

Rebecca Hillstrom OSB # 224211
Immigration Counseling Service
P.O. Box 40248
Portland, OR 97240
Phone 503-221-1689
bhillstrom@ics-law.org

Attorney for Petitioner

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

A.S.S.

Petitioner

v.

JULIO S. HERNANDEZ, Portland Field Office
Director, U.S. Immigration and Customs
Enforcement and Removal Operation,
MARKWAYNE MULLIN, Secretary of
Homeland Security, TODD BLANCHE,
Attorney General, U.S. DEPARTMENT OF
HOMELAND SECURITY, U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT, and U.S. DEPARTMENT
OF JUSTICE

Respondents

Case No.

Agency No: A# 

**MOTION FOR TEMPORARY
RESTRAINING ORDER AND
SUPPORTING
MEMORANDUM**

MOTION

Petitioner moves the court for the following relief by way of a temporary restraining order (“TRO”): (a) an immediate order barring the respondents from removing petitioner from the State of Oregon, or if Petitioner is in the State of Washington, from the State of Washington, without notice to the Court and approval by the court.

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) the likelihood of succeeding on the merits, (b) the likelihood of irreparable harm without preliminary relief, (c) that the balance of equities tips in favor of the party, and (d) that 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).

An 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

1 preservation of the status quo when complex legal questions require further
2 inspection or deliberation. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127,
3 1134- 35 (9th Cir. 2011).

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5 **II. ARGUMENT.**

6 **A. Petitioner will likely suffer irreparable harm.**

7 Without a TRO, Petitioner will be imminently transferred out of the District
8 of Oregon. This will transfer petitioner away from his lawyers and his family,
9 possibly seeking to undermine this Court's jurisdiction.

10 Such impacts constitute irreparable harm. See e.g., *Leiva-Perez v. Holder*,
11 640 F.3d 962, 969-70 (9th Cir. 2011) (describing "separation from family
12 members" and the mental damage concomitant with such separation as irreparable
13 harm) (quotation marks omitted).

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16 **B. Likelihood of success on the merits.**

17 Over the past eighteen months, the Executive Branch has implemented an
18 increased immigration enforcement scheme. As a result, Federal Courts have
19 received a record-breaking number of requests for writs of habeas corpus from
20 individuals similarly situated to Petitioner. This Court and many other courts have
21 held that due process weighs in favor of affording individuals a pre-deprivation
22 hearing prior to re-detention. See, e.g., *Y-L-Z-H v. Bostock*, 792 F. Supp 3d. 1123,
23 1138 (D. Or. 2025) ("Common sense suggests . . . that parole given only on a case-
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1 by-case basis is to be terminated only on [an individualized] basis.”); *Valdez v.*
2 *Joyce*, 803 F. Supp. 3d 213, 219 (S.D.N.Y. June 18, 2025) (ordering immediate
3 release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, 792 F. Supp. 3d
4 1025, 1037 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-
5 00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia*
6 *Barrera v. Andrews*, No. 1:25-CV-01006 JLT SAB, 29025 WL 2420068 (E.D. Cal.
7 Aug. 21, 2025) (similar).
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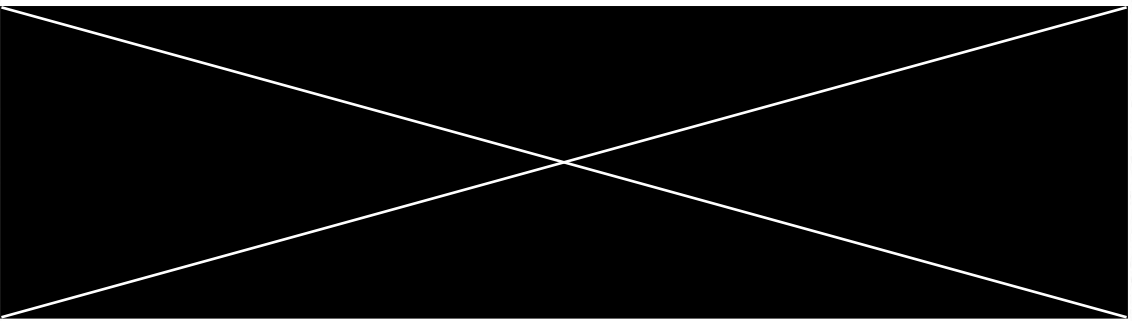
10 **C. Balance of equities tips sharply in favor of TRO.**

11 A TRO would particularly serve the public interest here given the public’s
12 special concern for family unity. The balance of hardships tips substantially in
13 favor of Petitioner. “[I]n addition to the potential hardships facing Plaintiffs in the
14 absence of the injunction, the court ‘may consider . . . the indirect hardship to their
15 friends and family members.’” *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir.
16 2017), quoting *Golden Gate Rest. Ass’n v. City & Cty. of San Francisco*, 512 F.3d
17 1112, 1126 (9th Cir. 2008).
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20 Petitioner’s wife, Petitioner’s children ages 19, 17, and 14, and Petitioner’s
21 ward age 14, would suffer extreme hardship if Petitioner is detained by
22 immigration authorities. Petitioner is the sole provider for the family, and his wife
23 is unable to work due to medical issues. Petitioner’s family has obtained medical
24 insurance as a benefit of Petitioner’s employment. Petitioner’s wife has an
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1 upcoming spine surgery scheduled for August 5, 2026. She requires that Petitioner
2 care for her post-surgery and that Petitioner continues providing medical insurance
3 through his employment to ensure that she receives proper post-procedure medical
4 care.
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6 Petitioner's wife and children have suffered extreme trauma. 

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12 imperative that both parents attend family counseling sessions for the child to
13 progress in her treatment. Detention of their father and sole financial provider
14 would further traumatize Petitioner's wife and children.
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16 **C. Granting the TRO is in the public interest.**

17 The merits of the petition weigh the public interest toward a TRO.
18 "Generally, public interest concerns are implicated when a constitutional right has
19 been violated, because all citizens have a stake in upholding the Constitution."
20 *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005); see also *Zepeda v. U.S.*
21 *I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) ("INS cannot reasonably assert that it is
22 harmed in any legally cognizable sense by being enjoined from constitutional
23 violations"). "The public interest also benefits from a preliminary injunction that
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1 ensures that federal statutes are construed and implemented in a manner that avoids
2 serious constitutional questions.” *Rodriguez v. Robbins*, 715 F.3d 1127, 1146 (9th
3 Cir. 2013).

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5 **III. CONCLUSION**

6 For the above reasons, a TRO should be granted.

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9 Dated this 22nd day of July, 2026

10 /s/ Rebecca Hillstrom

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12 Attorney for Petitioner
13 OSB # 224211
14 Immigration Counseling Service
15 PO Box 40248
16 Portland, OR 97240
17 (503) 221-1689
18 bhillstrom@ics-law.org
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