

SCOTT E. BRADFORD, OSB #062824

United States Attorney

District of Oregon

ARIANA N. GAROUSI, CSB #347758

Assistant United States Attorneys

1000 SW Third Ave., Suite 600

Portland, Oregon 97204-2936

Telephone: (503) 727-1000

Email: Ariana.Garousi@usdoj.gov

Attorneys for Respondents

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

M-J-M-A-,

Case No.: 6:25-cv-02011-MTK

Petitioner,

v.

**RESPONSE TO PETITIONER'S
MOTION FOR A TEMPORARY
RESTRAINING ORDER**

**CAMMILLA WAMSLEY; TODD
LYONS; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT;
KRISTI NOEM; U.S. DEPARTMENT
OF HOMELAND SECURITY;
PAMELA BONDI,¹**

Respondents.

¹ For “core” habeas challenges brought under 28 U.S.C. § 2241, that is, challenges to present physical custody, the only proper respondent is the immediate custodian of the habeas petitioner, “not the Attorney General or some other remote supervisory official.” *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Thus, the United States Attorney General, the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”), and the Secretary of the Department of Homeland Security (“DHS”) are not proper respondents to this core habeas petition, because none of those officials has any immediate responsibility for Petitioner’s detention. *See id.* at 440 n.13 (“[T]he proper respondent is the person responsible for maintaining—not authorizing—the custody of the prisoner.”).

Respondents, through counsel, submit this response to Petitioner’s Motion for a Temporary Restraining Order, ECF 14.

BACKGROUND

On October 30, 2025, Petitioner filed a Petition for Writ of Habeas Corpus challenging the lawfulness of her detention by ICE. On November 1, 2025, Petitioner filed a Motion for a Temporary Restraining Order requesting “to restore the *status quo* by granting M-J-M-A- release from custody and return to Oregon while the Court adjudicates her pending habeas petition.” ECF 14 at 18.

ARGUMENT

On November 1, 2025, Petitioner was released from detention at the Northwest ICE Processing Center. ECF 18 at 2. Respondents agree that the Court’s Order at Paragraph 5 of ECF 2 remains in effect until the Petition for Writ of Habeas Corpus has been adjudicated. Accordingly, Petitioner has received the relief she sought in her Motion for a Temporary Restraining, and the motion is moot.

CONCLUSION

Respondents request the Court deny Petitioner’s Motion for a Temporary Restraining Order, ECF 14, as moot and vacate the November 4, 2025, hearing.

///

///

///

///

Respectfully submitted this 3rd day of November, 2025.

SCOTT E. BRADFORD
United States Attorney
District of Oregon

/s/ Ariana N. Garousi
ARIANA N. GAROUSI
Assistant United States Attorney
Attorneys for Respondents