

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

John Doe v. United States Citizenship and Immigration Services et al.

Doe · No. 2:26-cv-00290-JHC · Decided January 28, 2026

SUMMARY

The United States District Court for the Western District of Washington denied without prejudice John Doe's ex parte motion for a temporary restraining order and preliminary injunction. The court held that Plaintiff did not satisfy Federal Rule of Civil Procedure 65(b)(1)'s requirements for obtaining an ex parte TRO without notice, including showing immediate and irreparable injury and addressing notice to the defendants.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	John H. Chun
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 28, 2026
DOCKET	2:26-cv-00290-JHC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved ex parte for a temporary restraining order and preliminary injunction.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.
PARTIES	John Doe v. United States Citizenship and Immigration Services et al.

TOPICS

injunctions immigration naturalization civil procedure

PRACTICE AREAS

civil procedure immigration administrative law remedies

QUESTIONS PRESENTED

- Whether Plaintiff satisfied Federal Rule of Civil Procedure 65(b)(1)'s requirements for issuance of an ex parte temporary restraining order without notice.

2. Whether Plaintiff's assertion that Defendants would not be prejudiced, together with counsel's promise to promptly serve Defendants after issuance, justified dispensing with prior notice.

HOLDINGS

1. Plaintiff did not satisfy Federal Rule of Civil Procedure 65(b)(1)'s requirements for an ex parte temporary restraining order, including the required showing of immediate and irreparable injury before Defendants could be heard and written certification concerning efforts to provide notice.
2. The asserted absence of prejudice to Defendants and counsel's promise to promptly serve Defendants after issuance of a TRO were insufficient reasons to forgo the notice required by Rule 65(b)(1).

KEY QUOTATIONS

“The stringent restrictions imposed by [Rule 65(b)(1)] on the availability of ex parte temporary restraining orders reflect the fact that our entire jurisprudence runs counter to the notion of court action taken before reasonable notice and an opportunity to be heard has been granted both sides of a dispute.” (at 1)

FACTUAL BACKGROUND

Plaintiff challenged the December 2, 2025 USCIS Policy Memorandum PM-602-0192 as applied to him and sought immediate adjudication of his Form N-400 Application for Naturalization. He requested an ex parte temporary restraining order and preliminary injunction without prior notice to Defendants. Plaintiff argued that Defendants would not be prejudiced by proceeding without notice and represented that his counsel would promptly serve Defendants if relief were granted.

PROCEDURAL HISTORY

Plaintiff sought to enjoin enforcement of a USCIS policy memorandum as applied to him and to compel immediate adjudication of his Form N-400 naturalization application. The district court denied the ex parte motion without prejudice because Plaintiff did not satisfy the requirements for an ex parte temporary restraining order.

DISPOSITION

other

CASES CITED

- Reno Air Racing Ass'n, Inc. v. McCord, 452 F.3d 1126, 1131 (9th Cir. 2006)
- Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70 of Alameda County, 415 U.S. 423, 438-39 (1974)

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE 7 JOHN DOE, CASE NO. 2:26-cv-00290-JHC 8 Plaintiff, ORDER 9 v. 10

UNITED STATES CITIZENSHIP AND 11 IMMIGRATION SERVICES et al., 12 Defendants. 13
14 This matter comes before the Court on Plaintiff's Ex Parte Motion for Temporary 15
Restraining Order and Preliminary Injunction.

Dkt. # 7. Plaintiff asks the Court to enjoin 16 Defendants from enforcing the December 2, 2025
USCIS Policy Memorandum (PM-602-0192) 17 as applied to Plaintiff and compelling immediate
adjudication of Plaintiff's Form N-400, 18 Application for Naturalization. Id. at 1.

For the reasons below, the Court DENIES Plaintiff's 19 motion without prejudice. 20 Federal Rule
of Civil Procedure 65(b)(1) permits a court to "issue a temporary restraining 21 order without
written or oral notice to the adverse party or its attorney only if (A) specific facts 22 in an affidavit
or a verified complaint clearly show that immediate and irreparable injury, loss, or 23 damage will
result to the movant before the adverse party can be heard in opposition; and (B) the 24 1 movant's
attorney certifies in writing any efforts made to give notice and the reasons why it 2 should not be
required." See also LCR 65(b)(1) (issuance of TRO without notice disfavored).

3 Plaintiff has not met these requirements. Further, Plaintiff's argument that Defendant will not be
4 || prejudiced absent notice (Dkt. # 7 at 11) is not a proper reason to forgo notice. See *Reno Air 5*
|| *Racing Ass'n., Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006) ("[C]ourts have recognized 6
|| very few circumstances justifying the issuance of an ex parte TRO").

Similarly, Plaintiffs 7 || counsel's promise to "promptly serve" the Defendants "immediately upon
issuance of any TRO" g__ || does not fulfil the notice requirement or Rule 65(b)(1). Dkt. #7 at 11;
Granny Goose Foods, g v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70 of Alameda Cnty.,
415 U.S. 423, 10 || 438-39 (1974) ("The stringent restrictions imposed by [Rule 65(b)(1)] on the
availability of ex 11 parte temporary restraining orders reflect the fact that our entire jurisprudence
runs counter to the 12 notion of court action taken before reasonable notice and an opportunity to
be heard has been 13 granted both sides of a dispute.").

14 For all these reasons, the Court DENIES the ex parte motion for temporary restraining 15 ||
order without prejudice. Dkt. #7. 16 Dated this 28th day of January, 2026. 17 18 ok._¥. Chur 19
John H. Chun United States District Judge 20 21 22 23 24