

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juan LEON FIGUEROA, et al.,
Petitioners,

v.

Cammilla WAMSLEY, et al.,
Respondents.

Case No. 2:25-cv-2228

**EX PARTE MOTION FOR
TEMPORARY RESTRAINING
ORDER**

Note on Motion Calendar:
November 7, 2025

INTRODUCTION

Petitioners are members of the certified Bond Denial Class in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash. filed Mar. 20, 2025), detained at the Northwest Immigration and Customs Enforcement (ICE) Processing Center (NWIPC). At approximately 4:30 pm today, counsel for Petitioners in this case learned that at least two of the four Petitioners had their accounts at NWIPC zeroed out—an unmistakable signal that transfer to another detention facility outside this district is about to occur. Petitioners therefore seek a temporary restraining order (TRO) prohibiting their transfer outside this district.

Transfer now would cause immediate, irreparable harm. Most importantly, Respondents may argue removal from this district severs class membership; it would also deprive Petitioners of their counsel, both in their bond and merits proceedings before the immigration court.

1 Meaningful relief thus requires that Petitioners remain in this district, where they have counsel,
2 support networks, and longstanding ties.

3 Petitioners will notify the U.S. Attorney’s Office for the Western District of Washington
4 of this motion upon filing. As described below, in multiple recent instances, Respondents have
5 transferred class members in *Rodriguez Vazquez*, threatening to deprive class members of court-
6 ordered relief and access to counsel. Accordingly, a TRO is necessary now to preserve the status
7 quo and ensure class members’ ability to enforce their rights under the *Roriguez Vazquez*
8 summary judgment order.

9 STATEMENT OF FACTS

10 Petitioners are four noncitizens who are members of the certified class in *Rodriguez*
11 *Vazquez*. On September 30, 2025, this Court entered final judgment declaring all Bond Denial
12 Class members in that case are detained under 8 U.S.C. § 1226(a) and are therefore entitled to a
13 bond hearing before an immigration judge (IJ). *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-
14 05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025).
15 Here, all four petitioners are class members, as they are detained at NWIPC, initially entered the
16 United States without inspection, were not apprehended at that time, and have since resided in
17 the United States. *See, e.g.*, Ng. Decl. Exs. A–B, D–E, G; *see also* Decl. of Carlos Navarro ¶ 5.
18 In most cases, these individuals have lived here for years and even decades. *See* Pet. ¶¶ 4, 7, 10,
19 13.

20 At 4:30 pm today, Aaron Korthuis, one of the attorneys for Petitioners and class counsel
21 in *Rodriguez Vazquez*, received a call from Carlos Navarro, a local immigration practitioner.¹
22 Mr. Navarro had just learned that the commissary accounts of two of the petitioners included in
23 this habeas petition—Juan Leon Figueroa and Baltazar Lopez Mendez—had been zeroed out.
24 Navarro Decl. ¶¶ 2–3. Mr. Navarro learned this based on phone calls that he received from his
25

26 ¹ Mr. Navarro’s clients have been included in at least two of the previous group habeas petitions
27 that *Rodriguez Vazquez* class counsel has filed. The Court has ordered relief on behalf of those
clients.

clients. *Id.* ¶ 2. As Mr. Navarro explains, the zeroing out of a person’s commissary account is an unmistakable sign that an individual is about to be transferred from NWIPC to another facility. *Id.* ¶ 3.

The fact that Petitioners will imminently transfer at least two—and perhaps all—of the Petitioners in this case is also supported by recent events. As class counsel reported in *Rodriguez Vazquez*, Respondents transferred many *Rodriguez Vazquez* class members to other detention facilities outside this judicial district last week, and now this week. Petitioners attach the same declarations that class counsel has filed in support of the Bond Denial Class’s motion for relief under 28 U.S.C. § 2202 in *Rodriguez Vazquez*. These declarations document a concerted effort by Respondents to evade the summary judgment in *Rodriguez Vazquez* by transferring individuals out of this district before class members can seek relief from this Court. Indeed, as the Bond Denial Class in *Rodriguez Vazquez* explained, in the cases of at least six uncontested class members, Defendants have transferred class members out of this district. McKee Decl. ¶ 4; Decl. of Jennifer Lesmez ¶¶ 4–5; Decl. of Virginia Rivas Aldrete ¶ 3; Decl. of Laura Reist ¶¶ 3–15. In one instance, a class member was transferred in violation of a court order. *See* Rivas Decl. ¶¶ 3–4; *see also* Order to Show Cause, *Cantero Garcia v. Wamsley*, No. 2:25-cv-2092-TMC (W.D. Wash. Oct. 29, 2025). They now seek to transfer at least three additional class members.²

The harm that Petitioners if transferred face here is significant. As reflected in documents submitted to this Court, many of the Petitioners reside in Pacific Northwest. *See, e.g.*, Ng. Decl. Ex. B, E, H. They have counsel who have agreed to represent them here, *see, e.g.*, Navarro Decl. ¶ 6. As Mr. Navarro explains, he will be unable to represent these individuals if transferred (given the costs involved) underscoring how critical it is that they remain in this district. *Id.* In addition, as Petitioners stated in their petition, and as reflected in the record, some Petitioners have not yet received a bond hearing where the judge considered their request for release. Thus,

² It is precisely to avoid emergency motions of the sort that counsel is filing here that class counsel in *Rodriguez Vazquez* has sought additional relief under 28 U.S.C. § 2202 for Bond Denial Class members in that case.

for these Petitioners, the relief requested in this case requires a bond hearing. But if Petitioners are detained elsewhere, preparing for that hearing and having counsel will be much more difficult, if not impossible. Thus, Petitioners' continued presence in this district, and that of all Petitioners, is necessary to provide meaningful relief in this case.

ARGUMENT

On a motion for a TRO, the movant "must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and TRO standards are "substantially identical"). A TRO may issue where "serious questions going to the merits [are] raised and the balance of hardships tips sharply in [plaintiff's] favor." *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (citation modified). To succeed under the "serious question" test, Mr. Kumar must also show that he is likely to suffer irreparable injury and that an injunction is in the public's interest. *Id.* at 1132.

I. Petitioners are likely to succeed on the merits.

The underlying claims in this case are ones on which Petitioners are plainly likely to succeed. This Court has already ruled in favor of Petitioners and all class members in *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC, --- F. Supp. 3d ---, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). Petitioners are uncontested class members, and this Court has already ordered relief for similarly situated individuals in several habeas petitions. *See, e.g., See, e.g., Ortiz Martinez v. Wamsley*, No. 2:25-cv-1822-TMC (W.D. Wash.) (habeas petition granted for five class members); *Garcia v. Wamsley*, No. 2:25-cv-1980-TMC (W.D. Wash.) (habeas petition granted for three class members); *Guzman v. Walmsley*, 2:25-cv-01706-TMC (habeas petition granted for class member); *Castillo Arredondo v. Wamsley*, No. 2:25-cv-01838-TMC (W.D. Wash.) (habeas petition granted for class member) *Cantero Garcia v. Wamsley*, No. 2:25-cv-2092-TMC (W.D. Wash.) (habeas petition granted for four out of five class members); *M.M. v.*

1 *Wamsley*, No. 2:25-cv-02074-TMC (W.D. Wash.) (habeas petition granted for class member);
 2 *Lopez Rojop v. Wamsley*, No. No. 2:25-cv-2092-TMC (W.D. Wash.) (habeas petition granted for
 3 class member). This position is consistent with the overwhelming majority of federal courts to
 4 have considered the issue. *See, e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL
 5 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp.
 6 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157
 7 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation*
 8 *adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025);
 9 *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13,
 10 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug.
 11 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285
 12 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass.
 13 Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19,
 14 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21,
 15 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24,
 16 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27,
 17 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670
 18 (D. Minn. Aug. 27, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, --- F.
 19 Supp. 3d ----, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-
 20 cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*,
 21 No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Jimenez v. FCI*
 22 *Berlin*, Warden, 25-CV-326-LM-AJ, --- F.Supp.3d ----, 2025 WL 2639390 (D.N.H. Sept. 8,
 23 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9,
 24 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025);
 25 *Aceros v. Kaiser*, 25-CV-06924-EMC (EMC), 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025);
 26 *Pablo Sequen v. Kaiser*, No. 25-CV-06487-PCP, 2025 WL 2650637 (N.D. Cal. Sept. 16, 2025);
 27 *Maldonado Vazquez v. Feeley*, 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17,

2025); *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), --- F. Supp. 3d. ----, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Choglo Chafila v. Scott*, 2:25-CV-00437-SDN, 2025 WL 2688541 (D. Me. Sept. 21, 2025); *Belsai v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Cerritos Echevarria v. Bondi*, No. CV-25-03252-PHX-DWL (ESW), 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025); *Ortiz Donis v. Chestnut*, No. 1:25-CV-01228 JLT SAB, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).³

In addition, this Court has authority to issue orders to preserve its jurisdiction and ability to order relief. While this case is ultimately centered on Petitioners’ right to a bond hearing, Petitioners note that the “use of habeas for transfer claims is not novel.” *Trump v. J.G.G.*, 604 U.S. 670, 674 (2025) (Kavanaugh, J., concurring). Indeed, “going back to the English Habeas Corpus Act of 1679, if not earlier, habeas corpus has been the proper vehicle for detainees to bring claims seeking to bar their transfers.” *Id.* (Kavanaugh, J., concurring). Moreover, it is common practice for courts to enjoin the transfer of Petitioners while a habeas petition is pending, in order to ensure that the court can provide effective relief. *See, e.g., Svenin v. Casey*, No. 3:25-CV-01865-CAB-KSC, 2025 WL 2917319, at *3 (S.D. Cal. Oct. 14, 2025) (“Courts typically enjoin the Government from transferring detainees out of the district during the pendency of the habeas proceedings.”); *cf. Cantero Garcia v. Wamsley*, No. 2:25-CV-02092-TMC, 2025 WL 3022252, at *2 (W.D. Wash. Oct. 29, 2025) (ordering pre-transfer notice, and explaining why such notice is necessary).

³ This list is far from exhaustive, as the decisions have become too voluminous to cite.

II. Petitioners will suffer irreparable harm absent a TRO.

Petitioners will also suffer irreparable harm absent an order barring transfer. The members of the Bond Denial Class are defined as including noncitizens “detained at the Northwest ICE Processing Center.” *Rodriguez Vazquez v. Bostock*, 349 F.R.D. 333, 365 (W.D. Wash. 2025). While the position of class counsel in *Rodriguez Vazquez* is that transfer should not defeat class membership, Respondents may contend otherwise. And while class members have class counsel to file local habeas petitions for them in this district, class counsel is unable to file habeas petitions in other districts where they are not licensed. Nor is it guaranteed that in the jurisdiction where Petitioners are transferred that they will receive relief. By contrast, *Rodriguez Vazquez* declares that Petitioners are entitled to consideration for release on bond.

In addition, the transfer of Petitioners will interfere with their access to counsel, both in immigration proceedings and in this habeas petition. As Mr. Navarro explains, “the ability to meet clients at person” at NWIPC is critical to ensure proper representation, including the ability to prepare for a bond hearing, should the Court order it. Navarro Decl. ¶ 6. Courts have recognized that such interference with access to counsel is a form of irreparable harm, as it can have significant effects on a person’s ability to defend or present their case. *See, e.g., Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 879 (C.D. Cal. 2025); *cf. Immigrant Defs. L. Ctr. v. Noem*, 145 F.4th 972, 993 (9th Cir. 2025) (“Noncitizens’ ‘fundamental’ right to counsel must be respected in substance as well as in name.”); *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 566–67 (9th Cir. 1990) (upholding injunction “designed to ensure access to counsel,” and explaining that the lower court’s order created “appropriate remedies for a pattern of practices which severely impeded class members from communicating with counsel.”). Indeed, as one member of this Court recently recognized, a court “‘has the inherent authority and responsibility to protect the integrity of its proceedings which [are] undoubtedly impacted’ when a habeas petitioner is transferred to a detention facility outside of the district.” *Lahamendu v. Bondi*, No. 2:25-CV-02155-LK-SKV, 2025 WL 3066437, at *6 (W.D. Wash. Nov. 3, 2025) (quoting *Ozturk v. Trump*, 779 F. Supp. 3d 462, 496 (D. Vt. 2025), *aff’d in relevant part sub nom. Ozturk v.*

Hyde, 136 F.4th 382, 394 (2d Cir. 2025)). That is particularly true here, given that meaningful relief (and even the ability to order it) depends on Petitioners remaining in this district and having access to their counsel here.⁴

III. The balance of hardships and public interest warrant a TRO.

The final two factors for a preliminary injunction—the balance of hardships and public interest—“merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). Here, Petitioners face weighty hardships: possible loss of relief, as well as the loss of access to counsel. *See supra* Sec. II. Respondents, by contrast, faces no hardship with respect to the Petitioners that they have not yet transferred, as all they must do is refrain from transferring those Petitioners. These actions are especially egregious here, where Respondents are well aware that Petitioners are more than likely to prevail on the merits of the case and are entitled to receive a bond hearing (or to release on an alternative bond). Despite that, Respondents are attempting to move Petitioners elsewhere, taking them away from their homes and communities in this state. Avoiding such “preventable human suffering” strongly tips the balance in favor of Petitioners. *Hernandez v. Session*, 872 F.3d 976, 996 (9th Cir. 2017) (quoting *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983)).

What is more, “the public interest benefits from an injunction that ensures that individuals are not deprived of their liberty and held in immigration detention because of . . . a likely [illegal] process.” *Hernandez v. Session*, 872 F.3d 976, 996 (9th Cir. 2017). That rationale applies here too, as but for Respondents’ unlawful policy, Petitioners would likely be out of detention and at home in this state, instead of stranded wherever Respondents transfer them.

⁴ In *Lahamendu*, Judge King also noted that an order preventing transfer was warranted because it was “consistent with the ICE Detainee Transfers Directive No. 11022.1, which states that ‘unless a transfer is deemed necessary by a Field Office Director or his or her designee,’ ICE ‘will not transfer a detainee when there is documentation to support,’ among other things, ‘immediate family within the Area of Responsibility’ or ‘an attorney of record . . . within the Area of Responsibility.’” 2025 WL 3066437, at *6 (citation modified).

Finally, as Judge King recently recognized in *Lahamendu*, these factors also favor Petitioners because ICE's own policy generally requires them *not* to transfer individuals away from counsel, and having Petitioners present in this district will ensure that both immigration and habeas counsel have access to their clients. *See* 2025 WL 3066437, at *6.

CONCLUSION

For the reasons above, the Court should order that Respondents may not transfer Petitioners to this case from this district while this case is pending, unless Respondents obtain a final, executable order of removal.

Respectfully submitted this 7th day of November, 2025.

s/ Matt Adams

Matt Adams, WSBA No. 28287
matt@nwirp.org

s/ Aaron Korthuis

Aaron Korthuis, WSBA No. 53974
aaron@nwirp.org

s/ Glenda M. Aldana Madrid

Glenda M. Aldana Madrid, WSBA No. 46987
glenda@nwirp.org

s/ Leila Kang

Leila Kang, WSBA No. 48048
leila@nwirp.org

s/ Amanda Ng

Amanda Ng, WSBA No. 57181
amanda@nwirp.org

*Counsel certifies that this motion contains
2,849 words in compliance with the Local Civil
Rules.*

NORTHWEST IMMIGRANT
RIGHTS PROJECT
615 Second Ave., Suite 400
Seattle, WA 98104
(206) 957-8611

Counsel for Petitioners