

MICHAEL T. PURCELL
Attorney at Law
OSB 853094
P.O. Box 14209
Portland, OR 97203
(503) 241-8203
mpurcell.law@gmail.com

Counsel for petitioner

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

I.I.M.	)	File No. 3:25-cv-02322-JF
	)	
Petitioners,	)	Agency No: AXXX-XXX- 945
	)	
vs.	)	MOTION FOR TEMPORARY
	)	RESTRAINING ORDER AND
LAURA HERMOSILLO, Seattle Field Office	)	SUPPORTING MEMORANDUM
Director, U.S. Immigration and Customs	)	
Enforcement and Removal Operation, et al.	)	ORAL ARGUMENT
	)	REQUESTED
Respondents.	)	
	)	Expedited hearing requested

MOTION

Petitioner moves the court for the following relief by way of a temporary restraining order ("TRO"): (a) an immediate order barring the respondents from removing petitioner from the state of Oregon, or the state of Washington, should the petitioner be in the state of Washington at the time such order is issued, without notice to

//

the court and approval by the court and (b) an order to show cause why this petition should not be granted within three (3) days.

SUPPORTING MEMORANDUM

I. LEGAL STANDARDS.

The standard for a TRO is the same as for preliminary injunction. See *New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n.2 (1977). A TRO is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008).

For preliminary relief, a party must show (a) likelihood of succeed on the merits, (b) likely irreparable harm without preliminary relief, (c) the balance of equities tips in party, and (d) an injunction is in the public interest. *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (citing *Winter*, 555 U.S. at 20).

As alternative test is if “serious questions going to the merits were raised and the balance of the hardships tips sharply in the plaintiff’s favor,” thereby allowing preservation of the status quo when complex legal questions require further inspection or deliberation. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134- 35 (9th Cir. 2011).

III. ARGUMENT.

A. Petitioner will likely suffer irreparable harm.

Without a TRO, petitioner will be imminently transferred out of the District of Oregon. This will transfer petitioner away from his lawyers and his family, possibly seeking to undermine this court’s jurisdiction.

Such impact constitute irreparable harm. See e.g., *Leiva-Perez v. Holder*, 640 F.3d 962, 969-70 (9th Cir. 2011) (describing “separation from family members” and the mental damage concomitant with such separation as irreparable harm) (quotation marks omitted); see also *Ching v. Mayorkas*, 725 F.3d 1149, 1157 (9th Cir. 2013) (“The right to live with and not be separated from one’s immediate family is ‘a right that ranks high among the interests of the individual’ and that cannot be taken away without procedural due process.”) (quoting *Landon v. Plasencia*, 459 U.S. 21, 34-35 (1982)).

B. Likely to succeed on the merits.

Due process requires government action not be irrational and arbitrary. See *United States v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). Please refer to the petition which. Recites the detailed reasons why petitioner is likely to prevail on the merits.

C. Balance of equities and public interest tips sharply in favor of TRO.

The balance of hardships tips substantially favors petitioner. “[I]n addition to the potential hardships facing Plaintiffs in the absence of the injunction, the court ‘may consider . . . the indirect hardship to their friends and family members.’” *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017), quoting *Golden Gate Rest. Ass’n v. City & Cty. of San Francisco*, 512 F.3d 1112, 1126 (9th Cir. 2008).

The merits of the petition weight the public interest toward a TRO. “Generally, public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution.” *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005); see also *Zepeda v. U.S. I.N.S.*, 753 F.2d 719, 727 (9th

Cir. 1983) (“INS cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations”). “The public interest also benefits from a preliminary injunction that ensures that federal statutes are construed and implemented in a manner that avoids serious constitutional questions.” *Rodriguez v. Robbins*, 715 F.3d 1127, 1146 (9th Cir. 2013).

III. CONCLUSION

For the above reasons, a TRO should be granted.

Dated this 15th day of December 2025

/s/ Michael T. Purcell

OSB # 853094
Attorney for petitioner
P.O. Box 14209
Portland, OR 97293
(503) 241-8203
mpurcell.law@gmail.com