

District Judge Thomas S. Zilly

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EZEQUIEL LOPEZ CRUZ,

Petitioner,

v.

PAMELA BONDI, US Attorney General, and
BRUCE SCOTT, Warden,

Respondents.

Case No. 2:26-cv-00495-TSZ

FEDERAL RESPONDENT'S¹
RESPONSE TO PETITIONER'S
MOTION FOR TEMPORARY
RESTRAINING ORDER

Noted for Consideration:
February 26, 2026

Federal Respondent asks the Court to deny Petitioner's request for a temporary restraining order ("TRO") enjoining his removal to "either Mexico or any third country" because Petitioner fails to establish any threat of imminent, irreparable harm, as demonstrated by the below facts and timeline. Dkt. No. 7, Temporary Restraining Order Motion ("Mot." or "Motion").

On December 19, 2025, the United States District Court for the Western District of Washington issued General Order 10-25 regarding immigration habeas petitions under 28 U.S.C. § 2241. Paragraph 5 of General Order 10-25 pertains to TROs and reads as follows: "The standard scheduling order is intended to provide a prompt resolution to habeas petitions that should reduce

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

1 the contemporaneous filing of motions for temporary restraining orders seeking release from
2 custody or the relief that is otherwise requested by the habeas petition. Motions for temporary
3 restraining orders should be reserved for matters where the petitioner alleges imminent,
4 irreparable harm, such as imminent removal from the United States.” G.O. 10-25 (emphasis
5 added).

6 Petitioner Ezequiel Lopez-Cruz filed the instant action on February 9, 2026. Dkt. No. 1.
7 In response to the Petition, the Court issued the standard scheduling order required by General
8 Order 10-25. Dkt. No. 5. Paragraph 3 of the scheduling order mandates that “Respondents shall
9 provide the Petitioner(s) and Petitioner(s)’ counsel in this habeas action at least 48 hours’ notice
10 (or 72 hours’ notice if the period extends into a weekend, holiday, or date the Court is closed) prior
11 to any action to move or transfer any Petitioner(s) from the Western District of Washington or to
12 remove them from the United States.” Dkt. No. 5. U.S. Immigration and Customs Enforcement
13 (“ICE”) is aware of the Court’s notice requirement and will comply with the order.

14 On February 26, 2027, Federal Respondent filed a return to the Petition. Dkt. No. 9. In
15 the return, Federal Respondent explained that Petitioner’s removal proceedings are ongoing while
16 his appeal is pending before the Board of Immigration Appeals. *Id.*, at 1. Thus, he is not subject
17 to a final order of removal and cannot be removed until such an order exists.

18 The same day, Petitioner filed the Motion asking the Court to enjoin Respondents from
19 “deporting Petitioner to either Mexico and or any third country that is/are unknown to Petitioner.”
20 Motion, at 1. Due to the notice requirements in the Court’s scheduling order, in addition to the
21 fact that Petitioner is not subject to a final order of removal, Petitioner cannot establish a threat of
22 imminent, irreparable harm, as ICE cannot remove Petitioner from the United States or transfer
23 him to another facility without first providing at least 48-hours’ notice (or 72 hours’ notice if the
24 period extends into a weekend, holiday, or date the Court is closed), which ICE has not done. If

1 ICE does provide notice of an intent to remove or transfer Petitioner at some point in the future,
2 he could then seek emergency injunctive relief from the Court. Unless that occurs, Petitioner
3 cannot demonstrate immediate, irreparable harm, and the Court should decline to issue a TRO.

4 DATED this 27th day of February, 2026.

5 Respectfully submitted,

6 s/ Michelle R. Lambert

MICHELLE R. LAMBERT, NYS #4666657

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11 *Attorney for Federal Respondent*

12 *I certify that this memorandum contains 508 words,*
13 *in compliance with the Local Civil Rules.*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers;

I further certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

- 0 -

I further certify that on this date, I arranged for service of the foregoing on the following non-CM/ECF participant, via Certified Mail, return receipt requested, postage prepaid, addressed as follows:

Ezequiel Lopez Cruz, *Pro Se* Petitioner


NW Detention Center
1623 E. J Street, Suite 5
Tacoma, WA 98421-1615

DATED this 27th day of February, 2026.

s/ Stephanie Huerta-Ramirez

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