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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

J. L. L,

Petitioner,

vs.

HERMOSILLA, *et al.*

Respondents.

) Case No. 3:25-cv-02325-AN
)
)
) **MOTION FOR TEMPORARY**
) **RESTRAINING ORDER AND**
) **SUPPORTING MEMORANDUM**
)
) **ORAL ARGUMENT**
) **REQUESTED**
)
) Expedited hearing requested
)

MOTION

Petitioner moves the court for the following relief by way of a temporary
restraining order ("TRO"):

- a) Issuance of an immediate order barring the respondents from removing

petitioner from the state of Oregon, or the state of Washington, should the petitioner be the state of Washington at the time such order is issued, without notice to the court and approval by the court;

b) Issuance of 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, his employer and his friends and family, possibly seeking to undermine this court's jurisdiction.

Petitioner entered the United States on a Visitor's Visa in 2020. Petitioner, does not have a criminal record. Petitioner has a fear of return to Mexico. Petitioner is very ill and has a surgery scheduled for December 24, 2025 to operate on an infected tumor. If he remains detained his health is at serious risk. If Immigration would like to enforce removal proceedings against him they can do that legally through issuing a notice to appear, which they have not done. Petitioner has no deportation order, and no criminal record.

Such impacts constitute irreparable harm. See e.g., *Andrieu v. Ashcroft*, 253 F.3d 477, 484 (9th Cir.2001), factors include separation from family members, medical needs, and potential economic hardship.”; see also As the Supreme Court has explained, “[t]he time spent in jail awaiting trial has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness.” *Barker v. Wingo*, 407 U.S. 514, 532-33 (1972); accord *Nat’l Ctr. for Immigrants Rights, Inc. v. I.N.S.*, 743 F.2d 1365, 1369 (9th Cir. 1984). Moreover, the Ninth Circuit has recognized in

“concrete terms the irreparable harms imposed on anyone subject to immigration detention” including “subpar medical and psychiatric care in ICE detention facilities, the economic burdens imposed on detainees and their families as a result of detention, and the collateral harms to children of detainees whose parents are detained.” *Hernandez*, 872 F.3d at 995.

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). Petitioner has been in the U.S. since 2020 and has demonstrated more than four years of continuous, stable residence. He has no criminal record. Petitioner is very ill and has not been able to manage his immigration process because of his illness. He has a surgery scheduled for December 24th 2025. He requires ongoing medical care leading up to surgery. The government can issue a notice to appear if they would like to implement removal proceedings against Petitioner. There is no legal or valid reason for his detention.

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). Petitioner's detention will cause significant and unnecessary hardship for him and his family. Petitioner is not a criminal. He is sick and requires medical attention. If he is detained he may well die without the medical attention he needs. If he misses his surgery he may also die.

The merits of the petition weigh 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 15 day of December 2025

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