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United States District Court
In And For The Western District
OF Washington

Libi Sanchez-Alfonso,) Case No. _____
 Petitioner,)
 vs.) Motion For
 Pamela Beck, U.S. Attorney,)
 General; Kersti Menn, Secretary,) TRO /
 of DHS; Camilla Wamsley,)
 Seattle Office Director; Base) Preliminary Injunction
 Scott, Warden of N.W.D.C.,)
 Respondents.)

• Allocated petitioner hereby moves this Court for a TRO; Or, alternatively, a preliminary injunction, ordering respondents to immediately release him, upon the grounds more fully articulated hereinafter.

• Supportive heretofore, petitioner submits his Declaration attached herewith.

Points and Authorities

(1) Failure - provide prompt post-arrest interview

• Petitioner incorporates by reference herein sections (a) of Grand One of his habeas petition (P-7).

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• Respondents did not properly resolve petitioner's
 release under the law — revocation, has no effect. They
 failed to conduct a prompt internal interview as mandated
 by 241.13 (i)(3). Soryadwongsa v. Neen, 2025
 U.S. Dist. Lexis 221590, 6-7 (S.D. Cal. Nov.
 2025). In Soryadwongsa, Supra, the court stated "the
 purpose of an immigration detention's initial in-
 formal interview is similar to a criminal detention
 hearing. That interview affords [e] the [immigration]
 an opportunity to respond to the reasons for revocation
 as well as to submit any evidence. The chance
 to advocate for release must ordinarily come within
 a few days of a criminal arrest. Such, it must
 happen at least that quickly in the more constitu-
 tionally protected civil-arrest arena, too." Id. 6-7.

• As of today, petitioner has been held in custody for
 28 days and counting without said mandatory "prompt"
 interview, infringing his right to due process. The
Soryadwongsa Court ruled 29 days was insufficient
 to provide them — due process violation. Moham v.
Bostock, 2025 U.S. Dist 162519, *11 (E.D. Or.
 Aug. 2025) (held 27 days insufficient). Phet-
 dakorn v. Scott, 2025 U.S. Dist Lexis 173785
 (W.D. Wash. Sept. 2025 (Honorable Judge Wickham
 of this district granted TRO at 8pm for, inter alia,
 failure to provide internal interview).

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1 Cf. Saenz v. Doe, 2025 U.S. Dist. LEXIS 22888,
 2 at ★ 19 (S.D. Cal. Nov. 2025) (albeit granted habeas
 3 relief on failure to provide notice, it ruled that
 4 an "14 days" after arrest may be sufficient to be
 5 classified as "prompt"). Zongho Zhu v. General, 20
 25 U.S. Dist. LEXIS 166176 (S.D. NY 2025) (same).

6 • Recently, Courts within the 9th Circuit have
 7 been ruling the regulations governing OSEP are
 8 insufficient to safeguard the liberty interest
 9 of noncitizens under the Federal due process: requiring
 10 that respondents now provide pre-deprivation/
 11 custody hearing before a neutral decision-maker
 12 in order to safeguard citizens.

13 In Khim v. Bondi, 2025 U.S. Dist. LEXIS 261013,
 14 ★ 10-11 (W.D. Wash. Dec. 2025); the court held that
 15 for "the reasons set forth by the Honorable Kimberly
 16 K. Evanson...", the court finds... [exhausted] actions
 17 [are] at the core of the liberty protected by the Due
 18 Process Clause, that the risk of erroneous deprivation of
 19 liberty are high, and that [respondents'] interest in
 20 correcting and in detaining a noncitizen without a hear-
 21 ing [are] low where the noncitizen was already
 22 released [...]"

24 Montezón v. Doe, 2025 U.S. Dist. 266022
 25 (C.D. Cal. 2025) (granting TRO for not pro-
 26 viding pre-deprivation hearing before revocation);
 27 Awinder; et al v. Doe, 2025 U.S. Dist. Lexis
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265719 (E.D. Cal. 2025) (granting TRO for unlawful civil immigration detention and failure to provide pre-deprivation / custody hearing before impartial decision maker); Cabanillas v. GEO Grp., Inc., 2025 US Dist LEXIS 265808 (C.D. Cal. Dec 2025) (same).

• Therefore, petitioner's federal due process right was further violated when respondents failed to provide said pre-custody hearing before revocation.

(2) Unconstitutional civil detention - No likelihood of Cuba-removal

• Petitioner incorporates by reference herein sections (a) of both Ground two and three of his habeas petition (p. 4-7 thereof).

• As his declaration, supporting brief states, his Cuba-removal order became administratively final in late 2012; he was released within hours after the 90 day removal period expired. Ergo, the statutory 90 day and the Zadydas - 180 day period expired over 10 years ago. See Machado v. Noem, 2025 US Dist 22 3787 (S.D. Cal.

Nov. 2023) (Court therein held both periods lapsed years ago - hence no longer applicable.) cf. Khate-Souvan v. Macon, 386 F.3d 1293, 1299 (9th Cir. motion - TRO / Pre. Ins- 4-8

2004) ("colorable claim" materializes when 90 day removal period expires, if removal not likely.) "When... noncitizen is not removed within the 90 day removal period, [he/she] shall be subject to supervision [-]" Limiau v. Wofford, 2025 U.S. Dist 227935, ★ 9 (E.D. Cal. 2025).

"The default status... after 90 day removal period is... release on condition, not detention [-]" Alva v. Kaiser, 2025 U.S. Dist 163060, ★ at 8 (N.D. Cal. 2025). "Nothing in Zadvydas... provides [respondents] with carte blanche to re-detain noncitizens without any process so long as the detention lasts under 3 months." Alva v. Kaiser, *Supra* at ★ 11.

• Nonetheless, given that petitioner was released in 2013 after serving the mandatory 90 days (see supportive Declaration herof); he is categorized by a standard more stringent against respondents than the Zadvydas one - see Martinez v. Bondi, 2025 U.S. Dist Lex 259965 (E.D. Cal. 2025) ("Zadvydas is only applicable to those noncitizens who had been detained and were released following a final order of removal--when, as here, petitioner was issued [removal-order], detained, and... released and then re-detained, 'if [ICE] burden to show [likelihood] [of]... removal [exists]'

re-detention [.]")

• As his habeas petition asserts (p.4-7), his Cuba-removal order has been unenforceable since 2013. In fact, respondents continued this attack when they apprised him what's self-evident on December 23, 2025 — "Cuba said no" (See responsive declaration heretof.)

(3) Inexplicable harm - Ptky - Success

• Given that his removal order is unenforceable, his current civil detention is purely punitive. In fact, Ptky Ptky he was simply ~~arrested~~ ^{arrested} to meet a paper-knaw quota of daily arrests: "[petitioners] points out ~~that~~ ^{that} he was ~~being~~ ^{being} swept back into custody because ICE has a quota for immigration detention, not because he was likely to be removed [.] " Khim v. Boudin, Supra at * 8-9.

• The "standard for issuing a TRO ~~pro~~ ^{pro} identical to ~~that~~ ^{that} for a preliminary injunction." Cabanillo v. Geo Corp., 2025 U.S. Dist LEXIS 265308, * at 6.

"To justify ex parte relief, the moving party must make two showings: (1) party's case will be irreparably prejudiced if ~~the~~ ^{the} motion is heard according to regular noticed motion procedure," and (2) "if motion - TRO/pre-Ins. 6-7

must be established that the moving party is without fault in asserting the asserted requirement for relief. *Pinzon v. Semara*, 2025 U.S. Dist 265807, 2-7 (C.D. Cal. Dec. 27, 2025) (granted TRO on same/similar due process violation facts).

Such, petitioner is being irreparably harmed by this unconstitutional civil detention that's tantamount to a criminal punishment, but more given that it's potentially indefinite. "Petitioner has a significant private interest in not being detained without due process." *Pinzon v. Semara*, *Supra* 2 at 8. In fact, as he pleaded to respondents, if he doesn't get released soon, he will be evicted from his home, and his new car will be repossessed, as well as he has three cats he misses, and his family and girlfriend miss him. (See Supportive Declaration, heretofore.) However, it appears all this

is a game to respondents, because they respond to his rightful plea by calling him a nuisance. See his attached Declaration.

• In terms of balance of equities and public interest, the risk of harm to petitioner far outweighs respondents' interest in illegally detaining him. Indeed, it is in the public interest in
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preventing the government from kidnapping non-citizens to meet a barbaric quota or for whatever unlawful, nefarious reason this administration concocted.

• Whether be it the Winter Factors, the sliding scale approach of the 9th Circuit, or the Mathews v. Eldridge balancing test; the facts presented more than suffice to persuade this court to grant a TRO. Recently, numerous courts have granted TRO's when presented with same or similar facts as herein; including, Honorable Judge A. Whithead of the 1st Circuit, in ~~Whithead v. Scott~~, Whithead v. Scott, Supra; Prizon v. Senaia, Supra; Cabrera-Lillo v. Nouri, 2025 US Dist 227020 (S.D. Cal. 2025); Montoya v. Lyons, 2025 US Dist 353273 (E.D. Cal. 2025); Montoya v. Nouri, Supra.

(4) Therefore, petitioner prays this Court grant a TRO or a preliminary injunction-request; ordering his immediate release under the conditions prior to his arrest; and any other relief the Court finds just and equitable.

Dated this 31 day of December, 2025.

Respectfully submitted,



Luis Sanchez-Alonso

Pro. & Petitioner

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