

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:25-cv-01405-DLF
	)	
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**DEFENDANTS’ OPPOSITION TO PLAINTIFFS’ MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES  
REGARDING PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION**

On April 29, 2026, Plaintiffs filed their Motion for Leave to File Supplemental Memorandum of Points and Authorities Regarding Plaintiffs’ Motion for Class Certification (“Motion”). ECF No. 99. Plaintiffs want to file the supplemental brief to argue that the three newly proposed plaintiffs in Plaintiffs’ proposed second amended complaint (*see* ECF No. 96) would be adequate class representatives. ECF No. 99-1 at 3.<sup>1</sup> Plaintiffs also wish to “submit evidence regarding provisional class members who continue to have live claims.” *Id.* Plaintiffs seek to submit this additional evidence to refute an argument in Defendants’ reply in support of their cross-motion for summary judgment, which was filed in December 2025. *Id.* at 6 (“Contrary to Defendants’ suggestion, ECF No. 76 at 3, there are provisional class members who entered ORR custody before April 22, 2025, who are still in ORR custody.”). With the supplemental brief, Plaintiffs request to file eight declarations from the proposed new named plaintiffs and provisional class members. ECF No. 99 at 1; ECF Nos. 99-2, 99-3, 99-4, 99-5, 99-6, 99-7, 99-8, 99-9, 99-10.

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<sup>1</sup> In this memorandum, page numbers in docket entry citations refer to the CM-ECF-stamped page numbers on the top of documents.

The Court should deny Plaintiffs' Motion. *First*, for the reasons explained in Defendants' Opposition to Plaintiffs' Motion for Leave to File Second Amended Complaint (ECF No. 100), the Court should deny Plaintiffs' motion seeking leave to file a second amended complaint. If the Court denies leave for Plaintiffs to file a second amended complaint, a supplemental brief in support of class certification to address new plaintiffs will not be necessary.

*Second*, the Court should deny Plaintiffs' Motion because it is an untimely attempt to file a sur-reply to Defendants' reply in support of their cross-motion for summary judgment. Defendants filed their reply in support of their cross-motion for summary judgment on December 19, 2025. ECF No. 76. In their proposed supplemental brief, Plaintiffs state that they are attempting to refute an argument in Defendants' reply brief filed almost five months ago. *See* ECF No. 99-1 at 6 ("Contrary to Defendants' suggestion, ECF No. 76 at 3, there are provisional class members who entered ORR custody before April 22, 2025, who are still in ORR custody."). If Plaintiffs wished to seek leave to file a sur-reply to counter Defendants' reply, Plaintiffs should have moved for leave much earlier.

For these reasons, the Court should deny Plaintiffs' Motion.

Dated: May 13, 2026

Respectfully submitted,

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