

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Fawan Hassan Fadul Mohamed v. Immigration and Customs
Enforcement Field Office Director and Facility Administrator

Fadul Mohamed · No. 2:26-cv-00181-TL · Decided January 20, 2026

SUMMARY

The United States District Court for the Western District of Washington denied as moot the petitioner's motion to expedite the government's response because the court's scheduling order already provided expedited deadlines. The court denied the petitioner's motion for a temporary restraining order, with leave to refile, finding that he had not shown a likelihood of success on the merits or likely irreparable harm from a transfer.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Tana Lin
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 20, 2026
DOCKET	2:26-cv-00181-TL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a proposed petition for a writ of habeas corpus, a motion for a temporary restraining order, and a motion to expedite the government's response. The district court addressed both motions before Respondents filed their return.
STANDARD OF REVIEW	A TRO is an extraordinary remedy governed by the four Winter factors: likelihood of success on the merits, likelihood of irreparable harm absent relief, balance of equities, and the public interest. All four elements must be satisfied.
PRECEDENTIAL VALUE	unpublished

TOPICS

- federal habeas corpus
- immigration detention
- injunctions
- removal proceedings
- immigration

PRACTICE AREAS

immigration law

federal habeas corpus

injunctive relief

QUESTIONS PRESENTED

1. Whether the motion to expedite the government's response should be granted when the court's existing scheduling order already provided the requested relief.
2. Whether Petitioner was entitled to a temporary restraining order preventing his transfer from Tacoma based on the Winter factors.

HOLDINGS

1. The motion to expedite was denied as moot because the existing scheduling order already provided the requested expedited schedule.
2. The motion for a TRO was denied because Petitioner failed to establish the required likelihood of success on the merits and likelihood of irreparable harm.
3. A future TRO motion must provide sufficient information concerning Petitioner's circumstances and the reasons for relief and must comply with Federal Rule of Civil Procedure 65 and Local Civil Rule 65.

KEY QUOTATIONS

“A party seeking a TRO must establish: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm in the absence of the preliminary relief; (3) a balancing of equities tips in favor of the injunction; and (4) the injunction is in the public interest.” (at 2)

“Motions for temporary restraining orders should be reserved for matters where the petitioner alleges imminent, irreparable harm, such as imminent removal from the United States.” (at 3)

FACTUAL BACKGROUND

Petitioner was apparently detained by immigration authorities in Tacoma, Washington and sought habeas relief. He asked the court to prohibit his transfer from Tacoma until he was removed from the United States or released, but he provided no information showing a likelihood of success on the habeas petition or that the government planned to move him.

PROCEDURAL HISTORY

On January 16, 2026, Petitioner filed an application to proceed in forma pauperis, a proposed federal habeas petition, and several motions, including motions for a TRO and to expedite the government's response. The court granted in forma pauperis status, entered a scheduling order requiring Respondents' return by January 30, 2026, and required advance notice before Petitioner could be moved or removed. The habeas petition was served electronically on Respondents. The court denied the motion to expedite as moot and denied the TRO with leave to refile.

DISPOSITION

other

CASES CITED

- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 24 (2008)
- Stuhlberg International Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- hiQ Labs, Inc. v. LinkedIn Corp., 31 F.4th 1180, 1188 (9th Cir. 2022)

OPINION

Fawan Hassan Fadul Mohamed v. Immigration and Customs Enforcement Field Office Director and Facility Administrator

PER CURIAM.

1 2 3 4 5 6 7 8

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

9 AT SEATTLE

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11 FAWAN HASSAN FADUL MOHAMED, CASE NO. 2:26-cv-00181-TL

12 Petitioner, ORDER ON MOTION FOR TRO 13 v.

AND MOTION TO EXPEDITE

14 IMMIGRATION AND CUSTOMS

ENFORCEMENT FIELD OFFICE

15 DIRECTOR and FACILITY

ADMINISTRATOR,

16 Respondents. 17

18 On January 16, 2026, Petitioner Fawaz Hassan Fadul Mohamed filed an application to 19
proceed in forma pauperis (Dkt. No. 1) along with a proposed petition for writ of habeas corpus 20
(Dkt. No. 1-1), a proposed Motion to Expedite Government Response (Dkt. No. 2-2), a proposed
21 Motion for Court-Appointed Counsel (Dkt. No. 1-3), a proposed Motion for Evidentiary
Hearing 22 (Dkt. No. 1-4), and a motion for temporary restraining order (“TRO”) (Dkt. No. 2).
The Court 23 granted Petitioner leave to proceed in forma pauperis (Dkt. No. 4), and the proposed
motions 24 were posted to the docket (Dkt. Nos. 6, 7, 8). 1 Also on January 16, 2026, the Court
issued its standard scheduling order. Dkt. No. 3. The 2 scheduling order requires Respondents to
file their return by January 30, 2026, and Petitioner to 3 file his traverse, if any, no later than
February 4, 2026, 2026. Id. at 2. The scheduling order 4 further orders Respondents to provide
Petitioner at least 48 hours’ notice prior to any action to 5 move or transfer him from the District
or remove him from the United States. This scheduling 6 order was entered pursuant to General
Order 10-25, General Order 10-25, found at 7

<https://www.wawd.uscourts.gov/sites/wawd/files/General%20Order%2010-25%20re%20Immigration%20Habeas.1.pdf>. General Order 10-25 was entered on December 18, 2025, 9 after consultation and cooperation by various stakeholders, including the U.S. Attorney’s Office, 10 the Federal Defender’s Office, and the Northwest Immigrant Rights Project. 11 Pursuant to the scheduling order, the habeas petition was served on Respondents, who are 12 now are receiving electronic notifications in this action, including notice of all pending motions. 13 See Dkt. No. 3 ¶ 4. 14 Petitioner’s Motion to Expedite Government Response asks the Court to “allow. . . this 15 case to be expedited. . . .” Dkt. No. 6 at 1. Because the scheduling order already provides this 16 relief, the Motion to Expedite Government Response (Dkt. No. 6) is DENIED AS MOOT. 17 Petitioner’s Motion for TRO asks the Court to order that he not be moved from Tacoma, 18 Washington, until he is either removed from the United States or released. Dkt. No. 2. 19 A TRO, as with any preliminary injunctive relief, is an extraordinary remedy that is 20 “never awarded as of right.” See *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 24 21 (2008); see also *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th 22 Cir. 2001) (noting the analysis for a TRO and a preliminary injunction are substantially 23 identical), overruled on other grounds by *Winter*, 555 U.S. 7. 24 A party seeking a TRO must establish: (1) a likelihood of success on the merits; (2) a 1 likelihood of irreparable harm in the absence of the preliminary relief; (3) a balancing of equities 2 tips in favor of the injunction; and (4) the injunction is in the public interest. *Winter*, 555 U.S. at 3 20. These four considerations are known as the “Winter factors.” 4 All four Winter elements must be satisfied. *hiQ Labs, Inc. v. LinkedIn Corp.*, 31 F.4th 5 1180, 1188 (9th Cir. 2022). Here, Petitioner has not satisfied the first element, because he has not 6 provided the Court with information upon which the Court can determine that Petitioner is likely 7 to succeed on the merits of his habeas petition. See generally Dkt. Nos. 1, 2. Additionally, the 8 Court does not find that Petitioner is likely to suffer irreparable harm in the absence of a TRO 9 because there is no information suggesting that the Government is planning to move Petitioner 10 out of Tacoma. Therefore, the Motion for TRO is denied. Plaintiff is advised that any future 11 motion for TRO should include more information related to Plaintiff’s situation and the reasons 12 for a TRO, so that the Court may consider each of the Winter factors. 13 Accordingly, it is hereby ORDERED: 14 (1) The Motion to Expedite Government Response (Dkt. No. 6) is DENIED AS MOOT. 15 (2) The motion for TRO (Dkt. No. 2) is DENIED with leave to refile if appropriate. 16 However, Petitioner is advised that, under Paragraph 5 of General Order 10-25, 17 “[m]otions for temporary restraining orders should be reserved for matters where 18 the petitioner alleges imminent, irreparable harm, such as imminent removal from 19 the United States. All motions for temporary restraining orders must meet the 20 requirements of Federal Rule of Civil Procedure 65 and Local Civil Rule 65.” 21 Dated this 20th day of January, 2026. 22 A 23 Tana Lin United States District Judge 24

