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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

VICTOR GOMEZ-VALDOVINOS, (A-[redacted] *Petitioner*, v. **BRUCE SCOTT**, et al., *Respondents*.	**CIVIL ACTION NO.:** **EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER**

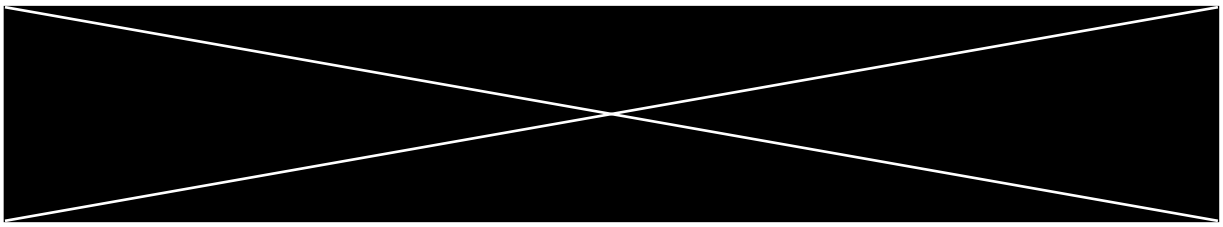
PETITIONER'S EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER

INTRODUCTION

COMES NOW, Petitioner, Victor Gomez-Valdovinos, by and through undersigned counsel, and hereby files this Emergency Motion for a Temporary Restraining Order. In support of his petition, Mr. Gomez-Valdovinos alleges as follows:

FACTUAL AND PROCEDURAL HISTORY

Mr. Gomez-Valdovinos is a citizen and native of Mexico who has been present in the United States since June 2002. In recent years, [redacted]



1. As a result, Mr. Gomez-Valdovinos sought legal advice related to his immigration status. Mr. Gomez-Valdovinos ultimately obtained representation through Attorney Alexandra Lozano, who advised him to solely pursue a Form I-914, Application for T Nonimmigrant Status. No other advice was given, and no other form of relief was explored. As such, Mr. Gomez-Valdovinos did not pursue any other form of relief.

2. In late May 2026, while attending a biometrics appointment for his T visa, immigration authorities detained Mr. Gomez-Valdovinos. A few days later, Mr. Gomez-Valdovinos' spouse went to Quiroga Law Office, PLLC, and after consulting with Quiroga Law Office, PLLC, learned that Mr. Gomez-Valdovinos learned he may be eligible for asylum.

3. Mr. Gomez-Valdovinos, through undersigned counsel's firm, immediately began the process of filing his asylum application, along with a motion to reopen Mr. Gomez-Valdovinos' proceedings to pursue asylum based on changed conditions, along with an emergency motion to stay Mr. Gomez-Valdovinos' removal.[1]

4. Critically, the Tacoma, Washington Immigration Court's review of Mr. Gomez-Valdovinos' requests will be delayed because Mr. Gomez-Valdovinos file is paper only—and thus, can only accept filings via mail. Mr. Gomez-Valdovinos currently remains detained at NWIPC

[1] Mr. Valdovinos is also pursuing a motion to reopen *sua sponte* based on the ineffective assistance of counsel he received from Attorney Lozano. *See Sanchez et al v. Kennedy et al*, No. 2:26-cv-01587 (W.D. Wash. May 11, 2026).

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and, absent intervention by this Court, risks imminent removal before his motions even arrive at the Tacoma, Washington Immigration Court, let alone before the motions are adjudicated. Accordingly, Mr. Gomez-Valdovinos' Emergency Motion for a Temporary Restraining Order is imperative.

ARGUMENT

I. LEGAL FRAMEWORK FOR A TEMPORARY RESTRAINING ORDER

31. To obtain both a temporary restraining order and a preliminary injunction, the movant must demonstrate:

> (1) he is likely to succeed on the merits,
> (2) he is likely to suffer irreparable harm absent preliminary relief,
> (3) the balance of equities tips in his favor, and
> (4) the relief sought is in the public interest.

Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting the two motions have "substantially identical" requirements). See also Fed. R. Civ. P. R. 65(b). To succeed, a movant must satisfy each element of the *Winter* test. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011)). But "where the 'balance of hardships ... tips sharply towards the plaintiff,' a plaintiff need only show 'serious questions going to the merits,' rather than likelihood of success on the merits[.]" *Roman v. Wolf*, 977 F.3d 935, 941 (9th Cir. 2020) (quoting *All. for the Wild Rockies*, 632 F.3d at 1135).

A. MR. GOMEZ-VALDOVINOS ESTABLISHES A LIKELIHOOD OF SUCCESS ON THE MERITS

5. In the instant matter, the relief requested is a prohibitory injunction to prevent ICE from removing Mr. Gomez-Valdovinos *before* the immigration court adjudicates his motion to reopen

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based on changed country conditions. *See Nguyen v. Scott*, 796 F. Supp. 3d 703, 718 (W.D. Wash. 2025) (explaining that a prohibitory injunction maintains the *status quo*). The Supreme Court has "long held that 'no person shall be' removed from the United States 'without opportunity . . . to be heard.'" *A. A. R. P. v. Trump*, 605 U.S. 91, 94 (2025) (quoting *The Japanese Immigrant Cases*, 189 U.S. 86, 101 (1903)). *See Oshodi v. Holder*, 729 F.3d 883, 889 (9th Cir. 2013) ("It is well established that the Fifth Amendment guarantees non-citizens due process in removal proceedings.").

6. As outlined in the DOJ's Immigration Court Practice Manual, ICE can remove Mr. Gomez-Valdovinos at any time prior to the adjudication of his stay motion. *See* U.S. Dep't of Justice, Immig. Ct. Pract. Manual, Discretionary Stays, § 7.3(b)-(c). Moreover, if his stay motion is denied, ICE can further remove Mr. Gomez-Valdovinos prior to the adjudication of his motion to reopen to apply for asylum based on changed country conditions. *Id.* If removed, Mr. Gomez-Valdovinos would be deprived of his right to due process; "[i]f he is detained, dead, or disappeared, he will have no opportunity to be heard on his motion to reopen." *Sied*, 2018 WL 1142202, at *26. Such procedure "raises serious questions about whether he is being deprived of due process." *Id.* As the Ninth Circuit explained, "it [is] absurd to conclude that Congress intended to allow motions to reopen to be filed but not heard.... Preventing [noncitizens] from receiving decisions on their motions to reopen would eliminate all possibility of redress if their circumstances changed." *Azarte v. Ashcroft*, 394 F.3d 1278, 1289 (9th Cir. 2005), *overruled on other grounds by Dada v. Mukasey*, 554 U.S. 1 (2008). Accordingly, Mr. Gomez-Valdovinos has demonstrated a likelihood of success on the merits of his claim and has therefore satisfied the first *Winter* element.

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B. MR. GOMEZ-VALDOVINOS WOULD ENDURE IRREPERABLE HARM

7. It is well-understood that "the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). And "[w]hen an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary." *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005) (citations omitted). Considering Mr. Gomez-Valdovinos has demonstrated that any removal to Mexico before he could adjudicate his motion to reopen would deny him his Fifth Amendment right to due process, Mr. Gomez-Valdovinos has demonstrated irreparable harm.

C. THE BALANCE OF THE EQUITIES AND PUBLIC INTEREST FAVOR MR. GOMEZ-VALDOVINOS

8. The final two factors for both a temporary restraining order and a preliminary injunction combine when the Government is a party. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)). The Ninth Circuit has consistently underscored the "public interest in preventing [noncitizens] from being wrongfully removed, particularly to countries where they are likely to face substantial harm." *Nken*, 556 U.S. at 436. Moreover, there is a strong public interest in ensuring noncitizens who have a statutory right to pursue a motion to reopen receive "'proper and lawful disposition' of immigration proceedings." *Kucana*, 558 U.S. at 242 (quoting *Dada*, 554 U.S. at 18). And although the government has an interest in finalizing removal orders, "our system does not permit agencies to act unlawfully even in pursuit of desirable ends." *Ala. Ass'n of Realtors v. Dep't of Health and*

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Human Servs., 594 U.S. 758, 766 (2021) (citation omitted)). Moreover, when constitutional rights are at risk—as they are in the instant matter—the factors weigh heavy in the movant's favor.

CONCLUSION

For the foregoing reasons, Mr. Gomez-Valdovinos respectfully requests this Court issue a Temporary Restraining Order enjoining Respondents, their agents, employees, and all persons acting in concert with them from removing Mr. Gomez-Valdovinos from the United States prior to the adjudication of the contents of his motion to reopen removal proceedings to pursue asylum based on changed country conditions.

Dated: June 2, 2026

Respectfully Submitted,

/s/ Clayton Cook-Mowery
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CERTIFICATE OF COMPLIANCE

Pursuant to LCR 7 and 65, I certify that this Emergency Motion for a Temporary Restraining Order contains 1,306 words, in compliance with the Local Civil Rules. Counsel may rely on the word count of a word-processing system used to prepare the brief.

Respectfully submitted on the 2nd day of June, 2026.

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CERTIFICATE OF SERVICE

I certify that this Emergency Motion for a Temporary Restraining Order was served upon Respondents via this Courts CM/ECF filing system.

Respectfully submitted on the 2nd day of June, 2026.

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