

PUBLIC COUNSEL
REBECCA BROWN (SBN 345805)
rbrown@publiccounsel.org
SOPHIA WRENCH (SBN 354416)
swrench@publiccounsel.org
AMELIA PIAZZA (SBN 342473)
apiazza@publiccounsel.org
ELIZABETH HERCULES-PAEZ (SBN 320944)
eherculespaez@publiccounsel.org
610 South Ardmore Avenue
Los Angeles, CA 90005
Tel: 213-385-2977

Attorneys for Plaintiffs

Additional Counsel Listed on Following Page

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

L.T., SEVAK MESROBIAN, JOSE
MAURO SALAZAR GARZA, AND J.M.,
on behalf of themselves and all others
similarly situated; COALITION FOR
HUMANE IMMIGRANT RIGHTS,

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; DAVID J.
VENTURELLA, Senior Office Performing
the Duties of the Director; JAIME RIOS,
Acting Director of Los Angeles Field Office,
Enforcement and Removal Operations, U.S.
Immigration and Customs Enforcement; U.S.
DEPARTMENT OF HOMELAND
SECURITY; MARKWAYNE MULLIN,
Secretary, U.S. Department of Homeland
Security,

Defendants.

Case No. 5:26-cv-00322-SSS-SPx

**PLAINTIFFS' NOTICE OF
MOTION AND RENEWED
MOTION FOR PRELIMINARY
INJUNCTION; MEMORANDUM
OF POINTS AND AUTHORITIES
IN SUPPORT THEREOF
CLASS ACTION**

Date: July 10, 2026

Time: 2:00 p.m.

Ctrm: 2, 2nd Floor

3470 12th Street

Riverside, CA 92501

Hon. Sunshine Sykes

1 IMMIGRANT DEFENDERS LAW CENTER

2 ALVARO M. HUERTA (SBN 274787)

3 ahuerta@immdef.org

4 CARSON ADRIANNA SCOTT (SBN 337102)

5 cscott@immdef.org

6 ALISON STEFFEL (SBN 346370)

7 asteffel@immdef.org

8 634 S. Spring Street, 10th Floor

9 Los Angeles, CA 90014

10 Tel: 213-634-0999

11 COALITION FOR HUMANE IMMIGRANT RIGHTS

12 CARL BERGQUIST (*pro hac vice*)

13 cbergquist@chirla.org

14 2351 Hempstead Road

15 Ottawa Hills, OH 43606

16 Tel: 310-279-6025

17 ADAM REESE (SBN 362898)

18 areese@chirla.org

19 2533 West Third Street, Suite 101

20 Los Angeles, CA 90057

21 Tel: 213-353-1333

22 WILLKIE FARR & GALLAGHER LLP

23 NICHOLAS REDDICK (SBN 288779)

24 nreddick@willkie.com

25 STEPHEN HENRICK (SBN 310539)

26 shenrick@willkie.com

27 ALYXANDRA VERNON (SBN 327699)

28 avernnon@willkie.com

JACOB KARIM (SBN 340376)

jkarim@willkie.com

333 Bush Street, 34th Floor

San Francisco, CA 94104

Tel: 415-858-7400

Attorneys for Plaintiffs

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on July 10, 2026, at 2:00 p.m., or as soon thereafter as may be heard before the Honorable Sunshine Sykes in Courtroom 2 of the United States Courthouse for the Central District of California, 3470 Twelfth St., Riverside, CA 92501, Plaintiffs L.T., Sevak Mesrobian, Jose Mauro Salazar Garza, and J.M., on behalf of themselves and the class they seek to represent, along with Plaintiff the Coalition for Humane Immigrant Rights (“CHIRLA”) (collectively “Plaintiffs”) hereby move the Court pursuant to Federal Rule of Civil Procedure 65 for a preliminary injunction against Defendants: the U.S. Immigration and Customs Enforcement (“ICE”); David J. Venturella in his official capacity as Acting Director of ICE; Jaime Rios in his official capacity as Acting Director of the Los Angeles Field Office, Enforcement and Removal Operations of ICE; the U.S. Department of Homeland Security, and Markwayne Mullin in his official capacity as Secretary of the Department of Homeland Security; and their officers, agents, servants, employees, and attorneys, and any other persons who are in active concert or participation with them.

Plaintiffs respectfully move the Court to enter a preliminary injunction to remedy ongoing violations of the Rehabilitation Act, the Administrative Procedure Act (“APA”), and the constitutional rights of Plaintiffs and the putative class. A [Proposed] Order is attached to this Motion.

This motion is based on this Notice of Motion and Motion for Preliminary Injunction, the Memorandum of Points and Authorities, and the accompanying supporting declarations and exhibits thereto, including:

1. Expert Declarations
 - a. Declaration of William Adams (ECF 34-3, “Adams Decl.”)
 - b. Declaration of Dr. Altaf Saadi, M.D. (ECF 34-4, “Saadi Decl.”)
2. Declarations of Detained or Formerly Detained People

- a. Declaration of A.A. (ECF 34-9, “A.A. Decl.”)
- b. Declaration of A.A.A.A. (ECF 34-10, “A.A.A.A. Decl.”)
- c. Declaration of Jorge Aguilar (ECF 34-12, “Aguilar Decl.”)
- d. Declaration of A.K. (ECF 34-11, “A.K. Decl.”)
- e. Declaration of Gilbert Anthony Arnold (ECF 34-14, “Arnold Decl.”)
- f. Declaration of Xiaoman Ding (ECF 34-16, “Ding Decl.”)
- g. Declaration of E.M. (ECF 34-17, “E.M. Decl.”)
- h. Declaration of Jose Flores (ECF 34-18, “Flores Decl.”)
- i. Declaration of Julius Omene Fredrick (ECF 34-19, “Fredrick Decl.”)
- j. Declaration of J.M. (ECF 75-9, “J.M. Decl.”)
- k. Declaration of Andrei Vladimirovich Karamychev (ECF 34-21,
“Karamychev Decl.”)
- l. Declaration of Fernando A. Lopez (ECF 34-23, “Lopez Decl.”)
- m. Declaration of L.T. (ECF 75-6, “L.T. Decl.”)
- n. Declaration of Sevak Mesrobian (ECF 75-7, “Mesrobian Decl.”)
- o. Declaration of Josue Jeison Pereira Amaya (ECF 34-13, “Pereira-
Amaya Decl.”)
- p. Declaration of Olga Beatriz Rodriguez Arzola (ECF 34-15,
“Rodriguez-Arzola Decl.”)
- q. Declaration of Elmer “Manuel” Ruiz Escobar (ECF 34-25, “Ruiz-
Escobar Decl.”)
- r. Declaration of Jose Mauro Salazar Garza (ECF 75-8, “Salazar-Garza
Decl.”)
- s. Declaration of Saddam Samaan Daoud Samaan (ECF 34-27, “Samaan
Decl.”)
- t. Declaration of Alton George Smith (ECF 34-28, “Smith Decl.”)
- u. Declaration of Philip Winfield (ECF 34-29, “Winfield Decl.”)

1 3. Declarations of Non-Detained Entities and Persons

2 a. Declaration of Angelica Salas on behalf of Coalition for Humane
3 Immigrant Rights (“Salas Decl.”) (concurrently filed)

4 b. Declaration of Amanda Schuft (“Schuft Decl.”)

5 c. Declaration of Nicolás Thompson-Lleras (ECF 34-8, “Thompson-
6 Lleras Decl.”)

7 d. Declaration of Saralyn Olson-Wagner (“Olson-Wagner Decl.”)

8 4. Declaration of Outside Counsel

9 a. Declaration of Stephen Henrick and Exhibit 1 attached thereto—a
10 summary exhibit created for the Court’s convenience, which
11 categorizes and presents key quotations in the fact declarations listed
12 above. (concurrently filed)

13 This motion is also supported by the First Amended Complaint (ECF 74),
14 Plaintiff’s Request for Judicial Notice in Support of Renewed Motion for Preliminary
15 Injunction (“RJN”) (ECF 78), and accompanying exhibits, as well as Plaintiffs’
16 Second Motion for Class Certification and the supporting papers (Dkt. No. 75).

17
18 Dated: June 1, 2026

Respectfully Submitted,

19 WILLKIE FARR & GALLAGHER LLP

20
21 By: /s/ Nicholas Reddick

Nicholas Reddick

22 Stephen Henrick

23 Alyxandra Vernon

Jacob Karim

24 ///

25 ///

26 ///

PUBLIC COUNSEL

By: /s/ Rebecca Brown
Rebecca Brown
Sophia Wrench
Amelia Piazza
Elizabeth Hercules-Paez

IMMIGRANT DEFENDERS LAW CENTER

By: /s/ Alvaro M. Huerta
Alvaro M. Huerta
Carson Adrianna Scott
Alison Steffel

COALITION FOR HUMANE IMMIGRANT
RIGHTS

By: /s/ Carl Bergquist
Carl Bergquist
Adam Reese

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	FACTUAL BACKGROUND	1
A.	Inhumane Conditions of Confinement.....	1
1.	Dysfunctional Medical System.....	2
2.	Punitive Conditions.....	3
3.	Disability Discrimination.....	4
B.	Defendants’ Supervision of Adelanto	4
C.	ICE’s September 2025 Inspection.....	5
III.	LEGAL STANDARD	5
IV.	ARGUMENT.....	6
A.	Plaintiffs are likely to succeed on the merits of their claims.	6
1.	Adelanto’s punitive conditions violate the Fifth Amendment.	6
a.	Conditions at Adelanto are presumptively punitive.	7
b.	Even without the <i>Jones</i> presumption, conditions at Adelanto are unconstitutionally punitive.	8
c.	Adelanto’s inadequate medical care violates the Fifth Amendment.	10
2.	Defendants’ conduct violates the Rehabilitation Act.	13
3.	Defendants’ Conduct Violates the Administrative Procedure Act.	14
a.	Plaintiffs Challenge Final Agency Action.....	15
b.	Defendants’ Actions Are Arbitrary and Capricious....	15
c.	Defendants’ Actions Violate the <i>Accardi</i> Doctrine.....	16
B.	Plaintiffs have established that they are suffering irreparable harm.....	17

1	C.	The balance of hardships and public interest favor an injunction.	17
2	D.	Plaintiffs Request Necessary Relief.	18
3	E.	A Preliminary Injunction Binding the Government Will Provide Relief	
4		to the Purported Classes.	18
5	F.	This Court should provisionally certify the proposed class and subclass	
6		and enter a facility-wide preliminary injunction.	19
7	G.	The relief Plaintiffs seek is tailored to Defendants’ constitutional and	
8		statutory violations.	20
9	V.	CONCLUSION	21

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Armstrong v. Davis</i> , 275 F.3d 849 (9th Cir. 2001) <i>overruled on other grounds</i> , <i>Johnson v. California</i> , 543 U.S. 499 (2005).....	14, 18, 21
<i>Bell v. Wolfish</i> , 441 U.S. 520 (1979).....	6, 9
<i>Bennett v. Spear</i> , 520 U.S. 154 (1997).....	15
<i>Brown v. Plata</i> , 563 U.S. 493 (2011).....	20
<i>Castillo v. Barr</i> , 449 F. Supp. 3d 915 (C.D. Cal. 2020).....	6
<i>Cnty. Legal Services in E. Palo Alto v. U.S. Dep’t of Health & Human Servs.</i> , 780 F.Supp.3d 897 (N.D. Cal. 2025).....	16
<i>Coleman v. Wilson</i> , 912 F. Supp. 1282 (E.D. Cal. 1995)	12
<i>Csutoras v. Paradise High Sch.</i> , 12 F.4th 960 (9th Cir. 2021)	13
<i>Demery v. Arpaio</i> , 378 F.3d 1020 (9th Cir. 2004)	9, 21
<i>DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.</i> , 489 U.S. 189 (1989).....	10
<i>Doe v. Becerra</i> , 732 F. Supp. 3d 1071 (N.D. Cal. 2024).....	6
<i>Doe v. Kelly</i> , 878 F.3d 710 (9th Cir. 2017)	20
<i>Emami v. Nielsen</i> , 365 F.Supp.3d 1009 (N.D. Cal. 2019).....	16

1	<i>Gomez Ruiz v. U.S. Immigr. & Customs Enf't,</i>	
2	No. 3:25-CV-09757-MMC, 2026 WL 851980 (N.D. Cal. Mar. 27, 2026)	
3		11, 13, 18, 19
4	<i>Gonzalez v. Noem,</i>	
5	2025 WL 3170784 (N.D. Ill. Nov. 5, 2025).....	18
6	<i>Graves v. Arpaio,</i>	
7	623 F.3d 1043 (9th Cir. 2010)	9
8	<i>Hernandez v. Cnty. of Monterey,</i>	
9	110 F. Supp. 3d 929 (N.D. Cal. 2015).....	17
10	<i>Hernandez v. Sessions,</i>	
11	872 F.3d 976 (9th Cir. 2017)	17
12	<i>Hoptowit v. Ray,</i>	
13	682 F.2d 1237 (9th Cir. 1982) <i>overruled in part on other grounds, Sandin v.</i>	
14	<i>Connor</i> , 515 U.S. 472 (1995)	9, 10, 12, 19
15	<i>Jensen v. Shinn,</i>	
16	609 F. Supp. 3d 789 (D. Ariz. 2022)	12, 18
17	<i>Jones v. Blanas,</i>	
18	393 F.3d 918 (9th Cir. 2004) . Civil	6, 8
19	<i>Kansas v. Crane,</i>	
20	534 U.S. 407 (2002).....	9
21	<i>Keenan v. Hall,</i>	
22	83 F.3d 1083 (9th Cir. 1996), <i>opinion amended on denial of reh'g</i> , 135 F.3d 1318	
23	(9th Cir. 1998)	9, 20
24	<i>King v. Cnty. of L.A.,</i>	
25	885 F.3d 548 (9th Cir. 2018)	8
26	<i>Lopez v. Smith,</i>	
27	203 F.3d 1122 (9th Cir. 2000)	12
28	<i>Madrid v. Gomez,</i>	
	889 F. Supp. 1146 (N.D. Cal. 1995).....	10, 11, 12
	<i>Melendres v. Apario,</i>	
	784 F.3d 1254 (9th Cir. 2015)	20

1	<i>Melendres v. Arpaio,</i>	
2	695 F.3d 990 (9th Cir. 2012)	17
3	<i>Mercado v. Noem,</i>	
4	800 F. Supp. 3d 526 (S.D.N.Y. 2025)	9, 17, 18, 19
5	<i>Meyer v. Portfolio Recovery Assocs.,</i>	
6	707 F.3d 1036 (9th Cir. 2012)	19
7	<i>Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.,</i>	
8	463 U.S. 29 (1983).....	15, 16
9	<i>Pablo Sequen v. Albarran,</i>	
10	2025 WL 3283283 (N.D. Cal. Nov. 25, 2025)	18
11	<i>Pablo Sequen v. Albarran,</i>	
12	810 F. Supp. 3d 1084 (N.D. Cal. 2025).....	<i>passim</i>
13	<i>Parsons v. Ryan,</i>	
14	754 F.3d 657 (9th Cir. 2014)	13
15	<i>Plata v. Schwarzenegger,</i>	
16	No. C01-1351 TEH, 2005 WL 2932253 (N.D. Cal. Oct. 3, 2005)	12
17	<i>Roe v. Critchfield,</i>	
18	137 F.4th 912 (9th Cir. 2025)	17
19	<i>Roman v. Wolf,</i>	
20	5:20-cv-00768-TJH-PVC, Dkt. 55, <i>aff’d in part</i> , 977 F.3d 935 (9th Cir. 2020)	18
21	<i>Roman v. Wolf,</i>	
22	977 F.3d 935 (9th Cir. 2020)	13, 19, 20
23	<i>Ruiz v. U.S. Immigr. & Customs Enf’t.,</i>	
24	2026 WL 391924 (N.D. Cal. Feb. 10, 2026)	18
25	<i>Thakur v. Trump,</i>	
26	787 F. Supp. 3d 955 (N.D. Cal. 2025) <i>affirmed in part, reversed in part and</i>	
27	<i>remanded on other grounds by Thakur v. Trump</i> , No. 25-4249, 2026 WL 1466303	
28	(9th Cir. May 26, 2026)	17
	<i>Torres v. U.S. Dep’t of Homeland Sec.,</i>	
	411 F. Supp. 3d 1036 (C.D. Cal. 2019).....	6, 15

1	<i>Updike v. Multnomah Cnty.</i> ,	
2	870 F.3d 939 (9th Cir. 2017)	14
3	<i>West v. Atkins</i> ,	
4	487 U.S. 42 (1988).....	18
5	<i>Winter v. Nat. Res. Def. Council, Inc.</i> ,	
6	555 U.S. 7 (2008).....	5
7	<i>Youngberg v. Romeo</i> ,	
8	457 U.S. 307 (1982).....	6
9	<i>Zadvydas v. Davis</i> ,	
10	533 U.S. 678 (2001).....	6
11	<i>Zepeda Rivas v. Jennings</i> ,	
12	465 F. Supp. 3d 1028 (N.D. Cal. 2020) aff'd, 845 F. App'x 530 (9th Cir. 2021)	18
13	Statutes	
14	5 U.S.C. § 706(2)(A).....	14, 15
15	29 U.S.C. § 794(a).....	13, 14
16	Cal. Code Regs. tit. 15, §§ 3335, 3343, 3348(i).....	7
17	Further Consolidated Appropriations Act of 2024, Pub. L. No. 118-47, Div. C, Tit. II, § 213(a)-(b) (Mar. 23, 2024), 138 Stat. 460	5
18	Other Authorities	
19		
20	'Alligator Alcatraz', The Guardian, Jul. 1, 2025, https://www.theguardian.com/us-news/2025/jul/01/trump-alligator-alcatraz-immigration-florida?CMP=share_btn_url	8
21		
22	https://www.dhs.gov/sites/default/files/2022-05/ICE%20-	
23	%20Office%20of%20Detention%20Oversight%20Inspections.pdf	15
24	Ice Detention Trends, Vera (June 1, 2026), https://www.vera.org/ice-detention-trends	1
25		
26		
27		
28		

1	Dept. Homeland Sec. Off. Inspector Gen., U.S. Dep’t Homeland Sec. Office of the	
2	Inspector General, ICE Does Not Fully Use Contracting Tools to Hold Detention	
3	Facility Contractors Accountable for Failing to Meet Performance Standards, No.	
4	OIG-19-18 at 6, (Jan. 29, 2019),	
5	https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf	
6	(Jan. 29, 2019)	5, 15
7	U.S. Immigr. & Customs Enf’t, ICE Detention Statistics FY 2026 YTD (Sept. 24,	
8	2025), available at https://www.ice.gov/detain/detention-management	4
9	U.S. Immigr. & Customs Enf’t, ODO ICE Facility Inspections, available at	
10	https://www.ice.gov/foia/odo-facility-inspections	5
11	U.S. Immigr. & Customs Enf’t, Self-Deportation (July 16, 2025),	
12	https://www.ice.gov/self-deportation	8
13	<i>Urge Self-Deportation, Noem Says</i> , Associated Press, Sept. 3, 2025,	
14	https://apnews.com/article/louisiana-immigration-detention-noem-trump-	
15	682793a4db4757649cb78b0ea3aa051d?utm_source=copy&utm_medium=share	
16		9

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 At the Adelanto ICE Processing Center (“Adelanto”)—the primary long-term
4 immigration detention center in the Central District—Defendants detain
5 approximately 1,800 people for weeks, months, or years under patently illegal
6 conditions. Drinkable water is limited, food is unsanitary, facilities are filthy, and
7 mold grows on the walls. Medical care and disability accommodations are largely
8 nonexistent, leaving people to suffer avoidable pain and preventable deterioration.
9 Needless rules—prohibitions on holding loved ones during visits, or using the toilet
10 in private—make the facility harsher than prison. Detainees cannot protest the
11 conditions or they risk solitary confinement, where they are locked in a small cell for
12 twenty-three hours a day.

13 These conditions are no accident. Defendants’ actions at Adelanto are part of
14 a policy and practice that seeks to degrade, dehumanize, and demonize immigrants,
15 stripping them of dignity in the process. As immigrants are cycled in and out of
16 Adelanto, injunctive relief is urgently needed to protect the safety and dignity of
17 everyone detained there. Plaintiffs seek a preliminary injunction ordering Defendants
18 to provide conditions compliant with the Constitution, the Rehabilitation Act, and
19 Defendants’ own detention standards.

20 **II. FACTUAL BACKGROUND**

21 **A. Inhumane Conditions of Confinement**

22 In June 2025, the federal government launched a sweeping dragnet of
23 immigration raids in southern California, apprehending thousands. The result was a
24 massive influx of people detained at Adelanto, from approximately 300 in May to
25 over 1600 in July.¹ The facility was not prepared for this surge. *See* ECF 44-1 at 10.

26
27

¹ Ice Detention Trends, Vera (June 1, 2026), <https://www.vera.org/ice-detention-trends>.
28

1 As the facility filled, conditions rapidly deteriorated. *See generally id.* at 9–16. A
2 year later, dangerous, inhumane, and degrading conditions persist.

3 **1. Dysfunctional Medical System**

4 Adelanto’s health care system is grossly deficient. Medical screening upon
5 intake is cursory and often delayed, if it happens at all. *See, e.g.,* Flores ¶ 4 (no
6 intake); Lopez ¶ 10 (belated intake resulting in medication delay); Smith ¶ 16 (belated
7 intake resulting in delay treating broken toe); A.A.A.A ¶¶ 10-11 (staff announcing
8 results of intake pregnancy tests in group setting); *see also* Henrick Decl., Ex. 1 at 44-
9 47.

10 The backlog for medical treatment is immense, leaving detained people to wait
11 days, weeks, or months for primary and specialty care. *See, e.g.,* Salazar-Garza Decl.
12 ¶¶ 8-10 (no bandages for infected, pus-filled wound); Pereira-Amaya Decl. ¶ 9 (days
13 without care for bleeding head cyst); Lopez Decl. ¶¶ 16-20 (days without care for
14 internal bleeding); Smith Decl. ¶ 9 (days without medical attention for chest pains);
15 Schuft Decl. ¶ 18 (days without care for poisonous spider bite); Karamychev Decl. ¶¶
16 14-15 (nearly two-month delay in treating infection resulting in emergency
17 hospitalization); Flores Decl. ¶ 9 (never treated for degenerative nerve disease,
18 causing loss of limb control); Salas Decl. ¶ 26 (never provided dental fillings to
19 address severe tooth pain); *see also* Henrick Decl., Ex. 1 at 47-64, 75-82.

20 Detained people do not receive required medications and medical devices. *See,*
21 *e.g.,* Mesrobian Decl. ¶¶ 10-11, 28-50 (regularly misses doses of anti-seizure
22 medication, resulting in repeated hospitalizations); Olson-Wagner Decl. ¶ 11
23 (irregular administration of psychiatric medication); Schuft Decl. ¶ 15 (facility
24 terminated medication that prevents muscle stiffening); Ding Decl. ¶ 13 (denied pre-
25 detention prescriptions to manage recurring, debilitating headaches); L.T. Decl. ¶ 17
26 (denied sleep apnea machine); *see also* Henrick Decl., Ex. 1 at 64-75, 104-109.

27 Perhaps most alarmingly, staff do not respond appropriately to medical
28 emergencies. *See, e.g.,* Mesrobian Decl. ¶ 19 (during seizure, no oxygen for 25

1 minutes); A.A. Decl. ¶ 36 (guards took 30 minutes to respond to detained woman who
2 collapsed, urinated herself, and appeared to stop breathing); A.A.A.A. Decl. ¶¶ 33-34
3 (after detained woman collapsed, guards dropped her and rolled a wheelchair over her
4 body); Lopez Decl. ¶ 13 (guards responded slowly to detained person lying in pool of
5 blood, saying, “Be happy, at least we come”); *see also* Henrick Decl., Ex. 1 at 82-
6 102. In the past year, four individuals detained at Adelanto have died under
7 circumstances that raise serious questions about the adequacy of their medical care.

8 **2. Punitive Conditions**

9 Living conditions at the facility are dangerous and punitive. The tap water is
10 discolored and foul-tasting and the drinkable water is limited. *See, e.g.,* Mesrobian
11 Decl. ¶ 66; Schuft Decl. ¶ 8; *see also* Henrick Decl., Ex. 1 at 9-14. The kitchens serve
12 spoiled or undercooked food in small portions, leaving detained people hungry. *See,*
13 *e.g.,* Mesrobian Decl. ¶¶ 76-77; Schuft Decl. ¶ 8; Salas Decl. ¶¶ 28-29; *see also*
14 Henrick Decl., Ex. 1 at 1-9. The facilities are filthy; mold grows on walls and in
15 showers. *See, e.g.,* Schuft Decl. ¶ 21; L.T. Decl. ¶ 30, 31; Salazar-Garza Decl. ¶ 31;
16 *see also* Henrick Decl., Ex. 1 at 14-23. Detained people do not receive sufficient
17 clean, warm clothing or adequate bedding. *See, e.g.,* Schuft Decl. ¶ 7; Mesrobian
18 Decl. ¶¶ 84-87; L.T. Decl. ¶¶ 33, 35; *see also* Henrick Decl., Ex. 1 at 23-28.

19 Facility policies are highly restrictive. Detained people are locked in their cells
20 five times a day for headcounts lasting over an hour. *See, e.g.,* Mesrobian Decl. ¶ 93;
21 Salazar-Garza Decl. ¶ 23; *see also* Henrick Decl., Ex. 1 at 32-33. They receive one
22 hour of outdoor time per day,² if that. *See, e.g.,* Salazar-Garza Decl. ¶ 33; *see also*
23 Henrick Decl., Ex. 1 at 33-36. They must use the toilet and showers in full view of
24 staff and other detained people. *See, e.g.,* Mesrobian Decl. ¶ 64; Salazar-Garza Decl.
25 ¶¶ 24, 26; *see also* Henrick Decl., Ex. 1 at 28-30. They cannot hold their children
26 during visitation. *See, e.g.,* Arnold Decl. ¶ 35; *see also* Henrick Decl., Ex. 1 at 30-

27
28 ² Detainees are otherwise given access to a “mini-yard,” a small area that is open
above but enclosed by tall concrete walls. *E.g.,* Samaan Decl. ¶ 17.

32. Staff routinely use solitary confinement³ to punish people who speak out about conditions. *See* Henrick Decl., Ex. 1 at 38-44. ICE’s own data shows it subjected 76 people at Adelanto to solitary confinement during March 2026, and 72 during February 2026.⁴

3. Disability Discrimination

Defendants lack effective systems for identifying and accommodating disabilities, including provision of adaptive equipment and services. *See, e.g.*, L.T. Decl. ¶¶ 10, 14 (detained person using cane placed in second-floor cell and transported to court in chains); Schuft Decl. ¶ 10 (detained people with mobility issues assigned to top bunks); Ruiz-Escobar ¶ 33 (same); L.T. Decl. ¶ 13 (no shower chair); Arnold Decl. ¶¶ 6-7 (no prescription glasses); A.A. ¶ 26 (no wheelchair); Rodriguez-Arzola ¶ 18 (no diabetic shoes for swollen feet); A.A.A.A Decl. ¶ 37 (guards refusing to assist elderly detained person with toileting); *see also* Henrick Decl., Ex. 1 at 104-109.

B. Defendants’ Supervision of Adelanto

Defendants ultimately direct and control every material aspect of Adelanto’s operations. ICE contracts with the for-profit company The GEO Group, Inc. (“GEO”) to operate the facility under Defendants’ supervision. To ensure “consistent conditions of confinement, program operations, and management expectations,” ICE issues Performance Based National Detention Standards (“PBNDS”), *see* ECF 35-1, and mandates compliance with these standards in its contract with GEO. If GEO fails to comply with its contract, ICE has the power to engage in informal resolution, issue

³ At Adelanto, detained people may be placed in medical, administrative, or disciplinary segregation. Regardless of the term used, each imposes complete isolation and is punitive in effect. *E.g.*, Aguilar Decl. ¶ 10 (administrative segregation is “effectively solitary confinement”); Ding Decl. ¶¶ 25-26 (medical segregation is solitary confinement); Schuft Decl. ¶ 22. Accordingly, Plaintiffs refer to segregation as “solitary confinement.”

⁴ U.S. Immigr. & Customs Enf’t, ICE Detention Statistics FY 2026 YTD (Sept. 24, 2025), available at <https://www.ice.gov/detain/detention-management>.

1 a Discrepancy Report documenting deficiencies, require a corrective action plan,
2 withhold payment, or impose financial penalties.⁵

3 **C. ICE’s September 2025 Inspection**

4 Since 2021, ICE’s Office of Detention Oversight (“ODO”) has the
5 congressionally mandated responsibility to inspect detention facilities for compliance
6 with the PBNDS.⁶ Following each inspection, ODO creates a Compliance Inspection
7 Final Report, intended to be an independent assessment of deficiencies.

8 ODO inspected Adelanto in September 2025. Despite repeated complaints of
9 substandard medical care and inhumane conditions from detained people, journalists,
10 government oversight entities, and members of Congress, ICE awarded Adelanto a
11 “good” rating, with no care deficiencies found. *See* ECF 35-7.

12 **III. LEGAL STANDARD**

13 A preliminary injunction must issue if Plaintiffs establish that (1) they are
14 “likely to succeed on the merits”; (2) they are “likely to suffer irreparable harm in the
15 absence of preliminary relief”; (3) “the balance of equities tips in [their] favor”; and
16 (4) “an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*,
17 555 U.S. 7, 20 (2008). Plaintiffs readily satisfy this standard.

18
19
20
21
22 ⁵ ECF 54-2 at ECF 51-55, Ex. 5 (GEO responding to ICE’s identification of
23 deficiencies with corrective action plan); Dept. Homeland Sec. Off. Inspector Gen.,
24 U.S. Dep’t Homeland Sec. Office of the Inspector General, *ICE Does Not Fully Use*
25 *Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to*
26 *Meet Performance Standards*, No. *OIG-19-18* at 6, (Jan. 29, 2019),
<https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf> (“If
the facility is not compliant, a Discrepancy Report may include a recommendation
for financial penalties, such as a deduction in or withholding of ICE payment to the
contractor”).

27 ⁶ Further Consolidated Appropriations Act of 2024, Pub. L. No. 118-47, Div. C, Tit.
28 II, § 213(a)-(b) (Mar. 23, 2024), 138 Stat. 460; U.S. Immigr. & Customs Enf’t, ODO
ICE Facility Inspections, available at [https://www.ice.gov/foia/odo-facility-](https://www.ice.gov/foia/odo-facility-inspections)
[inspections](https://www.ice.gov/foia/odo-facility-inspections).

1 **IV. ARGUMENT**

2 **A. Plaintiffs are likely to succeed on the merits of their claims.**

3 **1. Adelanto's punitive conditions violate the Fifth Amendment.**

4 Because Defendants hold immigrants in "civil, not criminal" detention, the
5 conditions of detained Plaintiffs' confinement must be "nonpunitive in purpose and
6 effect." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Subjecting detained Plaintiffs
7 to conditions that "amount to punishment" violates the Fifth Amendment. *Bell v.*
8 *Wolfish*, 441 U.S. 520, 536-37 (1979); *see also Youngberg v. Romeo*, 457 U.S. 307,
9 322 (1982) (People in civil detention are "entitled to more considerate treatment and
10 conditions of confinement than criminals whose conditions of confinement are
11 designed to punish.").

12 Conditions are punitive where, as here, the challenged restrictions (1) are
13 "expressly intended to punish," (2) serve a "non-punitive purpose" but are "excessive
14 in relation to the ... purpose," or (3) "are employed to achieve objectives that could
15 be accomplished in so many alternative and less harsh methods." *Jones v. Blanas*,
16 393 F.3d 918, 932 (9th Cir. 2004) (cleaned up). Civil conditions are presumed
17 punitive where they are "identical to, similar to, or more restrictive than, those in
18 which his criminal counterparts are held." *Id.* Courts across the Ninth Circuit have
19 consistently held that these rules apply "in the immigration context." *E.g., Pablo*
20 *Sequen v. Albarran*, 810 F. Supp. 3d 1084, 1128-31 (N.D. Cal. 2025); *Doe v. Becerra*,
21 732 F. Supp. 3d 1071, 1080 n.2 (N.D. Cal. 2024); *Castillo v. Barr*, 449 F. Supp. 3d
22 915, 920-21 (C.D. Cal. 2020); *Torres v. U.S. Dep't of Homeland Sec.*, 411 F. Supp.
23 3d 1036, 1064 (C.D. Cal. 2019).

24 People detained at Adelanto are subject to harsher and more restrictive
25 conditions than criminal prisoners, making the conditions presumptively
26 unconstitutional. Plaintiffs have also demonstrated that these conditions are intended
27 to punish, have no legitimate purpose, and any legitimate objective could be achieved
28 using less harsh methods. *See Jones*, 393 F.3d at 932.

a. Conditions at Adelanto are presumptively punitive.

Mr. William Adams, who has extensive experience managing California prisons, concluded that conditions at Adelanto are harsher and more restrictive than prison. Adams Decl. ¶¶ 22, 27. In addition, six formerly incarcerated individuals aver conditions at Adelanto are worse than when they were in prison. Mesrobian Decl. ¶¶ 24, 64, 74; Salazar-Garza Decl. ¶¶ 23, 26, 32, 34; Samaan Decl. ¶¶ 16, 19; Ruiz-Escobar Decl. ¶¶ 24, 27-28; Fredrick Decl. ¶¶ 23, 28, 36, 40-41, 43; Arnold Decl. ¶¶ 12, 24, 27, 32, 35.

Adelanto is not meeting the basic human needs—including adequate water, food, sanitation, and hygiene—guaranteed to any incarcerated population, including those in prison. *See* Adams Decl. ¶¶ 30-31; *see also id.* ¶ 32 (Adelanto does not provide the “equivalent caliber and quantities of food” as would a prison); ¶ 46 (same for “access to potable water”); ¶ 58 (same for “facility cleanliness” and “consistent access to soap”); ¶ 70 (same for “serviceable, temperature-appropriate clothing and bed linen”).

Further, rights and freedoms are more heavily curtailed at Adelanto than in prison. Adams Decl. ¶ 84. Compared to people at Adelanto, people incarcerated in prison spend less time locked in their cells, have greater access to the outdoors, can shower and use the toilet in private, and are allowed contact visits with loved ones with no per se time limit. *See* Adams Decl. ¶¶ 26, 109-110 (prisoners have short, out-of-cell headcounts); ¶ 115-120 (yard access); ¶¶ 85-94 (privacy for toilet and showers); ¶¶ 24, 98-99 (multi-hour, contact visitation). Further, Defendants use solitary confinement to maintain an environment of fear and penalize those who speak out about conditions at Adelanto. *Supra*. Prisons do not and *cannot* use solitary confinement in this manner. Adams Decl. ¶ 143; Cal. Code Regs. tit. 15, §§ 3335, 3343, 3348(i).

Imposition of these conditions, which are harsher and more restrictive than prison, triggers the presumption that detained Plaintiffs are subject to punitive

1 conditions. *Jones*, 393 F.3d at 934. Under the presumption, “the burden shifts to
2 [Defendants] to show (1) legitimate, non-punitive interests justifying the conditions
3 of ... confinement and (2) that the restrictions imposed ... [are] not excessive in
4 relation to these interests.” *King v. Cnty. of L.A.*, 885 F.3d 548, 557 (9th Cir. 2018).
5 They can show neither. *See infra* IV.A.2.⁷

6 **b. Even without the *Jones* presumption, conditions at**
7 **Adelanto are unconstitutionally punitive.**

8 Even if the *Jones* presumption does not apply, ample record evidence proves
9 that conditions at Adelanto are unconstitutionally punitive because they are
10 (1) “intended to punish,” (2) “excessive in relation to [their] non-punitive purpose,”
11 or (3) “employed to achieve objectives that could be accomplished in so many
12 alternative and less harsh methods.” *Jones*, at 932. Plaintiffs are likely to succeed on
13 each of these independent bases.

14 **First**, Defendants have admitted that detention conditions are intended to
15 coerce immigrants to leave the United States. ICE’s website warns: “If ICE arrests
16 you because you didn’t turn yourself in, the agency will detain and remove you—and
17 you may have to spend several months in detention while you’re awaiting removal.”⁸
18 Standing alongside then-DHS Secretary Noem while opening a detention facility in
19 Florida, Governor Ron DeSantis stated, “You’ll have a lot of people who will deport
20 on their own because they don’t want to end up in an Alligator Alcatraz, or some of
21 these other places.”⁹ On another occasion, Secretary Noem explained that the federal
22 government “purposefully chose a notorious Louisiana prison to hold immigration
23

24 ⁷ Even if Defendants could show legitimate, non-punitive justifications (which they
25 cannot), “conditions of confinement may still be ‘excessive’ if they are ‘employed to
26 achieve objectives that could be accomplished in so many alternative and less harsh
27 methods.’” *King v. Cnty. of Los Angeles*, 885 F.3d 548, 558 (9th Cir. 2018) (quoting
28 *Jones*, 393 F.3d at 934). That is the case here, *see infra* IV.A.2.

⁸ *See* U.S. Immigr. & Customs Enf’t, Self-Deportation (July 16, 2025),
<https://www.ice.gov/self-deportation>.

⁹ Richard Luscombe, *Trump Celebrates Harsh Conditions for Detainees on Visit to ‘Alligator Alcatraz’*, *The Guardian*, Jul. 1, 2025, https://www.theguardian.com/us-news/2025/jul/01/trump-alligator-alcatraz-immigration-florida?CMP=share_btn_url.

1 detainees ... to encourage people ... to self-deport.”¹⁰ These statements demonstrate
2 “that harsh conditions of confinement are a deliberate feature ... intended to induce
3 self-deportation and to deter illegal immigration.” *Mercado v. Noem*, 800 F. Supp.
4 3d 526, 575-76 (S.D.N.Y. 2025). Detained people have felt pressure to take voluntary
5 departure rather than endure the conditions. A.K. Decl. ¶¶ 13, 18; Rodriguez-Arzola
6 Decl. ¶ 30; Samaan Decl. ¶ 21; Thompson-Lleras Decl. ¶¶ 22-27. Imposing
7 conditions for “[r]etribution and deterrence are not legitimate nonpunitive
8 governmental objectives.” *Bell*, 441 U.S. at 539, n.20; *see also Kansas v. Crane*, 534
9 U.S. 407, 412 (2002) (civil detention cannot be a “mechanism for retribution or
10 general deterrence”); *Mercado*, 800 F. Supp. 3d at 576 (“Nor is encouragement of
11 alien self-deportation on pain of otherwise enduring inhumane conditions of
12 confinement a legitimate, nonpunitive objective.”).

13 **Second**, Defendants impose conditions at Adelanto that are excessive to any
14 purported non-punitive purpose. There is no legitimate, non-punitive interest that
15 justifies depriving people of basic human necessities like food, water, medical care,
16 and basic sanitation and hygiene. These conditions “significantly exceed . . . the
17 inherent discomforts of confinement.” *Demery v. Arpaio*, 378 F.3d 1020, 1030 (9th
18 Cir. 2004) (citation omitted). Indeed, they violate the more demanding Eighth
19 Amendment prohibition on cruel and unusual punishment. *See Keenan v. Hall*, 83
20 F.3d 1083, 1091 (9th Cir. 1996), *opinion amended on denial of reh’g*, 135 F.3d 1318
21 (9th Cir. 1998) (Eighth Amendment guarantees access to water); *Graves v. Arpaio*,
22 623 F.3d 1043, 1050-51 (9th Cir. 2010) (Eighth Amendment guarantees access to
23 sufficient food); *Hoptowit v. Ray*, 682 F.2d 1237, 1258 (9th Cir. 1982) *overruled in*
24 *part on other grounds*, *Sandin v. Connor*, 515 U.S. 472 (1995) (Eighth Amendment
25 guarantees basic sanitation).

26
27 ¹⁰ Sara Cline, *A Notorious Louisiana Prison was Chosen for Immigrant Detainees to*
28 *Urge Self-Deportation, Noem Says*, Associated Press, Sept. 3, 2025,
https://apnews.com/article/louisiana-immigration-detention-noem-trump-682793a4db4757649cb78b0ea3aa051d?utm_source=copy&utm_medium=share.

Further, expert testimony establishes the conditions imposed are not only excessive but actually counterproductive for safe management of the facility. *See* Adams Decl. ¶ 27 (conditions at Adelanto “undermine the security of the facility”); *id.* ¶¶ 45 (no penological justification for failing to provide detained people with sufficient quantities of quality, nutritious food), ¶ 57 (same for denying detained people reasonable access to drinking water), ¶ 69 (same for failure to provide sanitary facilities), ¶ 82 (same for failure to provide suitable clothes, linens, or beds), ¶ 94 (same for failure to protect detained people’s privacy), ¶ 104 (same for restrictive visitation policies); ¶ 114 (same for “so many prolonged and disruptive facility-wide in-cell counts”; ¶ 122 (same for limited outdoor time); ¶ 149 (same for “using placement in restrictive housing as a tool to punish inmates who voice concerns”).

Third, to the extent the conditions are designed to achieve legitimate objectives—which is doubtful given Defendants’ statements and the harsh conditions, Defendants’ own standards demonstrate that the harsh conditions are unnecessary. The PBNDS provide alternative, less harsh methods and, in fact, forbid the current practices at Adelanto. *See* ECF 35-1 at 215-16, 232, 420. Prison operations also prove that less harsh methods exist and that the current conditions are unconstitutionally punitive. *See generally* Adams Decl. For these reasons, Plaintiffs are likely to succeed on the merits of their claim that the punitive conditions at Adelanto violate the Fifth Amendment.

c. Adelanto’s inadequate medical care violates the Fifth Amendment.

The Fifth Amendment requires the government to provide conditions of reasonable health and safety to people in its custody. *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, 489 U.S. 189, 199-200 (1989). This includes “a system of ready access to medical care,” through which patients can alert medical staff to their problems, and staff can diagnose and treat those problems or refer patients to others who can. *Hoptowit*, 682 F.2d at 1253; *see also Madrid v. Gomez*, 889 F. Supp. 1146,

1 1259 (N.D. Cal. 1995) (a system for healthcare delivery cannot survive constitutional
2 scrutiny “unless it actually delivers ready access to adequate care.”).

3 A “system of ready access” does not exist at Adelanto. Dr. Altaf Saadi, a
4 board-certified neurologist with extensive experience evaluating the health conditions
5 of detained people in ICE’s custody, found that Defendants provide “inadequate” and
6 “substandard” medical care that endangers detained people. Saadi Decl. ¶¶ 11, 149.
7 Adelanto’s healthcare system puts all detained people at substantial risk of serious
8 harm for, at minimum, the following reasons:

9 **First**, there is no consistent system for confidential, timely, or thorough
10 medical intake assessments that would identify health and medication needs as well
11 as contagious diseases. Saadi Decl. ¶ 27. Proper health screening *before* a person
12 enters the general population setting is necessary to ensure the health and safety of
13 2,000 individuals confined in close quarters. *Id.* ¶¶ 14, 17; *see also Madrid*, 889 F.
14 Supp. at 1257 (“Health screenings are a necessary supplement to ordinary avenues of
15 access to medical care”); *Gomez Ruiz v. U.S. Immigr. & Customs Enf’t*, No. 3:25-CV-
16 09757-MMC, 2026 WL 851980, at *7 (N.D. Cal. Mar. 27, 2026) (“correctional
17 institutions must conduct adequate medical screenings to identify individuals’ health
18 needs and risk factors”); *Pablo Sequen*, 810 F. Supp. 3d at 1134 (ordering basic
19 medical screening by a medical professional sufficient to “identify and begin
20 necessary treatment of those with mental or physical illness and injury; to provide
21 access to prescription medication without interruption; to recognize, segregate, and
22 treat those with communicable diseases; [and] to provide medically necessary special
23 diets”).

24 **Second**, there is no effective system to respond to detained people’s medical
25 needs with timely treatment appropriate to the acuity of their conditions. Saadi Decl.
26 ¶¶ 28, 44, 72. It is not uncommon for sick call slips and requests for medical care to
27 be ignored. *Id.* ¶ 43. Chronic illnesses go untreated, which can and has resulted in
28 progression and worsening of illnesses, complications, the development of secondary

1 conditions, and reduced quality of life. *Id.* ¶¶ 44–54. Patients with serious and time-
2 sensitive medical needs have been unable to obtain specialty care for possible tumors,
3 infections, and other serious medical conditions. *Id.* ¶¶ 74–81. These are hallmarks
4 of constitutionally inadequate healthcare. *See Madrid*, 889 F. Supp. at 1259 (finding
5 healthcare delivery to be constitutionally inadequate where patients “often experience
6 significant delays in receiving treatment” and the facility has “no effective procedures
7 for managing inmates’ chronic illnesses”); *Plata v. Schwarzenegger*, No. C01-1351
8 TEH, 2005 WL 2932253, at *6 (N.D. Cal. Oct. 3, 2005) (unconstitutional system of
9 care evinced by repeated failures to address symptoms such as fever and chills, low
10 or elevated blood pressure, and abdominal or chest pain).

11 **Third**, detained people receive delayed and inadequate emergency care. Saadi
12 Decl. ¶ 83; *cf. Hoptowit*, 682 F.2d at 1253 (a facility “must provide an adequate
13 system for responding to emergencies”). Staff do not treat a situation as an emergency
14 unless a person collapses to the floor, and even then, emergency response is
15 dangerously slow, especially at night. Saadi Decl. ¶¶ 85–91.

16 **Fourth**, Adelanto’s medication distribution system is “dangerously
17 ineffective,” Saadi Decl. ¶ 12. Medication continuity is “a critical component of a
18 functional health-care system,” with missed doses resulting in increased risk of
19 medical complications. *Id.* ¶ 57; *see also Pablo Sequen*, 810 F. Supp. 3d at 1131;
20 *Lopez v. Smith*, 203 F.3d 1122, 1132 (9th Cir. 2000); *Coleman v. Wilson*, 912 F. Supp.
21 1282, 1309–10 (E.D. Cal. 1995). Yet at Adelanto, medication is often administered
22 at clinically inappropriate times, if it is administered at all. Saadi Decl. ¶ 71.

23 **Fifth**, there is not adequate medical staffing to administer a functional health
24 system. *See* ECF 44-1 at 9–11 (only five full-time and two part-time staff for
25 population of nearly two thousand people and no assurances staffing has increased);
26 *see also* Henrick Decl., Ex. 1 at 47-56; *cf. Jensen v. Shinn*, 609 F. Supp. 3d 789, 865
27 (D. Ariz. 2022) (“Defendants’ insufficient hiring and retention of qualified staff create
28 a substantial risk of serious harm . . . ”); *Plata*, 2005 WL 2932253 at *3-9

1 (unconstitutional system of care evinced by lack of medical leadership and qualified
2 medical staff); *Gomez Ruiz*, 2026 WL 851980, at *7.

3 Defendants’ failure to provide an adequate health care system to the individuals
4 in its custody violates the Fifth Amendment. *See Roman v. Wolf*, 977 F.3d 935, 943
5 (9th Cir. 2020) (listing elements). **First**, conditions are the result of Defendants’
6 “intentional decision[s]” to rapidly repopulate Adelanto and knowingly ratify its
7 continued operation without sufficient healthcare staffing and a proper medical
8 system. *Id.*

9 **Second**, deficient medical care systems expose *all* detained people to a
10 substantial risk of serious harm. *Parsons v. Ryan*, 754 F.3d 657, 679 (9th Cir. 2014)
11 (citing *Brown v. Plata*, 563 U.S. 493, 531 (2011)) (“[I]nadequate health care in a
12 prison system endangers every inmate.”).

13 **Third**, Defendants “did not take reasonable available measures to abate [the]
14 risk” of having a deficient healthcare system at Adelanto—instead, they have
15 tolerated systemic and well-documented healthcare delivery failures. *See Roman*, 977
16 F.3d at 943 (failure to remedy conditions despite known health risks reflects “reckless
17 disregard for detainee safety”).

18 **Fourth**, Defendants’ failure to ensure a functional healthcare system has
19 caused—and without Court intervention, will continue to cause—unnecessary
20 suffering, irreversible health impacts, and even death. Saadi Decl. ¶ 149. These
21 circumstances necessarily violate the Fifth Amendment.

22 **2. Defendants’ conduct violates the Rehabilitation Act.**

23 Under the Rehabilitation Act, subclass Plaintiffs Mesrobian, L.T., Salazar-
24 Garza, and the putative disability subclass must show that they: (1) are “qualified
25 individual[s] with a disability; (2) [were] denied a reasonable accommodation that
26 [they] [need] in order to enjoy meaningful access to the benefits of public services;”
27 and (3) the program is conducted by an executive agency. *Csutoras v. Paradise High*
28 *Sch.*, 12 F.4th 960, 968-69 (9th Cir. 2021) (cleaned up); 29 U.S.C. § 794(a). Subclass

1 Plaintiffs and those they seek to represent have qualifying disabilities. L.T. Decl. ¶¶
2 6, 9-11 (mobility issues from stroke); Mesrobian ¶ 9 (epilepsy); Salazar-Garza Decl.
3 ¶ 21 (pain and ambulatory limitations from bunion). Defendants Department of
4 Homeland Security (“DHS”) and ICE are executive agencies. 29 U.S.C. § 794(a).

5 Adelanto does not have an adequate system to identify or accommodate
6 disabilities. *See* Saadi Decl. ¶¶ 27, 56; Adams Decl. ¶¶ 150, 155-157. As a result,
7 detained people are regularly denied the accommodations they require to participate
8 in the fundamentals of life at Adelanto. *See supra* II.A.3. Defendants’ failure to
9 comply with their affirmative duty to “assess the potential accommodation needs of
10 [detained people]” and provide reasonable accommodations violates § 504. *See*
11 *Udike v. Multnomah Cnty.*, 870 F.3d 939, 949 (9th Cir. 2017) (citations omitted)
12 (“Title II and § 504 include an affirmative obligation for public entities to make
13 benefits, services, and programs accessible to people with disabilities.”); *Armstrong*
14 *v. Davis*, 275 F.3d 849, 859 (9th Cir. 2001) *overruled on other grounds*, *Johnson v.*
15 *California*, 543 U.S. 499 (2005) (upholding injunction requiring defendants “to
16 identify . . . which prisoners have a disability, create and maintain a system for
17 tracking disabled prisoners and parolees, and provide them with accommodations”).

18 **3. Defendants’ Conduct Violates the Administrative Procedure**
19 **Act.**

20 Under the APA, a “court shall . . . hold unlawful and set aside agency action . .
21 . found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in
22 accordance with law; . . .” 5 U.S.C. § 706(2)(A). Plaintiffs challenge two agency
23 actions: first, ICE’s decision to rapidly repopulate Adelanto without adequate staff
24 and medical systems, and second, ICE’s decision to award Adelanto a “good” rating
25 following an inadequate congressionally-mandated inspection—despite repeated
26 notice of inhumane conditions.

1 **a. Plaintiffs Challenge Final Agency Action.**

2 Both agency actions that Plaintiffs challenge are final because they “mark[] the
3 consummation of the agency’s decision-making process,” from which “legal
4 consequences ... flow.” *Bennett v. Spear*, 520 U.S. 154, 156 (1997). **First**, ICE’s
5 repopulation decision was consummated when ICE approved the massive influx in
6 June 2025. **Second**, by awarding Adelanto a “good” rating, ICE failed to identify and
7 order corrective action, essentially ratifying the decision not to comply with its own
8 standards at Adelanto.¹¹ In both instances, the rights of detained people and
9 obligations of Defendants flow from any agency action regarding PBNDS
10 compliance. *See Torres*, 411 F. Supp. 3d at 1069 (holding ICE’s failure to enforce its
11 standards was final agency action where there was a decision not to enforce the terms
12 of contract despite documented violations of the PBNDS).

13 **b. Defendants’ Actions Are Arbitrary and Capricious.**

14 Defendants’ decisions to repopulate Adelanto and fail to remedy deficiencies
15 are both “arbitrary and capricious” under 5 U.S.C. § 706(2)(A). An agency’s decision
16 must be set aside where the agency “has relied on factors which Congress has not
17 intended it to consider, entirely failed to consider an important aspect of the problem,
18 offered an explanation for its decision that runs counter to the evidence before the
19 agency, or is so implausible that it could not be ascribed to a difference in view or the
20 product of agency expertise.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm*
21 *Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). Both actions Plaintiffs challenge fail this
22 standard.

23
24 ¹¹ See U.S. Dep’t Homeland Sec. Office of the Inspector General, ICE Does Not Fully
25 Use Contracting Tools to Hold Detention Facility Contractors Accountable for
26 Failing to Meet Performance Standards, No. OIG-19-18 (Jan. 29, 2019),
27 <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>
28 (noting inspection process is one method for ordering corrective action and obtaining
standards compliance); <https://www.dhs.gov/sites/default/files/2022-05/ICE%20-%20Office%20of%20Detention%20Oversight%20Inspections.pdf> (indicating ODO
identifies deficiencies and corrective action in its Compliance Inspection Final
Reports).

1 **First**, ICE’s decision to rapidly repopulate Adelanto was made without any
2 rational consideration of the facility’s adequacy. ICE’s own inspection report later
3 acknowledged that the “sudden influx [of detained people] may have contributed to
4 the rise in deficiencies.” *Id.* ¶ 45 n.57. ICE “entirely failed to consider an important
5 aspect of the problem”—the facility’s unpreparedness to meet PBNDS standards—
6 and the decision to repopulate at such scale and speed was therefore arbitrary and
7 capricious. *State Farm*, 463 U.S. at 43.

8 **Second**, ICE’s “Good” rating is arbitrary and capricious because it “runs
9 counter to the evidence before the agency.” *State Farm*, 463 U.S. at 43. The PBNDS
10 require timely medical care; hot, nutritious, and sanitary meals; potable water;
11 outdoor recreation time; soap; and clean clothing, bedding, and linens; identifying,
12 assessing, and accommodating disabilities; and not using “retaliatory” disciplinary
13 action. ECF 35-1 at 216, 232-35, 257, 328-30, 344-353, 370-71. Yet ICE awarded
14 Adelanto a “Good” rating notwithstanding documented and ongoing violations of its
15 standards governing medical care, food service, drinking water, and disability
16 accommodations. That the facility still received a “Good” rating despite being on
17 repeated notice of inhumane conditions defies rational explanation.

18 **c. Defendants’ Actions Violate the *Accardi* Doctrine.**

19 “To establish an APA claim under the *Accardi* doctrine, Plaintiffs must show
20 both that (1) the Government violated its own regulations, and (2) [that they] suffer
21 substantial prejudice as a result of that violation.” *Cnty. Legal Services in E. Palo*
22 *Alto v. U.S. Dep’t of Health & Human Servs.*, 780 F.Supp.3d 897, 921 (N.D. Cal.
23 2025). Here, Defendants promulgated standards only to completely ignore them.
24 Whether it is Defendants’ decision to repopulate the facility or their approval of its
25 clearly deficient conditions, their departure from the PBNDS is precisely the sort of
26 arbitrary, unexplained deviation from established internal standards that *Accardi*
27 forbids. *See Emami v. Nielsen*, 365 F.Supp.3d 1009, 1020 (N.D. Cal. 2019)
28 (sustaining APA claim where agency disregarded its own established rules and

1 internal procedures in administering a federal program). Defendants’ violations have
2 caused detained Plaintiffs significant prejudice, as they must live in inhumane, non-
3 compliant conditions. *Supra* II.A.

4 **B. Plaintiffs have established that they are suffering irreparable harm.**

5 The deprivation of constitutional rights itself “unquestionably constitutes
6 irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).
7 Further, “subpar medical and psychiatric care in ICE detention facilities” constitute
8 “irreparable harms” for detained immigrants like Plaintiffs. *Hernandez v. Sessions*,
9 872 F.3d 976, 995 (9th Cir. 2017); *see also Mercado*, 800 F. Supp. 3d at 566-67; ECF
10 44-1 at 20–21 (injunction required to prevent harm to detained people and their
11 families). Likewise, Defendants’ failure to accommodate disabilities causes
12 “irreparable harm through access exclusion.” *Hernandez v. Cnty. of Monterey*, 110
13 F. Supp. 3d 929, 956 (N.D. Cal. 2015).

14 **C. The balance of hardships and public interest favor an injunction.**

15 The third and fourth factors—the balance of hardships and the public interest—
16 “merge when the Government is the opposing party.” *Roe v. Critchfield*, 137 F.4th
17 912, 922 (9th Cir. 2025) (citation omitted). “[I]t is always in the public interest to
18 prevent the violation of a party’s constitutional rights.” *Melendres*, 695 F.3d at 1002
19 (citation omitted). And it is always in the public interest for the government to follow
20 the law. *Thakur v. Trump*, 787 F. Supp. 3d 955, 997 (N.D. Cal. 2025) *affirmed in*
21 *part, reversed in part and remanded on other grounds by Thakur v. Trump*, No. 25-
22 4249, 2026 WL 1466303 (9th Cir. May 26, 2026). Moreover, those held in
23 immigration detention “are members of the community, and their interests, too, must
24 be included in assessing the public interest.” *See Tyson v. City of San Bernardino*,
25 EDCV 23-015939 TJH, 2024 WL 3468832, at *8 (C.D. Cal. Jan. 12, 2024)
26 (discussing people experiencing homelessness).

D. Plaintiffs Request Necessary Relief.

Courts have consistently enjoined the conditions like those faced by Plaintiffs and the putative class, *see Pablo Sequen v. Albarran*, 2025 WL 3283283, at *23-*29 (N.D. Cal. Nov. 25, 2025) (granting preliminary injunction for comparable conditions); *Ruiz v. U.S. Immigr. & Customs Enf't.*, 2026 WL 391924, at *1 (N.D. Cal. Feb. 10, 2026) (same); *Mercado*, 800 F. Supp. 3d at 575-76 (same); *Gonzalez v. Noem*, 2025 WL 3170784, at *1 (N.D. Ill. Nov. 5, 2025) (same), and this Court should too.

E. A Preliminary Injunction Binding the Government Will Provide Relief to the Purported Classes.

Courts in this Circuit regularly enter injunctions against the government to remedy conditions in privately operated detention facilities. *See Roman v. Wolf*, 5:20-cv-00768-TJH-PVC, Dkt. 55 (ordering the government, not GEO, to make changes at Adelanto), *aff'd in part*, 977 F.3d 935, 938 n.1 (9th Cir. 2020) (affirming conditions injunction at Adelanto against the government, where GEO was not a party); *Zepeda Rivas v. Jennings*, 465 F. Supp. 3d 1028, 1036–37 (N.D. Cal. 2020) (entering injunction against “ICE and all of its officers, agents, servants, employees” at GEO-run facility) *aff'd*, 845 F. App'x 530, 535 (9th Cir. 2021); *Gomez Ruiz*, 2026 WL 851980 (entering injunction against government, not contracted facility operator); *see also Armstrong*, 732 F.3d at 957 (affirming injunction against government, not contracted facility operator); *Jensen*, 609 F. Supp. 3d at 866, n. 36 & 912-13 (holding government liable for unconstitutional prison medical care provided by private contractor because government could compel sufficient staffing and “when [state director of prisons] believes his chosen vendor must provide health care in a different manner, he must enforce his rights under the vendor contract”).

An injunction against the government provides a streamlined, effective remedy because it is the government that bears ultimate constitutional responsibility for the conditions in ICE detention. *West v. Atkins*, 487 U.S. 42, 56 (1988). Even where, as

1 here, the government has engaged a contractor for facility operations, it maintains
2 control over the policies and practices its contractor employs. *Infra* II.B. Moreover,
3 it retains discretion to determine how to meet its constitutional obligations. *See*
4 *Hoptowit*, 682 F.2d at 1253-54 (“[T]here is more than one way in which the State
5 could provide necessary medical services.”). For that reason, it is appropriate to order
6 the government to comply with its constitutional obligations to provide a proper
7 medical system, clean drinking water, and sufficient food. This leaves the
8 government with the proper discretion to choose how to meet its obligations, and is
9 why Plaintiffs propose that the government submit a plan and that the Court appoint
10 an expert to help inform that plan and monitor compliance.

11 **F. This Court should provisionally certify the proposed class and**
12 **subclass and enter a facility-wide preliminary injunction.**

13 A district court can “certify[] a provisional class for purposes of [a] preliminary
14 injunction.” *Meyer v. Portfolio Recovery Assocs.*, 707 F.3d 1036, 1040 (9th Cir.
15 2012). “Once a ‘provisional’ class is certified, a preliminary injunction may provide
16 relief to all class members.” *Id.* at 1043. Provisional class certification for purposes
17 of preliminary relief is common in detention conditions cases, where unlawful
18 facility-wide policies and practices threaten irreparable harm across the purported
19 class. *See, e.g., Roman v. Wolf*, 977 F.3d at 944 (affirming district court’s grant of
20 provisional certification); *Pablo Sequen*, 810 F. Supp. 3d at 1121 (concurrently
21 provisionally certifying class and issuing facility-wide injunction); *Gomez Ruiz*, 2026
22 WL 851980, at *6 (concurrently provisionally certifying class and issuing facility-
23 wide injunction); *Mercado v. Noem*, No. 25-cv-6568, 800 F. Supp. 3d 526, 559
24 (S.D.N.Y. Sept. 17, 2025) (same).

25 That is precisely the case here. Plaintiffs’ claims are about Defendants’ failure
26 to implement proper, functioning systems to meet basic human needs and provide
27 constitutionally adequate medical care—not occasional instances of staff misconduct.
28 Because the lack of proper systems endangers the entire putative class, class-wide

1 relief is necessary. *See Brown v. Plata*, 563 U.S. at 531 (“Even [detainees] with no
2 present physical or mental illness may become afflicted, and all [detainees] are at risk
3 so long as the [the government] continues to provide inadequate care.”). Plaintiffs
4 urge the Court to provisionally certify the class. *See* ECF 75, Plaintiffs’ Renewed
5 Motion for Class Certification.

6 **G. The relief Plaintiffs seek is tailored to Defendants’ constitutional and**
7 **statutory violations.**

8 A “district court ha[s] broad equitable authority to grant provisional relief to
9 remedy a likely constitutional violation.” *Roman v. Wolf*, 977 F.3d at 939. An
10 injunction “exceeds the scope of a district court’s power only if it is ‘aimed at
11 eliminating a condition that does not violate the Constitution or does not flow from
12 such a violation.’” *Melendres v. Apario*, 784 F.3d 1254, 1265 (9th Cir. 2015) (citation
13 omitted). Here, each piece of relief Plaintiffs request is tailored to remedy
14 constitutional and statutory violations. First, the Constitution requires:

- 15 ● **A functional system of healthcare.** *See Doe v. Kelly*, 878 F.3d 710, 722 (9th
16 Cir. 2017).
- 17 ● **Sufficient, adequate drinking water.** *See Keenan v. Hall*, 83 F.3d 1083, 1091
18 (9th Cir. 1996), *opinion amended on denial of reh’g*, 135 F.3d 1318 (9th Cir.
19 1998) (“water that is foul would be inadequate to maintain health.”);
- 20 ● **Sufficient, adequate food.** *See Keenan v. Hall*, 83 F.3d 1083, 1091 (9th Cir.
21 1996), *opinion amended on denial of reh’g*, 135 F.3d 1318 (9th Cir. 1998) (food
22 that is “‘spoiled, tampered with, cold, raw, [and failed] to meet a balanced
23 nutritional level’ . . . would be inadequate to maintain health.”)
- 24 ● **Basic sanitation and access to hygiene supplies.** *See Pablo Sequen*, 810 F.
25 Supp. 3d at 1130 (detained people must have “clean cells, hygiene supplies like
26 toothbrushes, opportunities to wash their bodies, and clean clothing”).

1 Second, the Fifth Amendment prohibits punishment of people in civil detention with
2 conditions that “significantly exceed . . . the inherent discomforts of confinement,”
3 *Demery*, 378 F.3d at 1030 (citation omitted), such as:

- 4 • **Excessive headcounts that restrict movement.** *Cf.* Adams Decl. ¶¶ 109-110
5 (counts in prison typically occur out of cell and be cleared within 15-20
6 minutes);
- 7 • **Marginal access to outdoors.** *Cf. id.* ¶¶ 116-17 (in prison, outdoor yard is
8 typically open daily from breakfast to dinner time, then again until 9:00 pm);
- 9 • **Lack of reasonable privacy for toileting and showering.** *Cf. id.* ¶¶ 85-90
10 (prisons provide privacy screens appropriate for toilets and showers);
- 11 • **Restrictive visitation policies.** *Cf. id.* ¶¶ 98-99 (prisons do not limit visitation
12 length or appropriate physical contact during visitation);
- 13 • **Imposition of solitary confinement as punishment for peaceful protest.** *Cf.*
14 *id.* ¶¶ 144, 146 (prisons apply disciplinary segregation only after hearing).

15 Finally, the Rehabilitation Act requires:

- 16 • **A system for identifying disabilities.** *See Armstrong v. Davis*, 275 F.3d 849,
17 859 (9th Cir. 2001).
- 18 • **Reasonable accommodations** for people with qualifying disabilities. *Id.*

19 V. CONCLUSION

20 For the foregoing reasons, Plaintiffs respectfully request that the Court enter
21 the [Proposed] Order Granting Plaintiffs’ Renewed Motion for Preliminary
22 Injunction, filed herewith.

1 Dated: June 1, 2026

Respectfully Submitted,

2 WILLKIE FARR & GALLAGHER LLP

3
4 By: /s/ Nicholas Reddick

Nicholas Reddick

5 Stephen Henrick

6 Alyxandra Vernon

7 Jacob Karim

8 PUBLIC COUNSEL

9
10 By: /s/ Rebecca Brown

Rebecca Brown

11 Sophia Wrench

12 Amelia Piazza

13 Elizabeth Hercules-Paez

14 IMMIGRANT DEFENDERS LAW CENTER

15
16 By: /s/ Alvaro M. Huerta

Alvaro M. Huerta

17 Carson Adrianna Scott

18 Alison Steffel

19
20 COALITION FOR HUMANE IMMIGRANT
21 RIGHTS

22 By: /s/ Carl Bergquist

Carl Bergquist

23 Adam Reese

WORD COUNT CERTIFICATE

The undersigned counsel of record for Plaintiffs certified that this Memorandum of Points and Authorities contains 6,568 words, which complies with the word limit of L.R. 11-6.1.

Dated: June 1, 2026

Respectfully Submitted,

WILLKIE FARR & GALLAGHER LLP

By: /s/ Nicholas Reddick

Nicholas Reddick

Stephen Henrick

Alyxandra Vernon

Jacob Karim