

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Santas Reyes Avila Garcia v. Kristi Noem et al.

Avila Garcia v. Noem · No. 3:25-cv-06008-DGE · Decided November 22, 2025

SUMMARY

The United States District Court for the Western District of Washington denied Santas Reyes Avila Garcia’s second motion for a temporary restraining order concerning the adjudication of her T visa application and her removal. The court held that the amended claims were within its jurisdiction but that Plaintiff had not shown a likelihood of success on the merits or raised serious questions warranting emergency relief. The court also declined to determine, on the limited record, whether the denial of an administrative stay was arbitrary and capricious.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	David G. Estudillo
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	November 22, 2025
DOCKET	3:25-cv-06008-DGE
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff moved for a second temporary restraining order after amending her complaint to add two APA claims concerning a bona fide determination on her T visa application before denial of a stay of removal.
STANDARD OF REVIEW	A TRO is governed by Federal Rule of Civil Procedure 65(b) and is evaluated under the substantially identical standard applicable to a preliminary injunction: likelihood of success on the merits, likelihood of irreparable harm, balance of equities, and public interest. The movant bears the burden of persuasion. The Ninth Circuit's sliding-scale approach permits a weaker merits showing only when the movant raises serious questions and the balance of hardships tips sharply in the movant's favor, while the remaining Winter factors are satisfied.
PRECEDENTIAL VALUE	nonprecedential district court order

PARTIES

Santas Reyes Avila Garcia v. Kristi Noem et al.

TOPICS

t visa

removal proceedings

injunctions

mandamus immigration

administrative procedure act

PRACTICE AREAS

immigration

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equitable relief

QUESTIONS PRESENTED

1. Whether the court had jurisdiction under 8 U.S.C. § 1252(g) to consider claims that a bona fide T visa determination was required before ICE decided Plaintiff's request for a stay of removal.
2. Whether Plaintiff showed a likelihood of success on the merits or serious questions warranting a second temporary restraining order.
3. Whether Plaintiff established a due process claim based on the failure to issue a bona fide T visa determination before denial of her stay request.
4. Whether 8 U.S.C. § 1227(d)(1) required USCIS to issue a bona fide determination before ICE exercised discretion on Plaintiff's administrative stay request.
5. Whether the record supported preliminary relief based on an alleged arbitrary-and-capricious denial of Plaintiff's stay request.

HOLDINGS

1. Section 1252(g) did not bar jurisdiction over Plaintiff's claims that Defendants were legally required to issue a bona fide determination before deciding her request for a stay of removal because those claims presented collateral legal questions rather than challenges to discretionary removal authority.
2. Plaintiff was not entitled to a second TRO because she failed to establish a likelihood of success on the merits or raise a serious question going to the merits, and therefore failed to satisfy the applicable preliminary-relief standard.
3. Plaintiff did not establish a likelihood of success or a serious question on her due process theory because she identified no liberty or property interest and did not analyze the *Matthews v. Eldridge* factors; discretionary benefits do not create protected property interests.
4. Plaintiff failed to show a likelihood of success or a serious question that 8 U.S.C. § 1227(d)(1) required USCIS to issue a bona fide T visa determination before ICE decided whether to grant or deny an administrative stay.
5. Even assuming jurisdiction existed, Plaintiff did not establish entitlement to preliminary relief on an arbitrary-and-capricious challenge because the record and briefing were insufficient to evaluate the merits.

KEY QUOTATIONS

“The legal standard for a TRO is substantially identical to the standard for a preliminary injunction.” (at 1)

“To obtain injunctive relief, the moving party must show: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm to the moving party in the absence of preliminary relief; (3) that the balance of equities tips in favor of the moving party; and (4) that an injunction is in the public interest.” (at 1)

“The Court has jurisdiction to hear the two additional APA claims to the extent they argue that the bona fide determination should have been made prior to ICE deciding on Plaintiff’s request to stay removal.” (at 2)

“a benefit is not a protected entitlement if government officials may grant or deny it in their discretion” (at 3)

“Having considered Plaintiff’s second motion for a TRO (Dkt. No. 15), and for the reasons stated herein, the Court DENIES Plaintiff’s second motion for a TRO.” (at 5)

FACTUAL BACKGROUND

Plaintiff alleged that federal officials unreasonably delayed adjudication of her T visa application and sought a stay of removal while the case proceeded. She later added claims asserting that USCIS had to make a bona fide or prima facie determination before ICE decided whether to grant an administrative stay of removal. The record included one-page stay requests dated March 9, 2016, and September 4, 2025, and ICE denial decisions dated August 1, 2025, and September 9, 2025. The court found that Plaintiff did not identify a protected liberty or property interest, establish that 8 U.S.C. § 1227(d)(1) required the asserted sequence of agency actions, or provide a sufficient record and argument showing that the stay denial was arbitrary and capricious.

PROCEDURAL HISTORY

Plaintiff filed claims for mandamus and APA relief alleging unreasonable delay in adjudicating her T visa application and sought a TRO staying removal. The court denied the first TRO, concluding that the requested stay exceeded the scope of the pleaded claims and that Plaintiff had not sufficiently shown entitlement to relief. Plaintiff then amended her complaint, added two APA claims, and filed a second TRO motion. The court denied the second motion and directed the parties to file a status report concerning further proceedings on the amended complaint.

DISPOSITION

denied

CASES CITED

- Raghav v. Jaddou, 2025 WL 373638, at *1 (E.D. Cal. Feb. 3, 2025)
- Facebook, Inc. v. BrandTotal Ltd., 499 F. Supp. 3d 720, 732 (N.D. Cal. 2020)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 22 (2008)
- Hill v. McDonough, 547 U.S. 573, 584 (2006)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131-1135 (9th Cir. 2011)
- Farris v. Seabrook, 677 F.3d 858, 864 (9th Cir. 2012)

- Barahona-Gomez v. Reno, 236 F.3d 1115, 1118 (9th Cir. 2001)
- United States v. Hovsepian, 359 F.3d 1144, 1155 (9th Cir. 2004)
- Fatty v. Nielsen, 2018 WL 3491278, at *1-*2 & n.1 (W.D. Wash. July 20, 2018)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Ching v. Mayorkas, 725 F.3d 1149, 1155 (9th Cir. 2013)
- Jimenez v. Department of Homeland Security, 2022 WL 19410308, at *1 (C.D. Cal. Nov. 14, 2022)
- Barrios Garcia v. U.S. Department of Homeland Security, 25 F.4th 430, 444 (6th Cir. 2022)

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