

1 (2) the possibility of irreparable injury to plaintiff if an injunction is not granted; (3) the extent to
2 which the balance of hardships favor plaintiff; and (4) whether the public interest will be advanced
3 by the injunction. *See, e.g., Los Angeles Mem'l Coliseum Comm'n*, 634 F.2d at 1200. The analysis
4 is often compressed into a single continuum where the required showing of merit varies inversely
5 with the showing of irreparable harm. *See Prudential Real Estate Affiliates, Inc. v. PRP Realty,*
6 *Inc.*, 204 F.3d 867, 874 (9th Cir. 2000). The moving party may meet its burden by demonstrating
7 either: (1) a probability of success on the merits and the possibility of irreparable injury; or (2) that
8 serious legal questions are raised and the balance of hardship tips sharply in petitioner's favor. *Los*
9 *Angeles Mem'l Coliseum Comm'n*, 634 F.2d at 1201.

10 The Court finds that petitioner does not satisfy either standard. Petitioner asserts that he
11 was informed on June 6, 2007, that the U.S. Immigration and Customs Enforcement ("ICE")
12 intends to temporarily transfer him from the Northwest Detention Center in Tacoma, Washington
13 to a separate facility in Union Town, Alabama for at least 30 days. Petitioner argues that the
14 transfer will have a substantial detrimental result on petitioner's ability to prepare his application for
15 section 212(c) relief by the June 22, 2007 deadline, and further impact his ability to prepare for trial
16 on August 22, 2007. Petitioner provides no argument or legal authority showing that the Court has
17 any authority to enter such relief. Moreover, petitioner has not demonstrated any illegality with
18 ICE's standards or procedures for transfer of persons in ICE custody. *See ICE Detention Standard,*
19 *Detainee Transfer (2004)*. Accordingly, equitable relief is not appropriate.

21 (2) The Court expresses no views at this time as to the merits of petitioner's habeas
22 petition.

23 (3) The Clerk shall direct a copy of this Order to all counsel of record, and shall forward
24

1 a copy of this Order to Judge Benton.

2 DATED this 6th day of June, 2007.

3

4

/s/ JAMES L. ROBART
for RICARDO S. MARTINEZ
United States District Judge

5

6

Recommended for Entry
this 6th day of June, 2007

7

8

/s/ JAMES P. DONOHUE
for MONICA J. BENTON
United States Magistrate Judge

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING ORDER
PAGE – 3

26