

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANGEL ROMULO DEL VALLE

CASTILLO, et al.,

Petitioners,

v.

CAMMILLA WAMSLEY, et al.,

Respondents.

Case No. 2:25-cv-02054-TMC

ORDER GRANTING IN PART AND
DENYING IN PART PETITIONERS'
MOTION FOR TEMPORARY
RESTRAINING ORDER

I. ORDER

On October 21, 2025, Petitioners filed a petition for writ of habeas corpus, alleging that Respondents violated the Immigration and Nationality Act (“INA”) by subjecting them to mandatory detention at the Northwest Immigration and Customs Enforcement Processing Center (“NWIPC”) under 8 U.S.C. § 1225(b)(2). Dkt. 1 ¶¶ 96–103. On October 30, Petitioners filed an *ex parte* motion for a temporary restraining order (“TRO”) enjoining Respondents from transferring them out of the Western District of Washington during the habeas proceedings. Dkt. 10 at 1. At the same time, they sought an order requiring Respondents to return Petitioner Hector Ramirez Garcia, who had been transferred from NWIPC to a facility in New Mexico, back to this district. *Id.* The Court issued an order temporarily prohibiting Respondents from

1 transferring any Petitioner out of this district and directing the parties to communicate their
2 availability for a hearing on the motion. Dkt. 14. Through email communications with the
3 courtroom deputy, the parties then consented to the Court deciding the motion on the papers. On
4 October 31, Federal Respondents filed a response to the motion. Dkt. 15. The motion is now ripe
5 for the Court’s review. For the reasons that follow, the Court GRANTS IN PART and DENIES
6 IN PART the motion for a TRO.

7 Petitioners argue that a TRO is warranted because (1) they are likely to succeed on the
8 merits of their habeas petition; (2) they face irreparable harm absent the requested relief; and
9 (3) the balance of equities and the public interest weigh in their favor. Dkt. 10 at 4–9. Federal
10 Respondents assert that transfer is permissible consistent with the government’s authority “to
11 determine the placement and transfer of detainees to appropriate detention facilities.” Dkt. 15 at
12 2; *see* 8 U.S.C. § 1231(g)(1) (“The Attorney General shall arrange for appropriate places of
13 detention for aliens detained pending removal or a decision on removal.”).

14 A federal district court “may issue all writs necessary or appropriate in aid of [its] . . .
15 jurisdiction[] and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). A court
16 “has the inherent authority and responsibility to protect the integrity of its proceedings which
17 [are] undoubtedly impacted” when a habeas petitioner is transferred to a detention facility
18 outside of the district. *Ozturk v. Trump*, 779 F. Supp. 3d 462, 496 (D. Vt. 2025), *amended sub*
19 *nom. Ozturk v. Hyde*, 136 F.4th 382 (2d Cir. 2025). Under this authority, a court may order
20 injunctive relief prohibiting the government from transferring a petitioner out of the district
21 while habeas corpus proceedings are ongoing. *See Oliveros v. Kaiser*, No. 25-CV-07117-BLF,
22 2025 WL 2677125, at *8–9 (N.D. Cal. Sept. 18, 2025). Section 1231(g) does not preclude
23 courts’ inherent authority to issue such orders. *See Ozturk*, 136 F.4th at 395–96 (determining that
24 the government was unlikely to succeed on its argument that judicial review was precluded under

1 § 1231(g)); *see also Reyna ex rel J.F.G. v. Hott*, 921 F.3d 204, 209 (4th Cir. 2019) (“[T]he
2 language of § 1231(g) does not address transfers at all, nor does it explicitly grant the Attorney
3 General or the Secretary of Homeland Security discretion with respect to transfers.”).

4 Moreover, a party seeking a TRO “must establish that he is likely to succeed on the
5 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the
6 balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v.*
7 *Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *United States v. City of Seattle*, 474 F. Supp.
8 3d 1181, 1185 (W.D. Wash. 2020) (“The standard for issuing a TRO is the same as the standard
9 for issuing a preliminary injunction.”). When a party seeks a TRO against the government, the
10 third and fourth factors merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir.
11 2014). In the Ninth Circuit, a party may also obtain a TRO by demonstrating “‘serious questions
12 going to the merits’ and a balance of hardships that tips sharply” in the party’s favor, so long as
13 the party also shows “that there is a likelihood of irreparable injury and that the injunction is in
14 the public interest.” *Fraihat v. U.S. Immigr. & Customs Enf’t*, 16 F.4th 613, 635 (9th Cir. 2021)
15 (quoting *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011)); *City of*
16 *Seattle*, 474 F. Supp. 3d at 1185–87 (applying the “serious questions” standard to a request for a
17 TRO).

18 The Court finds that Petitioners have raised serious questions about the legality of their
19 detention under the INA. Petitioners allege that they are entitled to relief under *Rodriguez*
20 *Vazquez v. Bostock*, --- F. Supp. 3d ---, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D.
21 Wash. Sept. 30, 2025); Dkt. 1 ¶¶ 96–100. In *Rodriguez Vazquez*, this Court granted summary
22 judgment to members of a certified Bond Denial Class, entering final judgment and issuing the
23 following declaratory relief:

1 The Court declares that Bond Denial Class members are detained under
2 8 U.S.C. § 1226(a) and are not subject to mandatory detention under
3 8 U.S.C. § 1225(b)(2). The Court further declares that the Tacoma Immigration
Court's practice of denying bond to Bond Denial Class members on the basis of
§ 1225(b)(2) violates the Immigration and Nationality Act.

4 --- F. Supp. 3d ---, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *27.

5 In their response to the habeas petition, Respondents raise strong arguments that
6 Petitioners are not members of the Bond Denial Class because they were initially apprehended
7 upon arrival to the United States. Dkt. 16 at 12–15. But Petitioners contend that because they
8 were released and resided in the United States for months to years prior to their most recent
9 apprehensions, they are subject to detention under 8 U.S.C. § 1226(a) and are therefore entitled
10 to bond hearings. Dkt. 1 ¶¶ 27–54; Dkt. 10 at 4–7. Even if Petitioners are not included in the
11 *Rodriguez Vazquez* class, this argument, at a minimum, raises serious questions regarding
12 whether their mandatory detention under § 1225(b)(2) violates the INA.

13 Second, Petitioners have demonstrated a likelihood of irreparable harm and that the
14 balance of hardships tips sharply in their favor, as transfer to detention facilities outside of the
15 Western District of Washington would impede their ability to communicate with counsel and
16 participate in bond hearings. Dkt. 10 at 7–8; *see L.A.E. v. Wamsley*, No. 3:25-CV-01975-AN,
17 2025 WL 3037856, at *5 (D. Or. Oct. 30, 2025) (“Given the labyrinthine nature of immigration
18 law and the harms of an erroneous deportation, abridging access to legal representation in the
19 context of removal proceedings is a particularly concrete and irreparable harm.”); *Arroyo v. U.S.*
20 *Dep’t of Homeland Sec.*, No. SACV19815JGBSHKX, 2019 WL 2912848, at *22 (C.D. Cal. June
21 20, 2019) (concluding that transferring detainees to new immigration facilities would cause
22 irreparable harm by burdening detainees’ ability to interact with retained counsel). An attorney
23 representing Ramirez Garcia in separate immigration matters attests that the Northwest
24 Immigrant Rights Project, which represents Petitioners here, lacks resources to visit clients at

1 facilities outside of the state of Washington or to facilitate out-of-state pro bono representation.
2 Dkt. 12 ¶¶ 3, 5, 11.

3 Moreover, Federal Respondents have not shown that maintaining Petitioners' detention at
4 NWIPC would impose an undue hardship on the government. Ensuring that Petitioners retain
5 access to counsel will facilitate the speedy resolution of the habeas proceedings. *See Oliveros*,
6 No. 25-CV-07117-BLF, 2025 WL 2677125, at *8–9 (“Here, the Court finds that equities
7 strongly favor Petitioner remaining in this District pending the resolution of this matter because
8 this will expedite resolution of this matter, provide Petitioner ready access to medical and legal
9 services, and address concerns about the conditions of her detention.”). Keeping Petitioners at
10 NWIPC is also consistent with the Immigration and Customs Enforcement (“ICE”) Detainee
11 Transfers Directive No. 11022.1, which states that “[u]nless a transfer is deemed necessary by a
12 [Field Office Director] or his or her designee,” ICE “will not transfer a detainee when there is
13 documentation to support,” among other things, “[i]mmEDIATE family within the [Area of
14 Responsibility]” or “[a]n attorney of record . . . within the [Area of Responsibility.]” *Arroyo*, No.
15 SACV-19815-JGBSHKX, 2019 WL 2912848, at *3; *see also* Dkt. 15 at 2 (citing U.S.
16 Immigration and Customs Enforcement, Performance-Based National Detention Standards 2011
17 (rev. 2016), *available at*
18 <https://www.ice.gov/doclib/detentionstandards/2011/pbnds2011r2016.pdf>, which in turn states
19 that “[d]ecisions to transfer detainees are made . . . on the basis of complete and accurate case
20 information and principles set forth in the ICE/ERO Detainee Transfers Directive and other
21 applicable ICE/ERO policies”); ICE/ERO Detainee Transfers Directive at 2, *available at*
22 https://www.ice.gov/doclib/foia/policy/11022.1_DetaineeTransfers.pdf.

23 If circumstances change, Respondents can seek a modification of this Order. Therefore,
24 the Court concludes that a TRO prohibiting the transfer of the Petitioners still located at NWIPC

1 is warranted to protect the integrity of these habeas proceedings and GRANTS the motion for
2 TRO to the extent that it seeks such relief.

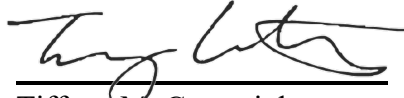
3 However, the Court DENIES Petitioners' request for the return of Ramirez Garcia to
4 NWIPC. The relief Petitioners seek regarding Ramirez Garcia would be a "mandatory
5 injunction," which "'order[s] a responsible party to take action' going 'well beyond simply
6 maintaining the status quo.'" *Betschart v. Oregon*, 103 F.4th 607, 619 (9th Cir. 2024) (quoting
7 *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 879 (9th Cir. 2009)).
8 A party seeking a mandatory injunction must demonstrate "that the law and facts clearly favor
9 [their] position, not simply that [they are] likely to succeed." *Id.* (alterations in original) (quoting
10 *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (en banc)). Although Petitioners have
11 raised serious questions about the legality of their detention, they have not met this higher bar for
12 relief.

13 Accordingly, the Court orders as follows:

- 14 1. Petitioners' motion for a temporary restraining order (Dkt. 10) is GRANTED IN
15 PART and DENIED IN PART.
- 16 2. Respondents, including their officers, agents, servants, employees, attorneys, or
17 others acting on their behalf, are PROHIBITED from transferring any Petitioner from
18 the Northwest Immigration and Customs Enforcement Processing Center to any other
19 facility during the pendency of these proceedings unless they seek modification of
20 this Order or there is a final, executable removal order for any Petitioner.
- 21 3. This Order expires November 19, 2025 unless extended by this Court. The Court
22 anticipates that it can rule on the underlying habeas petition within that time. Should
23 an extension be necessary, the Court will set a hearing and briefing schedule for
24 whether to convert the TRO into a preliminary injunction.

1 4. Respondents have not requested a bond and the Court waives the bond requirement
2 under Federal Rule of Civil Procedure 65(c).

3 Dated this 5th day of November, 2025.

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5 Tiffany M. Cartwright
6 United States District Judge
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