

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Santos Orozco Valle v. Bruce Scott, Warden, Northwest ICE
Processing Center, et al.

Orozco Valle v. Scott · No. 2:25-cv-02429 · Decided December 2, 2025

SUMMARY

The United States District Court for the Western District of Washington denied without prejudice Santos Orozco Valle’s ex parte emergency motion for a temporary restraining order and stay of removal. The court held that the motion did not satisfy Federal Rule of Civil Procedure 65(b)(1)’s requirements for extraordinary relief without notice, while permitting refiling with the required certification or proceeding under the district’s standard expedited TRO procedures.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Jamal N. Whitehead
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 2, 2025
DOCKET	2:25-cv-02429
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought an ex parte emergency temporary restraining order and stay of removal pending resolution of his habeas corpus petition.
STANDARD OF REVIEW	An ex parte temporary restraining order without notice may issue only upon specific facts in an affidavit or verified complaint showing that immediate and irreparable injury will occur before the adverse party can be heard, together with written certification of efforts to provide notice and reasons notice should not be required.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	Santos Orozco Valle v. Bruce Scott, Warden, Northwest ICE Processing Center, Cammilla Wamsley, Director of Enforcement and Removal Operations, Seattle Field Office, Immigration and Customs Enforcement, Kristi Noem, Secretary of U.S. Department of Homeland Security, Pamela Bondi, United States Attorney General

TOPICS

injunctions removal proceedings immigration civil procedure

PRACTICE AREAS

Immigration Civil Procedure Habeas Corpus Emergency Injunctive Relief

QUESTIONS PRESENTED

1. Whether Petitioner satisfied the heightened requirements for an ex parte temporary restraining order under Federal Rule of Civil Procedure 65(b)(1).
2. Whether the court should stay Petitioner's removal pending resolution of his habeas corpus petition.

HOLDINGS

1. Petitioner's motion did not satisfy Federal Rule of Civil Procedure 65(b)(1) because it did not explain why relief was necessary before Respondents could respond and did not include the required certification concerning notice.
2. The request for a temporary restraining order and stay of removal was denied without prejudice.

KEY QUOTATIONS

“ex parte relief is extraordinary”

“preliminary injunctive relief is an “extraordinary remedy never awarded as of right.””

FACTUAL BACKGROUND

Petitioner Santos Orozco Valle was detained in immigration custody and faced the prospect of removal, including possible removal to a third country, before he could present his claims to the district court. He sought to enjoin the Respondents from removing him while his habeas petition was pending.

PROCEDURAL HISTORY

Petitioner filed a petition for a writ of habeas corpus and an ex parte emergency motion seeking to prevent Respondents from removing him from the United States. The district court held that the motion did not satisfy the heightened requirements for ex parte relief under Federal Rule of Civil Procedure 65(b)(1) and denied the motion without prejudice.

DISPOSITION

other

CASES CITED

- Reno Air Racing Ass'n, Inc. v. McCord, 452 F.3d 1126, 1131 (9th Cir. 2006)
- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 24 (2008)

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE 7 SANTOS OROZCO VALLE, CASE NO. 2:25-cv-02429 8 Petitioner, ORDER
DENYING PETITIONER’S EX 9 PARTE EMERGENCY MOTION FOR v. TEMPORARY
RESTRAINING ORDER 10 AND STAY OF REMOVAL BRUCE SCOTT, Warden, Northwest 11
ICE Processing Center; CAMMILLA WAMSLEY, Director of Enforcement 12 and Removal
Operations, Seattle Field Office, Immigration and Customs 13 Enforcement; KRISTI NOEM,
Secretary of U.S. Department of 14 Homeland Security; PAMELA BONDI, United States
Attorney General, 15 Respondents.

16 17 This matter comes before the Court on Petitioner Santos Orozco Valle’s Ex 18 Parte
Emergency Motion for Temporary Restraining Order and Stay of Removal. 19 Dkt. No. 2. He asks
the Court to enjoin Respondents from removing him from the 20 United States pending resolution
of his Petition for Writ of Habeas Corpus. See Dkt. 21 No. 1. 22 23 1 Petitioner styles his motion
as an ex parte request, seeking relief before 2 Respondents have an opportunity to respond.

But ex parte relief is extraordinary, 3 and the motion does not address the applicable standard.
Federal Rule of Civil 4 Procedure 65(b)(1) permits a court to issue a TRO without notice to the
adverse 5 party only if the movant provides “specific facts in an affidavit or a verified 6
complaint” demonstrating “that immediate and irreparable injury, loss, or damage 7 will result to
the movant before the adverse party can be heard in opposition.” Fed.

8 R. Civ. P. 65(b)(1)(A). The movant’s attorney must also certify in writing “any 9 efforts made to
give notice and the reasons why it should not be required.” Fed. R. 10 Civ. P. 65(b)(1)(B). This
district’s Local Civil Rules reinforce this rule, noting that 11 motions for TROs “without notice to
and an opportunity to be heard by the adverse 12 party are disfavored and will rarely be granted.”
LCR 65(b)(1).

13 Petitioner’s motion does not address this heightened standard. While the 14 motion articulates
Petitioner’s claims and the traditional TRO factors, it does not 15 explain why relief is necessary
before Respondents have an opportunity to respond, 16 nor does it certify any efforts to provide
notice or explain why notice should not be 17 required. See Fed.

R. Civ. P. 65(b)(1). On this record, the Court does not find that 18 Petitioner’s case falls within
those “very few circumstances justifying the issuance 19 of an ex parte TRO.” *Reno Air Racing
Ass’n, Inc. v. McCord*, 452 F.3d 1126, 1131 20 (9th Cir. 2006); see also *Winter v. Nat. Res. Def.
Council, Inc.*, 555 U.S. 7, 24 (2008) 21 (preliminary injunctive relief is an “extraordinary remedy
never awarded as of 22 right.”).

23 1 The Court recognizes that Petitioner raises serious concerns about the 2 prospect of removal
to a third country before he can present his claims to this Court. 3 If circumstances warrant

immediate relief before Respondents can respond, 4 Petitioner may refile with the certification required by Rule 65(b)(1)(B). 5 Alternatively, Petitioner may proceed under this district's standard TRO 6 procedures, see LCR 65(b), which require service on Respondents and provide for an 7 expedited response, see LCR 65(b)(5) (requiring response within 48 hours of service).

8 Accordingly, Petitioner's Ex Parte Emergency Motion for Temporary 9 Restraining Order and Stay of Removal, Dkt. No. 2, is DENIED WITHOUT 10 PREJUDICE. 11 Dated this 2nd day of December, 2025. 12 a Jamal N. Whitehead 13 United States District Judge 14 15 16 17 18 19 20 21 22 23