IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

Leyanis TAMAYO ESPINOZA, *et al*., *Petitioners-Plaintiffs*, v. Warden Wayne GILLIS, *Respondent-Defendant*.	Civil Action No.: 5:20-cv-106-DCB-MTP Judge David C. Bramlette Magistrate Judge Michael T. Parker **ORAL ARGUMENT REQUESTED**

PETITIONERS' REPLY IN SUPPORT OF THEIR
MOTION FOR A TEMPORARY RESTRAINING ORDER

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Plaintiff-Petitioners (Petitioners) seek modest relief under extraordinary circumstances. These six[1] medically vulnerable Petitioners do not seek to set aside any criminal conviction or to challenge their removal here. For *civil* immigration detainees, the Fifth Amendment's Due Process Clause requires that detention bear a reasonable relationship to a legitimate government interest. While Petitioners do not dispute that ICE has a legitimate interest in preventing flight and ensuring appearances in removal proceedings, Immigration and Custom's Enforcement's (ICE) own data show that those with attorneys appear nearly 100% of the time. In light of the potentially lethal danger Petitioners now face, and the ready availability of safe and oft-used alternatives to detention, Petitioners' continued detention during this health crisis has become unreasonable.

When this action was filed, on April 16, 2020, ICE was reporting five cases of COVID-19 in Adams County Detention Center ("Adams"). That number has since tripled, and Respondents' declarations show that 100% of those tested at Adams have tested positive. The actions the facility has taken have not stopped the spread of this uniquely dangerous disease. In these circumstances, only release can prevent irreparable harm. As courts in this Circuit and nationally have found,[2] this court has authority via habeas to find a Due Process violation and order their release.

SUPPLEMENTAL FACTS

I. COVID-19 Cases Have Risen Dramatically Throughout ICE Facilities, and ICE's Protocols for Containing the Spread Are Insufficient.

The unprecedented impact of the coronavirus on public health is dramatically heightened in detention and correctional centers, where airborne transmission of viruses occurs through close

[1] One of the six, Jose Ruben Lira Arias, had bond set at $15,000, and expects to post it on May 7, 2020. A seventh Petitioner, Viankis Maria Yanes Pardillo, won asylum on April 24, 2020 and has been released.

[2] *See, e.g. Vazquez-Berrera v. Wolf*, No. 20-cv-1241, 2020 WL 1904497, at *5 (S.D. Tex. Apr. 17, 2020); *Malam v. Adducci*, No. 20-10829 (E.D. Mich. Apr. 20, 2020); *Coronel v. Decker*, No. 1:20-cv-02472-AJN, 2020 WL 1487274 (S.D.N.Y. Mar. 27, 2020); *Calderon Jimenez v. Wolf*, No. 18-10225 (MLW), ECF No. 507 (D. Mass. Mar. 26, 2020); *Basank v. Decker*, No. 20 CIV. 2518, 2020 WL 1481503, at *4 (S.D.N.Y. Mar. 26, 2020).

contact of large numbers of people, common showers, and open toilets. *See* Declaration of Homer Venters, Ex. 11, ¶¶ 6(a), 10-11.[3] On April 7, 2020, ICE reported 19 confirmed cases of COVID-19 among detained people. Venters Decl. ¶ 8. One month later, the number has exploded to 705, with only 1460 tested of the nearly 30,000 people in detention.[4] Because ICE lacks the tests to meet its needs,[5] these numbers profoundly understate the true spread of the disease.

The dramatic spread of COVID-19 throughout the immigration detention system is not surprising given the high rate of transmission in congregate settings. But ICE's protocols have also contributed to the crisis, because they fail to follow Center for Disease Control ("CDC") guidelines.[6] For example, ICE continues to transfer detained persons among facilities, including at Adams, and has not recommended social distancing in housing areas or in cells with bunkbeds.[7]

II. COVID-19 Cases Have Tripled at Adams, and the Facility Cannot Implement Effective Steps to Protect Petitioners.

As of May 5, 2020, ICE has reported 15 confirmed cases of COVID-19 at Adams.[8] The failure to take proper public safety measures, including conducting appropriate custody review to release medically vulnerable people detained at Adams, threatens Petitioners' lives.

First, the single most effective way to prevent Petitioners from contracting COVID-19 is to release them, and ICE's own protocols recommend custody review for high-risk people. Venters

[3] Dr. Homer Venters is a physician and epidemiologist whose long experience with correctional health includes two years visiting immigration detention centers and conducting analyses of physical and mental health policies and procedures for people detained by the Department of Homeland Security. He has served as Chief Medical Officer for the NYC Jail Correctional Health Service, covering all 12 of New York City's jails, and has managed several infectious disease outbreaks, including the H1N1 influenza in 2009. Venters Decl. ¶¶1-4.
[4] ICE, *COVID-19 Guidance* (last visited May 6, 2020), https://www.ice.gov/coronavirus.
[5] Press Release, U.S. House of Representatives Committee on Oversight and Reform, DHS Officials Refuse to Release Asylum Seekers and Other Non-Violent Detainees Despite Spread of Coronavirus (April 17, 2020) https://oversight.house.gov/news/press-releases/dhs-officials-refuse-to-release-asylum-seekers-and-other-non-violent-detainees (discussing testimony of Acting ICE Director Matthew Albence).
[6] CDC, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities* (last visited May 6, 2020), https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-correctional-detention.pdf; Venters Decl. ¶¶ 17-25.
[7] ECF Doc. 15-2 ¶¶ 10, 19; Fru Supp. Decl ¶ 3; Lira Arias Supp. Decl. ¶ 4.
[8] ICE, *COVID-19 Guidance* (last visited May 6, 2020), https://www.ice.gov/coronavirus.

Decl. ¶¶ 18, 35**.** Although by mid-April ICE had released approximately 700 individuals through its own review, Acting ICE Director Matthew T. Albence has stated that ICE would not release more in order to project that ICE "is enforcing our immigration laws."[9]

ICE appears to have delegated such review to field directors and their staff, who are not medical professionals. Venters Decl. ¶ 17. Thus, although Petitioners suffer from documented and in some cases multiple risk factors for COVID-19,[10] none has been recommended for release under ICE's protocols or under a more recent process mandated by the class action lawsuit *Fraihat v. ICE*, EDCV 19-1546 JGB (SHKx), 2020 WL 1932570 (C.D. Cal. Apr 20, 2020), which requires ICE to review and conduct custody redeterminations for all medically vulnerable individuals. Any custody review that is occurring has not been meaningful for high-risk people like Petitioners.

The failure to conduct meaningful review is all the more damaging because the containment steps that Adams has taken have failed. Respondents assert that they are testing detained people when they report symptoms and their temperatures exceed 100.4. ECF Doc. 15-3 at ¶ 6. *All* those tested at the time of their declarations turned up positive for COVID-19. ECF Doc. 15-2 at ¶14. This fact indicates that the testing is not comprehensive enough to contain the spread of the coronavirus, which can be transmitted by asymptomatic people. Venters Decl. ¶ 8.

The increased cleaning measures that Respondent Gillis reports, ECF Doc. 15-3 ¶ 3, have not resulted in any hygiene improvement observable by the Petitioners.[11] Petitioners state that they have received just one surgical mask about every two weeks, with no additional protective equipment to clean with.[12] Staff who come in and out of the dormitories do not consistently wear

[9] *See ibid*. n.5 (discussing Acting ICE Director Albence's testimony before Congress). *Compare* Attorney General Barr's recommendation to release vulnerable individuals from federal prison, ECF No. 5 at 8 and n. 17.
[10] Ex. 8, Bazzano Decl. ¶ 16 (a)-(g).
[11] *See* Ex. 14, Anjoh Supp. Decl. ¶ 4; Ex. 16, Fru Supp. Decl. ¶ 6; Ex. 18, Martinez Supp. Decl. ¶¶ 8-9; Ex. 19, Tamayo Espinoza Supp. Decl. ¶¶ 9-10.
[12] *See* Ex. 16, Fru Supp. Decl. ¶ 6; Ex. 17, Lira Arias Supp. Decl. ¶ 3; Ex. 18, Martinez Supp. Decl. ¶ 5, Ex. 19, Tamayo Espinoza Supp. Decl. ¶ 5.

masks or other protective equipment.[13] The social distancing necessary to reduce transmission remains impossible. As the coronavirus continues to spread through Adams, Petitioners remain at high risk of severe harm.[14]

ARGUMENT

Unlike traditional conditions of confinement cases in which plaintiffs assert bad motives and intentional misdeeds, Petitioners here rely on the unprecedented realities of COVID-19 to argue that the conditions and risk of infection at Adams in May 2020 require release. Conditions could be different months from now, but the harsh present realities of the pandemic make it impossible to keep these six vulnerable people safe at Adams. The Court has jurisdiction to release them under these narrow circumstances, and they are likely to succeed on their due process claims.

I. The Court Has Jurisdiction Over the Habeas Claims Because the Only Remedy Sought is Release, and it Independently Has Jurisdiction Under Rule 65.

Respondents fundamentally misunderstand the nature of Petitioners' habeas claims under § 2241. First, the most recent analysis by the Fifth Circuit, which the Government cites but misapprehends, makes clear that the Circuit has not accepted a distinction between habeas challenges to the "fact or duration" of detention and habeas challenges to conditions of confinement. *See Poree v. Collins*, 866 F.3d 235, 244 (5th Cir. 2017).[15]

[13] Ex. 14, Anjoh Supp. Decl. ¶ 2; Ex. 15, Baptiste Supp. Decl. ¶ 2; Ex. 16, Fru Supp. Decl. ¶ 5; Ex. 19, Tamayo Espinoza Supp. Decl. ¶ 3.

[14] This Court's Report & Recommendation in *Sheikh v. Gillis*, No. 5:19-cv-134, Doc 19 at 4 (S. D. Miss. Apr. 29, 2020) found that the pro se Petitioner had not argued that his detention was unconstitutional, and noted that Adams had taken "meaningful steps to protect" those detained. Petitioners respectfully submit that the evidence filed here and the dramatic increase in COVID-19 cases, demonstrates that these steps have not been effective.

[15] In *Poree v. Collins*, the court noted that "the Supreme Court has not foreclosed" habeas challenges for conditions claims, and that Fifth Circuit caselaw has not accepted such a distinction. 866 F.3d 235, 244 (5th Cir. 2017) (citing *Coleman v. Dretke*, 409 F.3d 665, 670 (5th Cir. 2005). It then "declin[ed] to address whether habeas is available only for fact or duration claims," *id*. *See Vazquez Barrera*, 2020 WL 1904497, at *3 (neither the Supreme Court nor the Fifth Circuit foreclosed habeas to address challenges to conditions).

Even if such a distinction existed, Petitioners' challenge sits at the core of the writ. Unlike in the cases Respondents rely on, Petitioners here do not seek to improve their conditions of confinement, *see* Resp. Br. 7.[16] As the Southern District of Texas stressed in granting a similar TRO under § 2241, "[t]he mere fact that Plaintiffs' constitutional challenge requires discussion of conditions in immigration detention does not necessarily bar such a challenge in a habeas petition." *Vazquez-Berrera*, 2020 WL 1904497 at *4. *See also Dada v. Witte*, No. 1:20-CV-0458, Doc. 17 at 9 (W.D. La. Apr. 30, 2020) (Report and Recommendation) ("[T]he remedy for conditions claims is generally corrective. The remedy for fact claims, however, generally terminates the detention altogether, or alters it such that a new form of custody or control is imposed") (Ex. 20 (a)). Here, Petitioners seek "accelerated release," *Carson v. Johnson*, 112 F.3d 818, 820-21 (5th Cir. 1997). Habeas is the proper vehicle. *See Poree*, 866 F.3d at 244 (petition for transfer to less restrictive facility "properly sounds in habeas").[17]

An emerging consensus of courts, including this Court, *see Sheikh v. Gillis*, No. 5:19-cv-134, Doc. 19 at 4 (S. D. Miss. Apr. 29, 2020) (Report and Recommendation), reject attempts to characterize habeas challenges to continued detention due to COVID-19 risks as a prohibited conditions claim. Instead, courts are routinely finding similar challenges proper in habeas and ordering release. *See Vazquez Berrera*, 2020 WL 1904497, at *6; *Malam v. Adducci*, No. 20-10829, 2020 WL 1672662, at *2–3 (E.D. Mich. Apr. 5, 2020); *Coreas v. Bounds*, No. 20-0780, 2020 WL 1663133, at *7 (D. Md. Apr. 3, 2020); *Wilson v. Williams*, No. 20 cv 794, Dkt. 22 at 10-

[16] *Schipke v. Van Buren*, 239 F. App'x 85, 86 (5th Cir. 2007) (rejecting habeas where petitioner sought an order "modifying the conditions of her detention."); *Hernandez v. Garrison*, 916 F.2d 291, 293 (5th Cir. 1990) (rejecting habeas petition seeking access to law library and better medical treatment); *Sarres Mendoza v. Barr*, 2019 WL 1227494, at *2 (S.D. Tex. 2019) (denying habeas for two billion dollar damages claim regarding conditions).

[17] Unlike in traditional habeas cases in the criminal justice system, there is no forum for Petitioners to exhaust their requests, because discretionary decisions by ICE to deny release are not reviewable. *Loa-Herrera v. DHS.*, 239 Fed.Appx. 875, 881 (5th Cir. 2007). In any case, ICE has denied five Petitioners' requests for "parole."

11 (N.D. Ohio Apr. 22, 2020); *Basank v. Decker*, No. 20 CIV. 2518, 2020 WL 1481503, at *4 (S.D.N.Y. Mar. 26, 2020).[18]

Finally, this Court is independently authorized to order release under its inherent equitable power to issue injunctions and temporary restraining orders for constitutional violations. *See Brown v. Plata*, 563 U.S. 493 (2011); *Ex Parte Young*, 209 U.S. 123 (1908).

II. Petitioners Are Likely to Succeed on Their Claim that Continued Detention is Unconstitutional Under the Fifth Amendment.

Because Petitioners are *civil* immigration detainees, the court must evaluate the legality of the conditions of their detention under the Fifth Amendment's reasonable-relationship test set forth in *Bell v. Wolfish*, 441 U.S. 520 (1979). Contrary to Respondents' suggestion, the Eighth Amendment deliberate indifference standard governing conditions claims brought by convicted persons is not applicable. *Dada*, No. 1:20-cv-00458, doc. 17 at 20 (Fifth Amendment claims brought by individuals in immigration detention "are subject to the reasonable relationship test, not the deliberate indifference standard."); *Vazquez Barrera*, 2020 WL 1904497, at *5 (same).

Respondents nevertheless assert that Petitioners' continued detention is reasonable because "detention pending removal" is not excessive in relation to the government's general interest "to prevent absconding and, in the cases of criminal aliens, to protect the community." Resp. Br. 13. This abstract argument does not match reality. The relevant inquiry is not whether detention in the *ordinary* course is excessive in relation to any purported governmental interest; we are not living in ordinary times. *See, e.g., Alcantara v. Archambeault*, No. 1:20-cv-76 (DMS), at *16 (C.D. Cal.

[18] The more recent cases Respondents cite are inapposite. In *Livas v. Myers*, Judge Doughty did not hold that the Fifth Circuit does not accept conditions claims in habeas; he merely held the court had simply had no power to order release of individuals *criminally* detained. No. 20-CV-422, Doc. 30 at 12 (W.D. La. Apr. 22, 2020). In *Sacal-Micha v. Longoria*, No. 20-CV-37, 2020 WL 1518861 (S.D. Tex. Mar. 27, 2020), the court did not have the benefit of fulsome briefing on the state of Fifth Circuit law regarding the purported duration-conditions distinction, or on why the claims there related to the duration of detention. In addition, *six weeks ago* there was not substantial evidence before the court about conditions in the Texas facility; here, by contrast, the undisputed evidence demonstrates, that circumstances at Adams for these petitioners cannot be improved – that is, habeas release is the only remedy.

May 1, 2020) ("the current circumstances [in ICE detention with rapid spread of COVID-19]… are anything but normal.") (Ex. 20(b)). Reasons for detention must be forward-looking to support a continuing legitimate purpose. *Foucha v. Louisiana*, 504 U.S. 71 (1992). Thus, the relevant inquiry for this Court today, is whether *continued detention during COVID-19*, which exposes Petitioners to the substantial risk of serious illness or death, is excessive.[19] *See Vazquez Barrera*, 2020 WL 1904497 at *6 ("[r]equiring medically vulnerable individuals to remain in a detention facility where they cannot properly protect themselves from transmission of a highly contagious virus with no known cure is not rationally related to a legitimate government objective.").

ICE's purportedly legitimate interest in community safety and preventing flight is particularly excessive here since the interests can be fully served *absent* detention. First, there is no evidence that any Petitioner poses any threat to the community. Five of the six are asylum seekers; the sixth has been a lawful permanent resident for more than four decades, removable only because of a 1992 non-violent marijuana conviction.[20] *See* Declaration of Laila Hlass, Ex. 12, ¶¶ 10-12 (explaining that ICE uses its discretion under 8 U.S.C. § 1226(a) to detain asylum seekers determined to have a "credible fear" of persecution, and detains lawful permanent residents, often years after they have served their sentences, pursuant to 8 U.S.C §1226(c)).

Second, the chances of Petitioners absconding, particularly given pandemic-related travel restrictions, are virtually nonexistent. ICE data reveals that non-detained immigrants who are represented by attorneys, as Petitioners are, appear at every scheduled immigration hearing at a rate of 97%. *See* Declaration of Aaron Reichlin-Melnick, Ex. 13, ¶¶ 6, 17-18. Finally, because

[19] *Shepherd* and *Duvall* asked not whether pretrial detention in itself served a legitimate government purpose, but "whether legitimate governmental purpose was served by the allowance of the MRSA infection to be present in the […] jail," *Duvall v. Dallas Cty., Tex.*, 631 F.3d 203, 207 (5th Cir. 2011), or whether "the inadequate medical conditions of which Shepherd complains were reasonably related to a legitimate government purpose." *Shepherd v. Dallas Cty.*, Tex., No. CIV.A. 305CV1442-D, 2008 WL 656889, at *7 (N.D. Tex. Mar. 6, 2008).

[20] Ex. 15, Baptiste Supp. Decl. ¶ 1. Non-citizens who have lived in the U.S. for more than 10 years appear at non-detained immigration hearings 91.2% of the time. Ex. 13 ¶ 18.

"ICE has many other means besides physical detention to monitor noncitizens and ensure that they are present at removal proceedings and at time of removal," including routine check-ins, *Vazquez Barrera*, 2020 WL 1904497 at *6, detention is excessive under the circumstances.

Ignoring the devastating impact of COVID-19, and misinterpreting *Shepherd v. Dallas County*, 591 F.3d 445, 454 (5th Cir. 2009), Respondents assert that "the existence of a disease does not state a constitutional violation." Resp. Br. at 13. But the Fifth Circuit has held that allowing the presence of a bacterial infection in a jail and failing to take adequate protective measures results in unconstitutionally punitive conditions under the *Bell* standard. *Duvall*, 631 F.3d at 208-209. Moreover, in the real world, the current pandemic is not mere "incidence of disease or infection, standing alone." *Shepherd*, 591 F.3d at 453. "Our currently exigent circumstances, in which our communities are engulfed by a novel and highly contagious disease, are unlike any 'incidence of disease' that our society has faced in generations." *Vazquez Barrera*, 2020 WL 1904497 at *6. Because of the distinct risks that COVID-19 poses to Petitioners, and the impossibility of sufficiently preventative measures, Respondents are "leaving them unduly exposed to contracting the virus," justifying their release. *Dada*, No. 1:20-cv-00458, doc. 17 at 21 (Ex. 20(a)).

Even under the deliberate indifference standard, which applies to "episodic acts or omissions," Petitioners' continued detention is unlawful. *See Hare v. City of Corinth, Miss.*, 74 F.3d 633 (5th Cir. 1996). ICE has put Petitioners at risk of exposure to COVID-19, subsequent serious illness or death. This risk cannot be mitigated by its halting remedial measures. Despite minimal testing, Adams has 15 confirmed cases of COVID-19, with 100% of those tested for COVID-19 returning positive tests. Respondents' remedial steps are ineffective or lacking. Venters Decl. ¶¶ 30-34, and Petitioners continue to report unsanitary conditions and medical unresponsiveness. *Compare* ECF 5 at 4-5, *with* ECF 15-3 ¶¶ 5, 8 and nn. 11-13 *supra*.

III. Absent an Injunction, Petitioners Will Suffer Irreparable Harm, and the Public Interest in Public Health and Balance of Equities Favors Release.

To sustain a finding of irreparable harm, one need only show that there is a "significant threat of injury from the impending action [and] that the injury is imminent." *See Humana, Inc. v. Jacobson*, 804 F.2d 1390, 1394 (5th Cir. 1986). In addition to Petitioners' showing of constitutional harm, *Opulent Life Church v. City of Holly Springs, Miss.*, 697 F.3d 279, 295 (5th Cir. 2012), the imminent risk establishes irreparable harm. *Vazquez Barrera*, 2020 WL 1904497, at *6 ("Given Plaintiffs' vulnerabilities to serious illness . . . and the serious and imminent risk of infection if they remain in immigration detention, Plaintiffs have shown irreparable harm.").

A court "need not await a tragic event" to afford injunctive relief. *Helling v. McKinney*, 509 U.S. 25, 33 (1993). Ample evidence shows that Petitioners' continued detention places them at risk of imminent injury—if not death, lasting and severe medical complications. *See* ECF. Doc. 4-8 ¶¶ 8, 16(a)-(g). The only effective ICE protocol—that the government review the custody of high-risk individuals for release, Venters Decl. ¶ 21—has been effectively ignored, as ICE has repeatedly denied Petitioners' parole applications of Petitioners despite their serious risk factors and the absence of evidence of dangerousness. The palliative measures that Adams offers as an alternative not only have been implemented sporadically, see nn. 11-13 *supra*, but also miss the crucial steps of widespread surveillance, testing and social distancing. Venters Decl. ¶¶ 31, 34-35. Release is therefore the only feasible option to safeguard the health of these vulnerable individuals and to mitigate the threats to the safety of staff and the local population. *See* ECF. Doc. 4-8 ¶¶ 7-9; 16-18; ECF. Doc. 4-9 ¶¶ 35-37. This Court should reject the claim that Petitioners would be safer in the Adams infectious hotspot, rather than with sponsors who can help them shelter in place.

An injunction is also in the public interest. The asserted interest in enforcing immigration law is an insufficient counterweight to the grave public health consequences here. ICE already

routinely releases scores of immigrants—even those with criminal convictions—without negative consequences.[21] ICE also "has a number of alternative tools available to it to ensure enforcement, which it is free to use," including "ICE's conditional supervision program." *Vazquez Barrera*, 2020 WL 1904497 at *7.[22] *See also Dada* No. 1:20-cv-00458 Doc. 17 at *26 (Ex. 21(a)). Respondents are not bound to detain Petitioners—especially not during a global pandemic.

Releasing Petitioners would also promote public health and safety, considerations that weigh in the movant's favor. *See Planned Parenthood of Gulf Coast, Inc. v. Gee*, 862 F.3d 445, 472 (5th Cir. 2017). Multiple courts have ordered detained individuals released citing the public's interest in mitigating outbreaks, which spread to correctional officers and other staff members, their families, and the public. *See Dada*, No. 1:20-cv-00458, Doc. 17 at *27; *Vazquez Barrera*, 2020 WL 1904497 at *7 ("[A]n outbreak among the . . . detainee population will inevitably spread through the surrounding community . . . [and] will put additional strain on hospitals and health care resources in the community."). Petitioners' release is in the public interest.

Finally, this petition seeks only the release of these medically vulnerable individuals. Any future case must be presented separately to the Court and will be decided based on the unique health conditions of any future petitioners and the status of the pandemic at the time the Court renders such decisions. This is a narrow case that can and should be decided on narrow grounds.

[21] *See, e.g.*,TRAC Immigration, *Detainees Leaving ICE Detention from the El Paso Service Processing Center* (last visited May 6, 2020), https://trac.syr.edu/immigration/detention/201509/EPC/exit/ ("ICE also has discretionary authority to "parole" individuals . . . with serious medical conditions . . . and individuals whose parole is considered by ICE in the 'public interest.'"); *see* 8 U.S.C. § 1182(d)(5)(A).

[22] This alternative supervision program is highly effective, with a 99% attendance rate at all immigration court hearings and a 95% attendance rate at final hearings among supervised individuals. U.S. Gov't Accountability Office, GAO-15-26, *Alternatives to Detention: Improved Data Collection and Analyses Needed to Better Assess Program Effectiveness* 30 (Nov. 2014), https://www.gao.gov/assets/670/666911.pdf.

CONCLUSION

For the foregoing reasons, Petitioners respectfully request that this Court grant the motion for a temporary restraining order and order their immediate release from custody.

Dated: May 6, 2020

Respectfully submitted,

s/ *Cliff Johnson*

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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2020, I electronically filed the foregoing document and accompanying exhibits with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system. I also certify that there are no non-CM/ECF participants to this action.

Dated: May 6, 2020

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