District Judge Tiffany M. Cartwright
Chief Magistrate Judge Theresa L. Fricke

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Moises David BONILLA MEJIA,

Petitioner,

v.

Laura HERMOSILLO, et al.,

Respondents.

Case No. 2:25-cv-02196 TMC-TLF

REPLY IN SUPPORT OF EMERGENCY TEMPORARY RESTRAINING ORDER

Note on Motion Calendar:

November 12, 2025

Petitioner Moises Bonilla Mejia seeks an emergency temporary restraining order enjoining Respondents from unlawfully removing him, or transferring him from this District, before his removal order is final.

It is unlawful to execute a non-final order. *See Arce v. United States*, 899 F.3d 796, 801 (9th Cir. 2018); *Ibarra-Perez v. United States*, 154 F.4th 989, 994 (9th Cir. 2025). In *Cui v. Garland*, 13 F.4th 991, 996 (9th Cir. 2021), the Court held that an in absentia removal order is not final until the time for moving to rescind the order and appeal has run, or the Board of Immigration Appeals (BIA or Board) has decided the case. Even though Petitioner's in absentia order is not final pending review before the Board, Respondents flatly refuse to follow *Cui*. Permitting the agency to flout Ninth Circuit law would cause Petitioner irreparable injury, as he would be separated from his wife and minor children and barred from pursuing his asylum claim,

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
Tel. (206) 957-8628

in violation of Due Process. Furthermore, *Arce* and *Ibarra-Perez* held that the jurisdiction stripping provisions cited by Respondents do not bar this Court from reviewing a claim that the agency is unlawfully executing a non-final order of removal and denying Petitioner his Due Process rights.

ARGUMENT

I. Petitioner is likely to succeed on the merits of his argument that Respondents' actions are unlawful and violate Due Process, and this Court has jurisdiction to hear these claims.

A TRO is appropriate to preserve the status quo – that Petitioner remains in the U.S. in this District, pending a final decision on his motion to rescind and reopen proceedings and application for asylum. *See A.A.R.P. v. Trump*, 145 S. Ct. 1034 (2025) (enjoining removal pending further order). Petitioner first addresses why Respondents' actions to remove him are unlawful. Then, Petitioner elaborates on the authority establishing this Court's jurisdiction.

A. Respondents' actions are unlawful because there is no final removal order.

Respondents' assertion that Petitioner "is subject to a final order of removal," Dkt. 8 at 9, is foreclosed by *Cui v. Garland*, 13 F.4th 991, 996 (9th Cir. 2021), which held that an in absentia removal order does not become final until the 180 days to challenge that order has run, or until the BIA has issued a decision on the challenge. Because Petitioner's motion to rescind and reopen the removal order is still pending before the Board, it is not final. *Id.*

Respondents do not dispute, nor could they, that a person may not be removed where the removal order is not administratively final. The period for removal only begins on whichever is later, either: (i) the date the removal order becomes administratively final; or (ii) the date of a Court's final order, if on judicial review there is stay. 8 U.S.C. § 1231(a)(1)(B). The INA also defines when an order is administratively final: (i) when the BIA affirms the underlying Immigration Judge (IJ) order, or (ii) the period to seek such review has lapsed. 8 U.S.C. § 1001(a)(47)(B). Removing someone *before* they have a final removal order raises a cognizable FTCA damages claim for wrongful removal. *See Arce v. United States*, 899 F.3d 796, 801 (9th

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
Tel. (206) 957-8628

Cir. 2018) (removal during judicial stay); *Ibarra-Perez v. United States*, 154 F.4th 989, 994 (9th Cir. 2025) (removal without an administrative hearing on fear of return to Mexico).

In the normal course of removal proceedings, an individual has a merits hearing before an IJ. If denied, they may appeal to the BIA. If the Board denies, they may appeal to the Court of Appeals (COA). Removal is stayed pending IJ and BIA review, because there is no final order. *See* 8 C.F.R. § 1003.6(a). If the BIA denies the case, the removal order is final unless an appeal to the COA is filed and the Court issues a stay. 8 U.S.C. § 1231(a)(1)(B). An individual has a right to file, within 90 days of a *final* removal order, one motion to reopen stating new facts. 8 U.S.C. § 1229a(c)(7). A Section 1229a(c)(7) motion to reopen does not alter the fact that the person has a final order of removal, after having had full BIA and appellate review.

Petitioner, in contrast, falls under in absentia statutory provisions. If a person fails to appear at a hearing, they can be ordered removed in absentia by the IJ, with no hearing on their asylum claim, as happened here. *See* 8 U.S.C. § 1229a(b)(5). An individual ordered removed in absentia files a request to rescind the removal order and reopen proceedings under Section 1229a(b)(5)(C), which is distinct from the Section 1229a(c)(7) motion to reopen. There is no direct appeal of an IJ in absentia order to the Board, but instead an individual must first file a motion to rescind and reopen to the IJ, and only then appeal to the BIA. *See Cui*, 13 F.4th at 994, 996, *citing In re Guzman-Arguera*, 22 I. & N. Dec. 722, 723 (BIA 1999).

Cui squarely addressed the question of when an in absentia order becomes final. The Court interpreted the plain language of the finality definition in 8 U.S.C. § 1101(a)(47)(B):

> Because in absentia removal orders may not be appealed to the BIA without first filing a motion to reopen the order before the IJ within 180 days of the order, … if the petitioner does not timely file such a motion before the IJ the order becomes final at the end of the 180-day period. "[T]he period in which the alien is permitted to seek review of such order by the [BIA]" also expires at that time … because, while the alien could have sought BIA review after first exhausting her motion to reopen before the IJ, once the petitioner fails to file a timely motion with the IJ … the ability to ultimately appeal to the BIA expires along with the 180-day deadline to seek reopening before the IJ.

Cui, 13 F.4th at 996 (citations omitted). In other words, applying the statutory definition of

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
Tel. (206) 957-8628

finality, *Cui* held that the IJ's in absentia order is final after 180 days, if no IJ appeal is taken, or after a final BIA decision, if a motion to rescind is filed, denied by the IJ, and then appealed to the BIA. *Id.*

The *Cui* decision in 2021 imposed a different definition of finality than that preferred by the agency. *See* Dkt. 8 at 9-10. Even though § 1101(a)(47)(B) states that a removal order does not become final until the time for appeal to has passed, or the BIA makes a decision, the agency promulgated regulations that an IJ in absentia order becomes final the moment it is issued. 8 C.F.R. § 1241.1(e) (62 FR 10378, Mar. 6, 1997, *as amended at* 73 FR 76938, Dec. 18, 2008); *see* Dkt. 8 at 10. Unsurprisingly, prior to *Cui*, a District Court in 2014 would defer to the agency's interpretation, as Respondents point out. *See* Dkt. 8 at 9, *citing Olivera-Julio v. Asher*, 2014 WL 6387351, at *2 (W.D. Wash. Nov. 14, 2014).

Respondents now take the startling position that *Cui* "was contrary to law," as the agency prefers its regulations and practice over the Ninth Circuit's interpretation of the statute. Dkt. 8 at 9. But *Cui* ***is*** the law. The Article III Courts, not the agency, decide what the law is. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412 (2024). If Respondents believed *Cui* was "contrary to law," their remedy was to petition for rehearing, not disregard the decision.

Respondents' only argument on *Cui* is a straw man fallacy easily dismissed. Respondents argue that following *Cui* would mean that "some in absentia removal order would never be final" as there is no time bar for filing a motion to rescind and reopen if the Respondent never received proper notice. 8 U.S.C. § 1229a(b)(5)(C)(2). But this is not the holding of *Cui*, which stated that in absentia the orders become final at 180 days. 13 F.4th at 996. Respondents' unfounded, hypothetical concerns about the potential reach of *Cui* are not grounds for ignoring Ninth Circuit case law.

The holding of *Cui* was clear that it was interpreting and deciding the *single* definition of finality at Section 1101(a)(47)(B). *Cui* at 996. The Supreme Court has emphatically rejected giving the same statutory language different meanings as applied to different individuals or contexts – here, for example, that an order would be "final" for purposes of filing deadlines, but

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
Tel. (206) 957-8628

would not be "final" for purposes of removal. *See Clark v. Martinez*, 543 U.S. 371, 378, 382 (2005) ("To give these same words a different meaning for each category would be to invent a statute rather than interpret one." This would "render every statute a chameleon.").

Finally, Respondents cannot claim surprise. Undersigned counsel argued *Cui* in *B.P. v. Bostock,* 2024 WL 2959550, at *10 (W.D. Wash. June 12, 2024). In denying Defendants' motion to dismiss, the Court found "Plaintiffs have adequately stated claims for violation of the INA and the APA because they have plausibly alleged that they were removed from the United States before the removal order became final …" *Id.* Similarly, Petitioner here is likely to prevail because Ninth Circuit law is clear that his removal order is not final, and the agency may not lawfully execute a non-final order. *See Arce*, 899 F.3d at 801; *Ibarra-Perez*, 154 F.4th at 994.

B. Respondents violate Petitioner's right to Due Process

Respondents do not substantively address Petitioner's argument that, absent a stay, he is denied his Due Process right to a full and fair hearing on his asylum claim. *Compare* Dkt. 8 at 9-11 (Resp. addressing only the finality issue) with Dkt. 2 at 5-7 (TRO Due Process briefing). Respondent do not dispute, nor could they, that Petitioner has Due Process rights. *See A. A. R. P. v. Trump*, 605 U.S. 91, 94 (2025).

Respondents' actions act as an absolute bar to Petitioner presenting his asylum claim. Under the plain language of the statute, if removed Petitioner is ineligible to pursue asylum because he is not physically present in the United States and outside of the country from which he is seeking asylum. *See* 8 U.S.C. §§ 1101(a)(42), 1158(a)(1). In prior litigation, Respondents conceded this point. "At oral argument, Defendants agreed that asylum cannot be granted to individuals residing outside the United States in their country of citizenship." *B.P. v. Bostock*, 2024 WL 2959550, at *6. If the TRO is not granted, and Petitioner is removed, he will be deprived of his statutory right to seek asylum. *See E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 770-75 (9th Cir. 2018) (plaintiffs likely to succeed on argument that the INA guarantees them the right to seek asylum).

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
Tel. (206) 957-8628

That the Board may grant the motion to rescind and reopen underscores the prejudice that Petitioner faces. If his motion to rescind and reopen is granted *after* he is removed, Respondents will likely refuse to permit him to return to pursue his asylum claim. Even when an individual was removed *unlawfully*, DHS has taken the position that they have no responsibility to facilitate or effectuate return. *See Noem v. Abrego Garcia*, 145 S. Ct. 1017, 1019 (2025). Respondents with administratively reopened cases have had to litigate in order to return after an unlawful removal or reopening, and not always successfully.[1] *See B.P. v. Bostock*, 2024 WL 2959550, at *3; *Anaya v. Godfrey*, 2019 WL 5597883 (W.D. Wash. 2019), *mooted on appeal as noted by Anaya Murcia v. Godfrey*, No. 19-35913, Dkt. 23 (9th Cir.). Respondents' general refusal to facilitate return after agency reopening would deny Petitioner Due Process, making hollow his right to apply for asylum, to a full and fair hearing, and to rescind and reopen his case. For these reasons, and as outlined in the initial motion for a TRO, Petitioner demonstrates that Due Process requires he not be removed prior to a BIA decision on his motion to rescind. *See* Dkt. 2 at 6-7 (arguing *Mathew's* factors).

C. This Court has jurisdiction over Petitioner's claims

The jurisdictional bars and channeling provisions of 8 U.S.C. § 1252(g), § 1252(a)(5), and § 1252(b)(9) are inapplicable because Petitioner does not have a final order of removal nor is he seeking review of the IJ denial in this action.

As a guiding principle, both the Ninth Circuit and the Supreme Court caution against casting the net of these jurisdictional bars too wide. "'[W]e are guided here by the general rule to resolve any ambiguities in a jurisdiction-stripping statute in favor of the narrower interpretation, and by the 'strong presumption in favor of judicial review." *Ibarra-Perez*, 154 F.4th at 995–96, *quoting Arce*, 899 F.3d at 801 (cleaned up). "[W]here Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear." *Id.* The Supreme Court has cautioned against an "expansive" interpretation of the bars that would lead to "absurd" results

[1] ICE Directives on facilitation of return apply to persons who have prevailed on Petition for Review before the Court of Appeals, but not on reopening with the agency. *See* ICE Dir. 11061.1, *available at* https://www.ice.gov/doclib/foia/dro_policy_memos/11061.1_current_policy_facilitating_return.pdf.

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
Tel. (206) 957-8628

and make certain claims "effectively unreviewable." *See Jennings v. Rodriguez*, 583 U.S. 281, 293-94 (2018).

Section 1252(g) bars review of the Attorney General's "decision or action" to "execute removal orders." Respondents' efforts to apply this bar to Petitioner are foreclosed by *Arce* and *Ibarra-Perez*, which instruct that Section 1252(g) applies only to the discretionary decision of when to execute a *valid* and *final order* of removal. *See Arce*, 899 F.3d at 800-01; *Ibarra-Perez*, 154 F.4th at 999. Section 1252(g) does not apply to an unlawful removal where there is no final order, either because a stay is in place or administrative hearings had not been completed. *Id.*

In *Arce*, the court held that Section 1252(g) did not bar the plaintiff's damages claims based on execution of a removal order in violation of a federal court stay order. 899 F.3d at 799-800. The removal order in *Arce* was not final under § 1101(a)(47)(B) because the Court of Appeals had stayed removal. The court reasoned that an "action to violate a court order" does not "arise from" the execution of a removal order and therefore "falls outside of the statute's jurisdiction-stripping reach." *Id.* at 800. *Arce* noted that Section 1252(g) was enacted "to impose judicial constraints upon prosecutorial discretion." *Id.* at 800-01 (citation omitted). But Respondents do not have discretion to removal people without final orders. "Where the Attorney General totally lacks the discretion to effectuate a removal order, § 1252(g) is simply not implicated." *Id.*

In *Ibarra-Perez*, the court reiterated its conclusion that Section 1252(g) does not bar review of the unlawful execution of a removal order. *See Ibarra-Perez*, 154 F.4th at 999. In that case, a Cuban national had a removal order designating Cuba as the country of removal. *Id.* at 992. When Cuba would not accept the plaintiff, ICE sought to remove him to Mexico. *Id.* "ICE officials removed Ibarra-Perez to Mexico despite Ibarra-Perez's Form I-589, declaration, and testimony before the IJ, all of which indicated that he had good reason to fear returning to Mexico, and despite Ibarra-Perez having repeatedly told ICE officials that he so feared." *Id.* at 997. While plaintiff had an administratively final order to Cuba, he did not have an administratively final order designating Mexico, as he had not been provided "an opportunity to

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
Tel. (206) 957-8628

present a fear-based claim" to Mexico. *Id.* at 997. The panel rejected the invitation to narrow the scope of *Arce* to permit review only of violations of Court orders. "We see no reason to treat a violation of a Ninth Circuit court order any differently from a violation the Constitution, INA, or international law." *Id.* at 998.

Respondents' citation to *Rauda v. Jennings*, 55 F.4th 773, 777 (9th Cir. 2022), and other out-of-circuit cases, is unavailing, and *Ibarra-Perez* specifically addressed *Rauda*. *See Ibarra-Perez*, 154 F.4th at 999. First, *Rauda* is distinguishable because the individual had a *lawful* and *final order* of removal. Notably, plaintiff in *Rauda* filed a motion to reopen under Section 1229a(c)(7) after full removal proceedings, not a motion to rescind an in absentia order under Section 1229a(b)(5)(C). Having had a full and fair hearing before the IJ, the Board, and then the Court of Appeals, plaintiff in *Rauda* had a lawful, final order of removal - a "valid removal order" – and had to seek a *discretionary* stay to remain in the U.S. *Rauda,* 55 F.4th at 780. "Rauda made no new law. It fits easily into a long series of decisions in our circuit and sister circuits holding that discretionary decisions are shielded from review." *Ibarra-Perez*, 154 F.4th at 999.

Similarly, *Ibarra-Perez* specified that 1252(g) does not bar Constitutional Due Process claims. "In Walters v. Reno, 145 F.3d 1032 (9th Cir. 1998)—one of our first cases to interpret § 1252(g)—we specifically held § 1252(g) did not bar due process claims." *Id.* at 997. Notably, the court in *Rauda* found no Due Process claim raised when plaintiff had a full and fair hearing, and exhausted all appeals on his Convention Against Torture (CAT) claim. 55 F.4th at 781. The Due Process concerns in Petitioner's case, *see I.B. supra*, were simply not raised or at issue in *Rauda*, because: (1) plaintiff in *Rauda* had a valid final order after full hearings and appeal; (2) unlike asylum, CAT does not have a physical presence requirement, *compare* 8 C.F.R. § 208.18(a) *with* 8 U.S.C. §§ 1101(a)(42), 1158(a)(1); and (3) ICE has a directive to facilitate when a Petition for Review is granted, but not when an agency reopens a case.[2]

[2] *See Practice Advisory* (Dec. 21, 2021) at 5, available at https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/return_to_the_united_states_after_prevailing_on_a_petition_for_review_or_motion_to_reopen_or_reconsider.pdf.

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
Tel. (206) 957-8628

Section 1252(a)(5) provides that a petition for review is "the sole and exclusive means for judicial review of an order of removal." Section 1252(b)(9) is a "zipper clause" that consolidates all "questions of law and fact ... arising from any action taken or proceeding brought to remove an alien' into a petition for review." For the same reason that Section 1252(g) does not bar review, the channeling provisions of 1252(a)(5) and (b)(9) are inapplicable because Petitioner is not challenging the underlying removal order issued by the IJ, but instead the unlawful execution of a removal order *before* it is final. *Ibarra-Perez* made this same point: "If § 1252(g) bars jurisdiction to review removals outside of removal proceedings, and if § 1252(a)(5) and (b)(9) provide the only remedy to Ibarra-Perez, ICE can send anyone to any country without any review. Section 1252(g) is not such a bar, and § 1252(a)(5) and (b)(9) do not provide the only remedy to someone in Ibarra-Perez's position." *Ibarra-Perez*, 154 F.4th at 999. Because Petitioner is not challenging a final order of removal, nor the substance of the IJ removal order, jurisdiction lies in the District Court. *See Singh v. Gonzales*, 499 F.3d 969 (9th Cir. 2007) (where agency action is not encompassed within a final order of removal, the circuit court lacks jurisdiction and district court review under habeas or APA is the remedy); *Ali v. Gonzales*, 421 F.3d 795, 797 n.1 (9th Cir. 2005) (District Court has jurisdiction over case so long as the actual order of removal is not challenged, even if petitioner is challenging physical removal).

Petitioner is not challenging the merits of the IJ order but preserving his right to access the legal system. While Sections 1252(a)(5) and (b)(9) channel review of final removal orders to the Courts of Appeal, "they are not jurisdiction-stripping statutes that, by their terms, foreclose all judicial review of agency actions." *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016). Rather, these statutory provisions must be read to "ensure immigrants receive their day in court." *Id.* As the Supreme Court cautioned in *Jennings*, courts should consider whether an "extreme" interpretation would make a claim "effectively unreviewable." *Jennings*, 138 S.Ct. at 840. This Court should reject Defendants' exceptionally broad reading of the channeling statutes that would deny Petitioner his "day in court" on his asylum claim, *see I.B. supra*; *see also Immigrant*

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
Tel. (206) 957-8628

Defs. L. Ctr. v. Mayorkas, 2023 WL 3149243 (C.D. Cal. Mar. 15, 2023) (Due Process claim to access asylum system is not barred by Sections 1252(a)(5) and (b)(9)).

This Court treads no new ground in exercising jurisdiction over these claims, as decisions in this District have recognized the Sections 1252(g), (a)(5) and (b)(9) do not bar claims such as Petitioner's. *See B.P. v. Bostock*, 2024 WL 2959550, at *5 ("Plaintiffs here raise claims based on affirmative government misconduct separate from issues related to how any future removal proceedings will be conducted. The Court is thus persuaded that Plaintiffs' claims do not "arise from" removal proceedings."); *Sepulveda Ayala v. Bondi*, 2025 WL 2084400, at *3–4 (W.D. Wash. July 24, 2025); *Sheikh-Elmi v. NWIPC*, 2025 WL 1360299, at *4 (W.D. Wash. May 9, 2025); *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1006 (W.D. Wash. 2019) ("To resolve petitioner's arguments, the Court does not need to review the removal order.").

II. Petitioner will suffer irreparable harm absent an injunction.

Petitioner's unlawful removal is an irreparable injury. If removed, he would be effectively denied the opportunity to apply for asylum – having been removed to the very country from which he sought protection. *See I.B. supra.* He would likely be denied an opportunity to return to pursue his asylum claims. *Id.* His detention and removal also inflicts substantial harm by separating him from his wife and minor children. Dkt. 1 ¶ 2. Such separation from family members is an important irreparable harm factor. *See Washington v. Trump*, 847 F.3d 1151, 1169 (9th Cir. 2017) (per curiam) (finding "separated families" to be a "substantial injur[y] and even irreparable harm[]").

III. The balance of hardships and public interest weigh heavily in Petitioner's favor.

Petitioner faces a weighty hardship: loss of liberty, deprivation of the right to remain in the U.S. pending an asylum application, deprivation of the right to apply for asylum, and separation from his family. The government, by contrast, faces no hardship as to Petitioner, as all it must do is permit Mr. Bonilla to continue to pursue his asylum application pending a decision by the BIA. Indeed, "in cases involving a constitutional claim, a likelihood of success on the

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
Tel. (206) 957-8628

merits . . . strongly tips the balance of equities and public interest in favor of granting a preliminary injunction." *Baird v. Bonta*, 81 F.4th 1036, 1048 (9th Cir. 2023). Additionally, because "the government's . . . policy is inconsistent with federal law, . . . the balance of hardships and public interest factors weigh in favor of a preliminary injunction." *Moreno Galvez v. Cuccinelli*, 387 F.Supp.3d 1208, 1218 (W.D. Wash. 2019). Defendants "cannot suffer harm from an injunction that merely ends an unlawful practice." *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013). Accordingly, the balance of hardships and the public interest overwhelmingly favor injunctive relief to ensure that Respondents comply with the law.

IV. An order prohibiting transfer is appropriate.

This Court has authority to issue orders to preserve its jurisdiction and ability to order relief. While this case is ultimately centered on Petitioner's unlawful removal and right to Due Process, the "use of habeas for transfer claims is not novel." *Trump v. J.G.G.*, 604 U.S. 670, 674 (2025) (Kavanaugh, J., concurring). Moreover, it is common practice for courts to enjoin the transfer of Petitioners while a habeas petition is pending, to ensure that the court can provide effective relief. *See, e.g.*, *Svenin v. Casey*, 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."); *Cantero Garcia v. Wamsley*, 2025 WL 3022252, at *2 (W.D. Wash. Oct. 29, 2025).

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); *Immigrant Defs. L. Ctr. v. Noem*, 145 F.4th 972, 993 (9th Cir. 2025). Indeed, 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*, 2025 WL 3066437, at *6 (W.D. Wash. Nov. 3, 2025) (quotation omitted). To preserve this Court's jurisdiction, and prevent the denial of access to counsel, Petitioner asks that the Court order that he not be transferred out of the District pending his habeas petition.

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
Tel. (206) 957-8628

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Court grant his motion for a temporary restraining order.

Respectfully submitted this 12th day of November, 2025.

s/ Christopher Strawn
Christopher Strawn
WSBA No. 32243

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

Counsel for Petitioners

WORD COUNT CERTIFICATION

I certify that this brief contains 4,111 words, in compliance with the Local Civil Rules.

s/ Christopher Strawn
Christopher Strawn, WSBA No. 32243
Northwest Immigrant Rights Project
615 Second Ave., Ste 400
Seattle, WA 98104
(206) 957-8628
amanda@nwirp.org