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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

A.S.S.,

Case No.: 3:26-cv-01514-IM

Petitioner,

v.

**RESPONDENTS' RESPONSE TO
PETITIONER'S MOTION FOR
TEMPORARY RESTRAINING ORDER**

JULIO S. HERNANDEZ, *et al.*,

Respondents.

This Court should deny Petitioner's motion for a temporary restraining order ("TRO"), ECF 2.

STANDARDS FOR GRANTING A TRO

The standards for a TRO and a preliminary injunction are "substantially identical." *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). A preliminary injunction is an "extraordinary and drastic remedy." *Munaf v. Geren*, 553 U.S. 674, 689 (2008). "To obtain a preliminary injunction, a plaintiff must establish (1) a likelihood of success on the merits, (2) a likelihood of irreparable harm in the absence of preliminary relief, (3) that the balance of equities favors the plaintiff, and (4) that an injunction is in the public interest." *Geo Group, Inc. v. Newsom*, 50 F.4th 745, 753 (9th Cir. 2022) (en banc) (citing *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008)). To carry his burden of persuasion, the moving party must make a "clear showing" on each of these four required elements. *Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012) (quoting *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997)).

A TRO IS UNWARRANTED

Petitioner seeks a TRO barring Respondents from removing Petitioner from the State of Oregon, or if the Petitioner is in Washington, a TRO barring removal from Washington without notice to and approval by this Court. ECF 2 at 2.

Petitioner's TRO motion is based on fears regarding a July 22, 2026 "check-in" appointment scheduled with U.S. Customs and Immigration Enforcement ("ICE") in Portland. ECF 2-1 at 2. Petitioner's counsel "fears that ICE will detain Petitioner at the check-in appointment and transfer him to an ICE detention center." *Id.* at 3. According to Petitioner, "[w]ithout a TRO, Petitioner will be imminently transferred out of the District of Oregon." ECF 2 at 3.

TRO relief is unwarranted. Petitioner attended the July 22 appointment with ICE in Portland, and as undersigned counsel informed Petitioner's counsel in an email, "no action was taken against him, he was not removed from Oregon, and he is not in custody." See Attached Exhibit.¹ Petitioner remains in Oregon and is free from custody. The July 22 appointment—the entire basis for the TRO motion—did not result in any adverse action against Petitioner. Extraordinary equity relief is therefore inappropriate, because Petitioner has no likelihood of success in establishing any immediate transfer out of Oregon associated with his July 22 appointment, and no likelihood of establishing irreparable harm associated with his July 22 appointment.

For these reasons, this Court should deny Petitioner's motion for TRO.

¹ As of the filing of this response, Petitioner's counsel has not responded to undersigned counsel's email.

Respectfully submitted this 23rd day of July, 2026.

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/s/ Sean E. Martin
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