

Julia Braker
CLEAR Clinic
P.O. Box 11288
Portland, OR 97211
Tel. (503) 894-6659
Julia.braker@clear-clinic.org

Counsel for petitioner.

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

C-G-S-,

Petitioners,

vs.

LAURA HERMOSILLO, Seattle Field Office
Director, U.S. Immigration and Customs
Enforcement and Removal Operation, et al.

Respondents.

) File No.

)

) Agency No: A #

)

) **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
MOTION AND MEMORANDUM FOR TEMPORARY RESTRAINING ORDER
Page 1 of 4

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 her lawyers and her family, possibly seeking to undermine this court's jurisdiction. Petitioner is a single mother of two minor children, ages two and six, who will be left without a guardian while Petitioner is detained.

Such impacts 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). In this case, Petitioner was in a vehicle that was pulled over by ICE without any stated basis or grounds for the stop. Without additional evidence, Petitioner's stop and subsequent arrest were presumably arbitrary, and possibly the result of racial profiling.

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). As Petitioner is a single mother to two young children in Portland, this hardship should weigh heavily in the court's decision.

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 January, 2026

/s/ *Julia Braker*

OSB # 136371
Attorney for Petitioner