

**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

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

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