

DETAINED

Judge John H. Chun
Magistrate Judge S. Kate Vaughan

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Attorney for Petitioner

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARINA TZAFIR,

Petitioner,

v.

PAMELA BONDI, *et al.*;

Respondents.

CASE NO.: 2:25-cv-02067-JHC-SKV

MOTION FOR PRELIMINARY
INJUNCTION AND STAY OF REMOVAL

NOTED FOR CONSIDERATION:
December 15, 2025

MOTION FOR PRELIMINARY INJUNCTION AND STAY OF REMOVAL

I. MOTION

Under FRCP 65 and 5 U.S.C. §705, the petitioner moves this Court for a Preliminary Injunction and Stay of Removal, preventing her removal from the United States and her transfer to another detention facility while these proceedings are pending.

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II. BASIS FOR MOTION

The petitioner, Ms. Marina Tzafir, is a 57-year-old non-citizen who is currently being held in detention at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE). She has been detained since August 14, 2025.

She filed a petition for a writ of habeas corpus on October 22, 2025. She seeks release because she is stateless and there is no significant likelihood of removal in the reasonably foreseeable future. The government has designated no third country to which they might attempt removal, although counsel is aware that they do not always take this step before effectuating third-country removal.

Ms. Tzafir's husband, Binyamin Tzafir, and daughter, [REDACTED] Tzafir, are also detained and have also filed habeas petitions. 2:25-cv-02126-JHC (Binyamin); 2:25-cv-02070-JHC-GJL ([REDACTED]). In the early hours of October 31, 2025, ICE began to transfer Binyamin Tzafir out of the jurisdiction, and the Court granted an emergency TRO preventing his transfer and removal. 2:25-cv-02126-JHC, Dkt. 3. Later that day, both Marina and [REDACTED] moved for TROs, which the Court provisionally granted. Dkt. 4 (Marina); 2:25-cv-02070-JHC-GJL, Dkt. 5 ([REDACTED]). In the days that followed, the parties briefed all three TROs, and the Court granted all three. Dkt. 8 (Marina); 2:25-cv-02126-JHC, Dkt. 9 (Binyamin); 2:25-cv-02070-JHC-GJL, Dkt. 9 ([REDACTED]). The Court granted Marina Tzafir's TRO on November 7, 2025, and the parties agreed that "the TRO currently in effect will remain in force until the court rules on the

1 motion for preliminary injunction.” Dkt. 9. She now seeks a preliminary injunction to
 2 preserve the status quo until her habeas petition is decided on the merits.

3 4 **III. ARGUMENT**

5 ***A. Standards for Preliminary Injunction***

6 “[T]he basic function of a preliminary injunction is to preserve the status quo ante litem
 7 pending a determination of the action on the merits.” *Los Angeles Memorial Coliseum Com. v.*
 8 *National Football League*, 634 F.2d 1197, 1200 (9th Cir. 1980). “[T]he legal standards
 9 applicable to TROs and preliminary injunctions are ‘substantially identical.’” *Washington v.*
 10 *Trump*, 847 F.3d 1151, 1159 (9th Cir. 2017) (quoting, *Stuhlbarg Int’l Sales Co., Inc. v. John*
 11 *D. Brush & Co., Inc.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)). The legal standard requires the
 12 petitioner to show “(1) that he is likely to succeed on the merits, (2) that he is likely to suffer
 13 irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his
 14 favor, and (4) that an injunction is in the public interest.” *Stormans, Inc. v. Selecky*, 586 F.3d
 15 1109, 1127 (9th Cir. 2009) (citing, *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20
 16 (2008)). In the Ninth Circuit, the court also “employs an alternative ‘serious questions’
 17 standard, also known as the ‘sliding scale’ variant of the *Winter* standard.” *Frailhat v. United*
 18 *States Immigration & Customs Enf’t*, 16 F.4th 613, 635 (9th Cir. 2021). Under that standard,
 19 “‘serious questions going to the merits’ and a balance of hardships that tips sharply towards
 20 the plaintiff[s] can support issuance of a preliminary injunction, so long as the plaintiff[s] also

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1 show[] that there is a likelihood of irreparable injury and that the injunction is in the public
2 interest.” *Id.* (quoting, *All. for the Wild Rockies*, 632 F.3d 1127, 1135 (9th Cir. 2011)).

3 Ms. Tzafir meets both of these tests.
4

5 ***B. Ms. Tzafir is likely to succeed on the merits and has raised serious legal questions.***

6 As the Petition sets out, Ms. Tzafir seeks release because she is stateless and there is no
7 significant likelihood of removal in the reasonably foreseeable future. The government has
8 designated no third country to which they might attempt removal, although counsel is aware
9 that they do not always take this step before effectuating third-country removal. In addition to
10 other claims in the Petition, there is no significant likelihood of removal in the reasonably
11 foreseeable future, so the detention has no purpose and must end. *Zadvydas v. Davis*, 533 U.S.
12 678, 690 (2001). In granting the TRO, the Court said, “Petitioner here raises serious questions
13 about whether she will be stuck in a ‘removable-but-unremovable limbo,’ much like the
14 *Zadyvydas* petitioners.” Dkt. 8, at 4. Ms. Tzafir is likely to succeed on the merits as *Winter*
15 requires, and she has raised serious legal questions, as the sliding scale test requires.
16

17 ***C. Ms. Tzafir faces irreparable harm, and a hardship balance tips sharply toward her.***

18 Ms. Tzafir faces substantial hardships and irreparable harm if she is transferred to
19 another detention facility or if she is removed from the United States.
20

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1 Ms. Tzafir, who is 57 years old, has lived in the United States for more than 25 years.
2 She has nowhere else to go, as evidenced when she was ordered removed and was unable to
3 obtain travel documents to her most recent country of residence, Israel. The country of her
4 birth, the Uzbek Soviet Socialist Republic, no longer exists, and she has never been a citizen of
5 Uzbekistan.

6 The irreparable harm of removal is not only that Ms. Tzafir would be separated from
7 her family and her home of 25 years, although that is sufficient harm to justify a preliminary
8 injunction. The harm is also that removal would necessarily be to an as-yet-undesignated third
9 country. The government has secured agreements to remove people to various countries in
10 Africa and Central America,¹ and Ms. Tzafir has no connection to any of those countries. If she
11 is removed without any chance to challenge the country of removal, she will not be able to
12 return to the United States and might not see her family again.

13 In addition, transfer to another detention facility would separate Ms. Tzafir from
14 her attorneys, her family, and her support system. Separation from her attorneys would
15 deprive her of her right to counsel of her choosing under the Immigration and
16

17
18 ¹ See, The Guardian, 11-17-2025, "Eswatini confirms receiving over \$5m from US to accept
19 deportees" ([https://www.theguardian.com/world/2025/nov/17/eswatini-5-m-dollars-us-](https://www.theguardian.com/world/2025/nov/17/eswatini-5-m-dollars-us-deportees)
20 [deportees](https://www.theguardian.com/world/2025/nov/17/eswatini-5-m-dollars-us-deportees)); Agreement Between the Government of the United States of America and the
21 Government of the Republic of Honduras for Cooperation in the Examination of Protection
Requests, 90 Fed. Reg. 30076 (July 8, 2025); Council on Foreign Relations, 9-3-2025, "What
Are Third-Country Deportations, and Why Is Trump Using Them?"
(<https://www.cfr.org/article/what-are-third-country-deportations-and-why-trump-using-them>).

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1 Nationality Act (INA). 8 U.S.C. § 1362; 8 U.S.C. § 1229a(b)(4)(A). By contrast, a
2 temporary limitation on transfer would not burden the government.

3
4 ***D. The balance of equities tips in favor of Ms. Tzafir, and an injunction is in the public
5 interest.***

6 The remaining two factors for an injunction are the same under both legal tests, they
7 merge when the government is the a party, *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073,
8 1092 (9th Cir. 2014), and they favor Ms. Tzafir.

9 As to the balance of equities, as discussed above, Ms. Tzafir will suffer great harm if
10 she is removed or transferred. The respondents will suffer no harm if she stays where she is.

11 As to the public interest, it is in the public interest for the government to follow its own
12 laws and, as the Court said in the TRO, “to ensure that the Constitutional rights of citizens and
13 noncitizens are vigilantly protected.” Dkt. 8, at 6. Removal to an undesignated third country,
14 with no opportunity to challenge the removal to that country, would violate the government’s
15 own laws and regulations, and it would blatantly violate Due Process.

16 Further, this administration has developed a pattern of deporting individuals from the
17 United States without providing proper process and without allowing them access to federal
18 review. That is exactly what the respondents will accomplish if they are permitted to remove
19 Ms. Tzafir. Ms. Tzafir seeks the opportunity to access the laws that were passed by Congress
20 and the regulations that were promulgated by the very agencies that now seek to overstep.

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IV. CONCLUSION

Under FRCP 65, the petitioner moves this Court to issue a Preliminary Injunction and Stay of Removal:

1. Enjoining and restraining the respondents and all of their respective officers, agents, servants, employees, attorneys and persons acting on their behalf in concert or in participation with them from:
 - a. Removing or deporting Ms. Tzafir from the United States while her Petition for Writ of Habeas Corpus is pending;
 - b. Transferring Ms. Tzafir from the Northwest ICE Processing Center to any other detention facility during the pendency of these proceedings.

WHEREFORE, for the reasons set forth in her Petition for Writ of Habeas Corpus, and in this motion, the petitioner respectfully requests this Court:

1. Grant a Preliminary Injunction and Stay of Removal;
2. Grant such other and further relief as justice may require.

I certify that this memorandum contains 1,468 words, in compliance with the Local Civil Rules.

Dated this 17th day of November, 2025.

/s/ Kelly Vomacka

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