitioner of his Fifth
13 Amendment rights. This Court should not permit Respondents to evade constitutional review
14 through unilateral removal.

15 Petitioner respectfully requests same-day consideration, or, at minimum, an immediate
16 administrative stay of removal pending the Court's ruling.

17 RESPECTFULLY SUBMITTED THIS 02ND DAY OF APRIL, 2026

18
19
20 /s/ Jashan Multani

21 Jashan Multani, WSBA #60073
22 MULTANI LAW GROUP, PLLC
23 13106 SE 240th Street, Suite 110
24 Kent, WA 98031
25 (206) 243-4219
26 jashan@multanilawgroup.com
27 Attorney for Petitioner