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Counsel for Plaintiff-Petitioners

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Adrian RODRIGUEZ ALCANTARA,
et al.,

Plaintiff-Petitioners,

v.

Gregory J. ARCHAMBEAULT, San
Diego Field Office Director, Immigration
and Customs Enforcement, et al.,

Defendant-Respondents.

Case No. 20-cv-756-DMS-AHG

**PLAINTIFF-PETITIONERS' NOTICE
OF MOTION AND EMERGENCY
MOTION FOR PRELIMINARY
INJUNCTION AND WRIT OF HABEAS
CORPUS**

Date: July 17, 2020¹

Time: 1:30 p.m.

Dept: 13A

Judge: Honorable Dana M. Sabraw

¹ Plaintiff-Petitioners have filed a separate *ex parte* application requesting an expedited hearing on June 26, 2020.

TO ALL PARTES AND THEIR COUNSEL OF RECORD:

Due to the urgent and imminent threat to the safety and lives of civil immigration detainees held at the Imperial Regional Detention Facility (“IRDF”) in the midst of an outbreak of the Coronavirus Disease 2019 (“COVID-19”), Plaintiff-Petitioners hereby move this Court for a preliminary injunction and writ of habeas corpus to secure the immediate release of all medically vulnerable detainees and asylum seekers in the facility and require a plan to prevent the spread of COVID-19 among the remaining detainees. Specifically, Plaintiff-Petitioners respectfully request that the Court issue a preliminary injunction directing Defendants to:

- Immediately release from IRDF all Medically Vulnerable Subclass members, defined as:

All civil immigration detainees incarcerated at the Imperial Regional Detention Facility (“IRDF”) who are age 45 or over or who have medical conditions that place them at heightened risk of severe illness or death from COVID-19;

- Immediately reduce the population within all housing units IRDF to allow for social distancing, including by
 - o releasing individuals from IRDF who do not have active underlying credible fear or removal proceedings;
 - o suspending the transfer or new admission of individuals into IRDF; and
 - o releasing additional IRDF Class members as necessary to allow for proper social distancing within all housing units.
- Prepare a plan that specifically addresses measures to protect the remaining detainees which includes: testing, social distancing, personal hygiene, cleaning and disinfecting living and eating areas, and providing and adequate protective equipment.

The continued detention of Medically Vulnerable Subclass members and the conditions under which all IRDF detainees are confined, unconstitutionally threatens their life and health, in violation of their Due Process rights under the Fifth

Amendment to the Constitution.

Plaintiff- Petitioners' Motion is based on this Motion; the concurrently filed Memorandum of Points and Authorities and declarations and supporting documents attached thereto; on all papers, pleadings, records, and files in this case; on all matters of which judicial notice may be taken; and on all such other argument and/or evidence that may be presented to the Court at a hearing on this motion.

Plaintiff-Petitioners respectfully request an immediate hearing on this motion at the soonest possible time the Court may hear it.

Dated: June 12, 2020

Respectfully Submitted,

Monika Y. Langarica
Jonathan Markovitz
Kimberly Gano
Bardis Vakili
David Loy

By: /s/ John Hemann

John Hemann
Alexander Galicki
Alexandra Eber (*Pro Hac Vice*
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Ellie W. Barczak

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