

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SERGIO ARTHUR GAMEZ ZUNIGA,

Petitioner,

v.

CAMMILLA WAMSLEY et al.,

Respondents.

CASE NO. 2:25-cv-02527-LK

ORDER DENYING EX PARTE MOTION
FOR ORDER TO SHOW CAUSE,
ORDERING PARTIES TO CONFER,
ORDERING NOTICE

This matter comes before the Court on Petitioner Sergio Arthur Gamez Zuniga's petition for writ of habeas corpus seeking release from confinement (among other relief), Dkt. No. 1, and his ex parte motion seeking an order setting an expedited briefing schedule on his habeas petition and requiring notice before any attempt to transfer him to a different detention facility or from the United States while these proceedings are pending, Dkt. No. 2 at 6.

Gamez Zuniga avers that he is "a lawfully employed H-1B nonimmigrant worker who was abruptly and unlawfully detained by federal authorities while traveling for work in Montana State" and has been detained "in federal custody for over thirty days[.]" *Id.* at 2. He is currently detained at the Northwest Immigration and Customs Enforcement Processing Center. Dkt. No. 1 at 1–2. While Gamez Zuniga argues that he is being held unlawfully, Dkt. No. 2 at 3–5, he does not justify why ex parte relief is necessary and appropriate. *See* Fed. R. Civ. P. 65(b)(1). He has not yet

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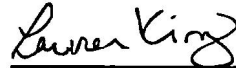
1 notified Respondents of his petition or motion, and Respondents have not entered an appearance
2 or responded to this motion. Furthermore, Gamez Zuniga improperly seeks ex parte injunctive
3 relief (requiring notice prior to transfer or removal) in his motion for an order to show cause. Such
4 relief requires an appropriate motion and compliance with Federal Rule of Civil Procedure
5 65(b)(1), which requires “specific facts in an affidavit or a verified complaint [that] clearly show
6 that immediate and irreparable injury, loss, or damage will result to the movant before the adverse
7 party can be heard in opposition,” and a certification in writing by the movant’s attorney detailing
8 “any efforts made to give notice and the reasons why it should not be required.” Gamez Zuniga
9 has not provided this information.

10 Accordingly, the Court orders as follows:

- 11 1. Gamez Zuniga’s request for an order to show cause and expedited briefing is
12 DENIED because he does not justify why ex parte relief is necessary and
13 appropriate.
- 14 2. Gamez Zuniga’s counsel SHALL immediately serve the petition, this motion, and
15 a copy of this Order on Respondents. Gamez Zuniga’s counsel SHALL
16 immediately contact Respondents’ counsel (usawaw.Habeas@usdoj.gov) to meet
17 and confer on (1) a briefing schedule for the petition for habeas corpus, and
18 (2) whether the Government will agree to a stipulated order not to remove Gamez
19 Zuniga from the United States and not to transfer him to another facility during the
20 pendency of this action. The parties shall file a joint status report addressing these
21 issues by no later than December 14, 2025.
- 22 3. Pursuant to the Court’s “inherent authority and responsibility to protect the integrity
23 of its [habeas] proceedings,” *Ozturk v. Trump*, 779 F. Supp. 3d 462, 496 (D. Vt.
24 2025), *aff’d in relevant part sub nom. Ozturk v. Hyde*, 136 F.4th 382, 394 (2d Cir.

1 2025), the Court provisionally ORDERS that Respondents must provide Gamez
2 Zuniga and his counsel in this habeas action at least 48 hours' notice (or 72 hours'
3 notice if the period extends into the weekend) prior to any action to move or transfer
4 him from the Northwest Immigration and Customs Enforcement Processing Center
5 or to remove him from the United States. This Order remains in place until further
6 order of the Court.

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8 Dated this 10th day of December, 2025.

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10 Lauren King
11 United States District Judge
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