

**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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF
WASHINGTON 9 AT SEATTLE 10 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](https://www.wawd.uscourts.gov/sites/wawd/files/General%20Order%2010-25%20re%20Immigration%20Habeas.1.pdf) 8
%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