

CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW
Carlos R. Holguín (Cal. Bar No. 90754)
crholguin@centerforhumanrights.org
Bardis Vakili (Cal. Bar No. 247783)
bardis@centerforhumanrights.org
Sarah E. Kahn (Cal. Bar No. 341901)
sarah@centerforhumanrights.org
1505 E 17th St. Ste. 117
Santa Ana, CA 92705
Telephone: (909) 274-9057

Attorneys for Plaintiffs

Additional counsel listed on following page

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

Jenny Flores, *et al.*,

Plaintiffs,

v.

Todd Blanche, Acting Attorney General
of the United States, *et al.*,

Defendants.

Case No. CV 85-4544-DMG-AGRx

**PLAINTIFFS' RESPONSE IN SUPPORT OF
APPOINTMENT OF SPECIAL MASTER &
INDEPENDENT MONITOR**

Judge: Hon. Dolly M. Gee
Status Conference Date: July 31, 2026
Time: 10 A.M.
Location: Courtroom 8C, First Street
Courthouse

1 NATIONAL CENTER FOR YOUTH LAW

2 Mishan Wroe (Cal. Bar No. 299296)

3 Diane de Gramont (Cal. Bar No. 324360)

4 428 13th Street, Floor 5

5 Oakland, CA 94612

6 Telephone: (510) 835-8098

7 Email: mwroe@youthlaw.org

8 NATIONAL CENTER FOR YOUTH LAW

9 Rebecca Wolozin (admitted *pro hac vice*)

10 2300 18th St. NW

11 P.O. Box 21156

12 Washington, DC 20009

13 Telephone: (202) 964-0406

14 Email: bwolozin@youthlaw.org

15 CHILDREN'S RIGHTS

16 Leecia Welch (Cal. Bar No. 208741)

17 2021 Fillmore Street

18 San Francisco, CA 94115

19 Telephone: (415) 602-5202

20 Email: lwelch@childrensrights.org

21 CHILDREN'S RIGHTS

22 Eleanor Roberts (admitted *pro hac vice*)

23 88 Pine Street, Suite 800

24 New York, NY 10005

25 Telephone: (212) 683-2210

26 Email: eroberts@childrensrights.org

TABLE OF CONTENTS

TABLE OF AUTHORITIES	iii
I. INTRODUCTION	1
II. ARGUMENT	2
A. The Court has authority to appoint a Special Master and Independent Monitor.	2
B. Defendants have had over a year to comply with the FSA.	3
C. There is ample evidence supporting appointment of a monitor to oversee conditions in the RGV, San Diego, and El Paso Border Patrol Sectors and in Ports of Entry in those regions.	6
D. There is ample evidence to support appointment of a monitor to oversee time in custody, access to medical care, and provision of notice of <i>Flores</i> rights in Dilley ICE Detention.....	8
<i>i. Time in Custody</i>	8
<i>ii. Inadequate Medical Care</i>	11
<i>iii. Lack of Notice of Flores Rights</i>	11
E. The Court should modify its proposed order.	13
1. <i>The Court should modify its proposed order by appointing a monitor to oversee nationwide time in CBP custody and authorizing the monitor to visit sites detaining children for over 72 hours</i>	13
2. <i>The Court should modify its proposed order so that the Independent Monitor has authority to verify and validate data DHS is required to provide Flores class counsel</i>	16
3. <i>The Court should modify its proposed order to appoint the independent monitor to monitor Defendants’ use of unlicensed hotels</i> ..	17

1 F. Defendants’ Motion to Terminate has not stayed the proceedings in the
2 district court and detained child plaintiffs cannot and should not pay for a
3 monitor to protect their rights under the Settlement. 19
4 III.CONCLUSION..... 20

TABLE OF AUTHORITIES

Cases

<i>A & M Recs., Inc. v. Napster, Inc.</i> ,	
284 F.3d 1091 (9th Cir. 2002)	19
<i>Brown v. Plata</i> ,	
563 U.S. 493 (2011)	3, 5
<i>Flores v. Sessions</i> ,	
No. CV854544DMGAGRX, 2018 WL 6133665 (C.D. Cal. Nov. 5, 2018).....	2, 3, 5, 12
<i>Hook v. Arizona</i> ,	
120 F.3d 921 (9th Cir. 1997)	2, 3
<i>Lancaster v. Tilton</i> ,	
No. C 79-01630 WHA, 2008 WL 449844 (N.D. Cal. Feb. 15, 2008)	8
<i>Nat’l Org. For the Reform of Marijuana L. v. Mullen</i> ,	
828 F.2d 536 (9th Cir. 1987)	2, 3, 6, 8
<i>Nat’l. Res. Def. Council, Inc. v. Sw. Marine Inc.</i> ,	
242 F.3d 1163 (9th Cir. 2001)	19
<i>Spain v. Procunier</i> ,	
600 F.2d 189 (9th Cir.1979)	8
<i>United States v. Suquamish Indian Tribe</i> ,	
901 F.2d 772 (9th Cir. 1990)	2, 3
<i>Zadvydas v. Davis</i> ,	
U.S. 678, (2001)	10

Statutes

28 U.S.C. § 1651(a)	2
8 C.F.R. 212.5(b)(3).....	10
8 U.S.C. § 1232(b)(3).....	10
All Writs Act.....	1, 2, 3

Fed. R. Civ. P. 53	2, 3
Fed. R. Civ. P. 53(a)(1)(B)	3
Fed. R. Civ. P. 53(a)(1)(C)	3

Other Authorities

US Border Patrol Instagram Post, March 19, 2026, available at https://www.instagram.com/p/DWFaJPIEdg- /?utm_source=ig_web_button_share_sheet	14
William L. Painter, Cong. Rsch. Serv., R48704, Understanding the FY2026 DHS Budget Request (Sept. 5, 2025), https://www.congress.gov/crs-product/R48704	19

1 **I. INTRODUCTION**

2 In the last year, this Court has issued an order granting, in part, a motion to enforce
3 based on noncompliance with the *Flores* Settlement Agreement (“FSA”), Defendants
4 have filed four supplemental reports regarding CBP and ICE custody of class members,
5 each of which concede violations of the Settlement, and the Court has warned against
6 “[c]ontinued noncompliance” and issued an order to show cause why the Court should
7 not appoint an independent monitor. Order re March 30, 2026 Status Conference, April 3,
8 2026 at 3 [Dkt. 1755] (“March 30 Order”). Yet Defendants open their Response with a
9 spectacular statement: “The legal standards for appointing an independent monitor and
10 special master have not been met because the parties’ current disputes could be addressed
11 through ordinary motion practice and the Court has not made recent findings of
12 substantial noncompliance to be remedied.” Defendants’ Response to Order to Show
13 Cause, July 6, 2026 [Dkt. 1803] at 1 (“Dft. Resp.”).

14 In the face of continued noncompliance with the FSA and multiple prior orders,
15 which Plaintiffs have elucidated in their responses to Juvenile Coordinator reports, the
16 Court clearly has authority under the All Writs Act and the Federal Rules to appoint a
17 monitor to ensure compliance with its orders and the FSA. The complexity of the case,
18 Defendants’ ongoing noncompliance, and the parties’ disputes of fact warrant appointing
19 a monitor. In opposing appointment of a monitor, Defendants misconstrue the standard,
20 which does not require another motion or finding of violation. Even under Defendants’
21 invented standard, appointment is still appropriate because Plaintiffs *have* filed a motion
22 and the Court *has* found violations of the FSA. Nothing in Defendants’ opposition
23 changes the overwhelming support and authority the Court has to appoint an independent
24 monitor as described in its Order to Show Cause.

25 Additionally, for the reasons described below, the Court should extend the
26 monitor’s jurisdiction to include monitoring Defendants’ continued noncompliance with
27 the Court’s orders regarding hotel detention. Finally, the Court should authorize the
28 monitor to review and validate nationwide Department of Homeland Security (“DHS”)

1 time in custody (“TIC”) data and to visit any facility where Defendants’ data reveals TIC
2 violations.

3 II. ARGUMENT

4 A. The Court has authority to appoint a Special Master and 5 Independent Monitor.

6 The Court has clear authority to appoint a Special Master to monitor Defendants’
7 compliance with the FSA under the All Writs Act and Federal Rule 53. The applicable
8 standard is flexible and deferential, particularly when the court has long been charged
9 with supervision. *See United States v. Suquamish Indian Tribe*, 901 F.2d 772 (9th Cir.
10 1990). Appointment of a monitor is necessary because, as was true in 2018, “this case . . .
11 is particularly complex, Defendants have previously failed to comply with this Court’s
12 Orders, and there are ongoing disputes regarding the implementation of those orders.”
13 *Flores v. Sessions*, No. CV854544DMGAGRX, 2018 WL 6133665, at *2 (C.D. Cal.
14 Nov. 5, 2018).

15 The Court has inherent authority to monitor compliance with its orders under the
16 All Writs Act. 28 U.S.C. § 1651(a) (authorizing all orders “necessary or appropriate in
17 aid of their respective jurisdictions and agreeable to the usages and principles of law.”).
18 “The appointment of a master to monitor compliance with” this Court’s Orders and the
19 FSA “validly applies the All Writs Act.” *Nat’l Org. For the Reform of Marijuana L. v.*
20 *Mullen*, 828 F.2d 536, 544 (9th Cir. 1987) (“*NORML*”).¹ This Court has found ample
21 “reason to doubt that [Defendants are] complying with [its prior orders]” based on dozens
22 of class members’ declarations and Defendants’ own reports, “and the Court ha[s] no
23

24
25 ¹ The Ninth Circuit held, as it has consistently, that “[o]rders of reference to a master are
26 generally interlocutory and not appealable” because appointment of a monitor is “not on
27 its face a modification of” an order. *NORML* at 540 (reviewing pursuant to mandamus);
28 *Hook v. Arizona*, 120 F.3d 921, 925 (9th Cir. 1997) (“an appointment of a special master
is generally an interlocutory order and not appealable” unless it is “inextricably bound up
with the appealable order”) (cleaned up).

1 other way to ensure that its order [i]s not being frustrated.” *Id.* Thus, the Court may
2 ensure compliance with its orders by appointing a monitor under the All Writs Act.

3 The Federal Rules provide separate authority for this Court to appoint a monitor,
4 because “some exceptional condition” exists and there are “posttrial matters that cannot
5 be effectively and timely addressed by an available district judge or magistrate judge of
6 the district.” Fed. R. Civ. P. 53(a)(1)(B) – (C). First, “[m]asters may [] be appointed
7 because of the complexity of litigation and problems associated with compliance with the
8 district court order.” *Suquamish*, 901 F.2d at 775. Cases requiring oversight of conditions
9 in prisons are marked by such complexity. *Brown v. Plata*, 563 U.S. 493, 511 (2011).
10 Second, Defendants’ “history of noncompliance with the consent decree” and the district
11 court’s “lack[] [of sufficient] resources to constantly monitor compliance with the
12 decree” warrant appointment of a monitor. *Hook*, 120 F.3d at 926.

13 Additionally, although Defendants continue to violate the Settlement, the Court
14 need not find a violation to appoint a special master; the “prospect of noncompliance” is
15 enough. *NORML* at 542. Federal Rule of Civil Procedure 53 and the All Writs Act
16 empower the Court to appoint “a special master to *monitor* compliance with a court’s
17 orders, and not to *coerce* that compliance or *punish* a defendant for non-compliance.”
18 Order re Defendants’ Motion for Partial Reconsideration of Order Appointing Special
19 Master/Independent Monitor [498], Nov. 5, 2018 at 2 [Dkt. 518] (“Order re Recons. of
20 Mon.”). The applicable standard for appointing a monitor is finding “exceptional
21 conditions,” which is easily met by Defendants’ admitted noncompliance combined with
22 the Courts’ extensive findings, evidence provided by Plaintiffs, and the complexity of the
23 case. *Id.*; see also *NORML* at 542; *Flores v. Sessions*, 2018 WL 6133665, at 2.

24 **B. Defendants have had over a year to comply with the FSA.**

25 Defendants have had ample notice that continued noncompliance with the Court’s
26 numerous orders regarding CBP and ICE custody of class members may result in
27 appointment of a monitor.
28

1 Defendants complain that, rather than the Court appointing a special master,
2 “Plaintiffs could file a motion alleging noncompliance with the FSA and seeking
3 remedies. Defendants could respond. Then the Court could make its ruling.” Dft. Resp. at
4 4. Although not required for the Court to put Defendants on notice of the prospect of
5 appointing a monitor, that is exactly what happened here.

6 In June 2025, Plaintiffs filed a motion to enforce that requested “appointment of an
7 Independent Monitor.” Plfs.’ Mot. to Enforce at 18 [Dkt. 1575]. On August 15, 2025, the
8 Court found several violations but denied Plaintiffs’ request for re-appointment of a
9 monitor, without prejudice, and instead granted Defendants the opportunity to provide the
10 Court with “the benefit of [their] explanations as to” the reasons for prolonged detention
11 and to show that “the average TIC” would continue “going down.” August 15, 2025
12 Order at 7 [Dkt. 1638]. The Parties have since filed numerous reports and responses with
13 the Court and attended numerous status conferences to address ongoing disputes
14 regarding violations of the FSA.² The Parties have also engaged in court-mandated
15 mediation to attempt to resolve disputes regarding compliance. *See* Joint Status Reports
16 [Dkts. 1728, 1731, 1733, 1752, 1762, 1792]. Finally, the Court warned against
17

18 ² *See, e.g.*, June 2025 Annual Juv. C. Reps., [Dkts. 1599-1, 1599-2]; Plfs.’ Resp. to June
19 2025 Annual JC Reports [Dkt. 1601]; Sept. 8, 2025 CBP and ICE Juvenile Coordinator
20 Suppl. Reports [Dkts. 1648-1, 4]; Plaintiffs’ Response to Supplemental Juvenile
21 Coordinator Reports and Data, September 15, 2025 [Dkt. 1656]; December 1, 2025 CBP
22 and ICE Juvenile Coordinator Suppl. Reports [Dkts. 1692-1, 4]; Plaintiffs’ Response to
23 December 1, 2025 Supplemental Juvenile Coordinator CBP and ICE Reports and Data
24 [Dkts. 1706, 1707]; March 13, 2026 CBP and ICE Juvenile Coordinator Suppl. Reports
25 [Dkts. 1735-1, 1736-1]; Plaintiffs’ Responses to CBP and ICE Juvenile Coordinator
26 Suppl. Reports, March 20, 2026 [Dkts. 1747, 1748]; May 4, 2026 CBP and ICE Juvenile
27 Coordinator Suppl. Reports [Dkts. 1767-1, 1768-1]; Plaintiffs’ Responses to CBP and ICE
28 Juvenile Coordinator Suppl. Reports, May 18, 2026 [Dkts. 1779, 1780]; July 1, 2026
CBP and ICE Juvenile Coordinator Annual Reports [Dkts. 1801-1, 1802-1]; Plaintiffs’
Response to ICE Juvenile Coordinator Annual Report [Dkt. 1811]; *see also* Status Conf.
Min., [Dkts. 1590] (June 24, 2025), [Dkt. 1613] (July 25, 2025), [Dkt. 1671] (September
22, 2025), Dkt. 1713] (Dec. 15, 2025), [Dkt. 1754] (March 30, 2026), [Dkt. 1789] (June
1, 2026).

1 “[c]ontinued non-compliance,” and subsequently issued an order to show cause why the
2 Court should not appoint an independent monitor, allowing Defendants the opportunity to
3 oppose appointment. March 30 Order at 3; Order to Show Cause Why an Independent
4 Monitor and Special Master Should Not be Appointed to Oversee CBP Facilities in the
5 RGV, El Paso, and San Diego Sectors, and ICE’s Dilley Immigration Processing Center,
6 June 15, 2026 [Dkt. 1794] (“June 15, 2026 OSC”).

7 This is not the first time the Court has given Defendants an opportunity to come
8 into compliance and Defendants have failed to take advantage of the Court’s patience.
9 *Flores v. Sessions*, 2018 WL 6133665, at *3 (“Moreover, Defendants have apparently
10 forgotten that” the Court first directed Defendants to appoint an internal Juvenile
11 Coordinator and “[i]t was only over a year later, and after numerous continued disputes
12 between the parties about the actual conditions arose, that the Court decided to appoint an
13 independent monitor to assist it in overseeing enforcement of the consent decree.”). Once
14 again, this Court has provided Defendants a year of time to come into compliance and
15 report their progress to the Court, and they have failed to do so. *Plata*, 563 U.S. at 516
16 (“Having engaged in remedial efforts for 5 years in Plata and 12 in Coleman, the District
17 Courts were not required to wait to see whether their more recent efforts would yield
18 equal disappointment.”).

19 Defendants’ claim that “the Court has not made any findings of noncompliance as
20 to ICE in almost six years” strains credulity. Dft. Resp at 6. ICE reopened family
21 detention just over a year ago, and for the majority of that year, the parties have been
22 engaged in regular reporting and status conferences with the Court to address issues of
23 noncompliance. For many months, the parties have been in Court-ordered mediation to
24 attempt to resolve alleged noncompliance described in those reports, responses, and
25 status conferences. Defendants’ suggestion that the absence of a recent order finding
26 violations somehow implies compliance or indicates a lack of notice to Defendants is
27 fantastical, at best. Nor is such an order required for appointment of a special master, as
28 explained above. Part II.A., *supra*; *NORML* at 543.

1 The Court gave Defendants a year to come into compliance with the FSA and its
2 prior orders. Defendants failed. Appointment of a monitor is now appropriate.

3 **C. There is ample evidence supporting appointment of a monitor to**
4 **oversee conditions in the RGV, San Diego, and El Paso Border Patrol**
5 **Sectors and in Ports of Entry in those regions.**

6 With this Response, Plaintiffs concurrently filed a Response to the CBP Juvenile
7 Coordinator's Report detailing Defendants' continued noncompliance with the FSA and
8 incorporate that filing rather than repeat it here. However, a few things bear highlighting.

9 First, Defendants are incorrect that there is "no [recent] evidentiary basis" for
10 appointing a monitor to oversee the RGV and El Paso Sectors. Dft. Resp. at 9.
11 Defendants themselves submitted evidence of continued noncompliance. For example,
12 "[d]uring an inspection in El Paso in March 2026, the Juvenile Coordinator's team
13 observed that bite-sized toddler meals were not available." Dft. Resp. at 8 (quoting
14 Supplemental Report of CBP Juvenile Coordinator, May 4, 2026 at 12 [Dkt. 1767-1]).
15 "[T]he RGV CPC does not [have an outdoor space] due to operational limitations of the
16 site." CBP Annual Report at 22. In El Paso and RGV, Defendants are again holding
17 children in "retrofitted" border stations with structural deficiencies that increase
18 children's vulnerability and isolation. *See* CBP Annual Report at 8. Based on Defendants'
19 own data, in May *alone*, 30 children were detained in El Paso (EPT) for over 72 hours
20 and 50 children were detained in RGV over 72 hours. Chhabra Decl. Exh. A at 2-3 [Dkt.
21 1811-3]. The data undermines Defendants' proclaimed self-monitoring success story.

22 Second, Defendants allege that "Plaintiffs' handful of declarations alleging issues
23 is not sufficient for the Court to make findings of facts by clear and convincing
24 evidence." Dft. Resp at 7 (internal citation omitted). First, as described above, the
25 applicable standard is evidence sufficient to raise the "prospect of noncompliance." Part
26 II.A., *supra*. The evidence put forward by Plaintiffs *and* Defendants unquestionably
27 meets that standard. Second, Plaintiffs' declarations are representative of the broader
28 problem. Due to the relatively low numbers of children detained across the over 450

1 Border Patrol Stations and Ports of Entry, Plaintiffs generally meet one or two families at
2 any given visit. However, the number of declarations does not undermine their veracity,
3 because across reports from those families who are present during site visits, conditions
4 are consistently inhumane.

5 Third, Defendants state that Plaintiffs' evidence of violations in the San Diego
6 Sector are "most[ly]" from September 2025, and that since September, the "CBP Juvenile
7 Coordinator worked with the Sector through multiple site visits, and the Sector took
8 corrective action in response to the concerns identified." Dft. Resp at 9. "The noted
9 deficiencies in San Diego," Defendants claim, "were unremarkable deviations that are to
10 be expected in any large organization undertaking a difficult task." *Id.* But a declaration
11 from December 2025, Decl. of J.E.R.V. [Dkt. 1707-2], and a declaration dated March 19,
12 2026, from a mother detained with her children at Chula Vista prove otherwise.
13 Declaration of V.O., March 19, 2026 [Dkt. 1747-1]. In that mother's declaration, she
14 described going days without a shower, trying desperately to keep her children warm
15 with clothes they arrived in and washed and hung to dry in the shower, freezing
16 temperatures, and being denied any access to a telephone. *Id.* These are hardly
17 "unremarkable deviations," and it is unacceptable that Defendants think such treatment is
18 "to be expected."

19 Further, DHS has shown it is not currently capable of adequate self-monitoring
20 because its position on what constitutes compliance with the FSA is inconsistent with the
21 Settlement's terms. For example, in monitoring time in custody, the CBP JC proposes
22 that routine processes such as "the need to procure travel documents," and "number of
23 and cadence of repatriation flights" are reasonable justifications to detain children for up
24 to a month. 2026 CBP Juvenile Coordinator Annual Report, July 1, 2026 at 7 [Dkt. 1801-
25 1]. The CBP JC most recently asserted that access to the outdoors, a constitutional
26
27
28

1 minimum for adults on death row, is “above and beyond” the requirements of the FSA.
2 *Id.* at 21.³ Plaintiffs find CBP’s internal position on what constitutes compliance wanting.

3 Because a monitor is neither punitive nor coercive, appointment does not
4 “require[e] a final determination of [a] violation before an ‘exceptional condition’
5 justifying reference to a master can arise under Rule 53(b).” *NORML* at 543. Nonetheless,
6 Plaintiffs’ filings and “the CBP Juvenile Coordinator’s most recent May 4, 2026
7 Supplemental Report, itself, identifies areas of noncompliance that suggest a backsliding
8 of previous progress made [to conditions and safety in custody] under the JCM.” June 15,
9 2026 OSC Order at 4. This ongoing noncompliance and the parties’ disputes of fact
10 necessitate appointment of monitor.

11 **D. There is ample evidence to support appointment of a monitor to**
12 **oversee time in custody, access to medical care, and provision of**
13 **notice of *Flores* rights in Dilley ICE Detention.**

14 Parties dispute whether conditions at Dilley violate the FSA. Over the course of the
15 last year, Plaintiffs have filed over 100 declarations from class members describing
16 prison-like conditions in Dilley. The difference between the pictures the parties paint is
17 stark. But it is beyond dispute that Plaintiffs have presented the Court with ample
18 evidence to show actual violations, and Defendants do not contest that they routinely
19 imprison children at Dilley for more than 20 days and intend to continue that practice.

20 *i. Time in Custody*

21 By entering the FSA, the Government agreed that it “shall release a minor from its
22 custody without unnecessary delay” if “detention of the minor is not required either to
23 secure his or her timely appearance” in immigration proceedings or “to ensure the
24

25 ³ See, e.g., *Spain v. Procunier*, 600 F.2d 189, 199 (9th Cir.1979) (Kennedy, J.) (“There is
26 substantial agreement among the cases in this area that some form of regular outdoor
27 exercise is extremely important to the psychological and physical well being of the
28 [incarcerated adults].”); *Lancaster v. Tilton*, No. C 79-01630 WHA, 2008 WL 449844, at
*12 (N.D. Cal. Feb. 15, 2008) (person on death row entitled to outdoor exercise).

1 minor's safety or that of others." FSA ¶ 14. ICE is also required to "make and record the
2 prompt and continuous efforts on its part toward family reunification and the release of
3 the minor." *Id.* ¶ 18. "Unless and until ICE makes individualized determinations
4 regarding Class Members' flight risk and danger to self or others, records those
5 determinations, and also takes the necessary steps that allow it to ascertain whether the
6 sole reason for a Class Member's continued detention is the lack of parental consent to
7 separate release, ICE remains in breach of both Paragraphs 14 and 18." Order re
8 Plaintiffs' Motion to Enforce [919] and August 2020 ICE Juvenile Coordinator Interim
9 Report [943], Sept. 18, 2020 at 4 [Dkt. 987] ("Release Order").

10 The ICE Juvenile Coordinator states that "[e]ach case involving a minor is
11 individually reviewed to determine the appropriate timing for release in accordance with
12 applicable laws and the Flores Settlement Agreement." Declaration of Dawnisha Helland,
13 July 6, 2026 ¶ 5 [Dkt. 1803-2] ("Helland Decl."). The numbers and provided
14 justifications tell a different story. Though time in custody recently lowered somewhat, "a
15 significant number [of children were] detained well above the 20-day period which the
16 Government previously requested for periods of influx . . . 426 minors [] for over 20 days
17 in February 2026, and 141 minors [] for over 20 days in March 2026." June 15, 2025
18 OSC at 5, fn. 6. As this Court notes, "too many class members still spend prolonged
19 periods of time at Dilley." June 15, 2026 OSC at 6.

20 ICE's prior JC reports indicate that nearly 1,560 children were detained at
21 Dilley for over 20 days during a six-month period alone. *See* May ICE JC Rep. at
22 3 [Doc. 1768-1]; Ex. A, Feb. and Mar. 2026 ICE Fam. Residential Ctr. 20-day Rep.
23 [Doc. 1768-2]. In Defendants' May ICE JC Report, Defendants reported detaining 567
24 children for more than 20 days in February and March 2026 alone, with 171 of those
25 children facing detention between 51 and 90 days, and 80 children imprisoned at Dilley
26 for over 90 days. *See* May ICE JC Rep. at 3 [Doc. 1768-1]; Ex. A, Feb. and Mar. 2026
27 ICE Fam. Residential Ctr. 20-day Rep. [Doc. 1768-2]; Plaintiffs' Response to ICE JC
28 Annual Report at 3 [1811] ("Pltf. Resp. to ICE Rep.").

1 ICE provides criteria for an individualized assessment that constitute, on their face,
2 clear violations of the Settlement. Helland Decl. ¶ 6 (listing flight risk, likelihood of
3 removal in the foreseeable future, and compliance with the law). These criteria stem from
4 the Constitutional minimum protections from prolonged detention for adults who do not
5 warrant favorable discretion, not from the FSA or this Court’s prior orders. *Zadvydas v.*
6 *Davis*, 533 U.S. 678, 701, (2001) (continued detention violates the Fifth Amendment
7 where there is no “significant likelihood of removal in the reasonably foreseeable
8 future.”). For children who are *Flores* class members, both the FSA and the law require
9 an individualized specific finding that a child is a flight risk or danger, or that a parent
10 affirmatively waived their child’s right to release in order to avoid separation for ICE to
11 justify ongoing child detention. Release Order at 4.

12 By entering into the FSA, the Executive Branch recognized, and Congress has
13 since re-affirmed, that for a minor, there is a presumption that release is for urgent
14 humanitarian reasons and a significant benefit to the public. *See, e.g.*, 8 C.F.R.
15 212.5(b)(3) (establishing that parole of noncitizens in expedited removal “would
16 generally be justified” on a “case-by-case” basis, and that “[m]inors may be released with
17 an accompanying parent or legal guardian who is in detention”); 8 U.S.C. § 1232(b)(3)
18 (DHS “shall transfer the custody of [any] child to [HHS] not later than 72 hours after
19 determining that such child is an unaccompanied [] child.”). This “Court has previously
20 relaxed the three-day transfer requirement” *only when* “Defendants acted in good faith
21 and in the exercise of due diligence to expeditiously transfer minors to licensed
22 programs.” Dkt. 976 at 12 (internal citation omitted).

23 Defendants’ claim that they “individually review[]” cases “in accordance with . . .
24 the Flores Settlement Agreement” conflicts with the reality that “too many class members
25 still spend prolonged periods of time at Dilley.” Helland Decl. ¶ 5; June 15, 2026 OSC at
26 6.

1 ii. *Inadequate Medical Care*

2 Prolonged detention of children in unlicensed facilities has real and dangerous
3 consequences. While Defendants report to the Court that Dilley’s medical care complies
4 with the FSA, the nonprofit RAICES reports that it has received 1,480 reports of medical
5 neglect and mistreatment from families at Dilley. Declaration of Rudolfo Altillo, July 9,
6 2026, ¶ 16 [Dkt. 1811-5]. Defendants assert that “[t]he collective record reflects
7 operational stability, corrective responsiveness, and sustained adherence to the 2020 FRS
8 and applicable FSA requirements.” Helland Decl. ¶ 12. But of the 69 separate medical
9 grievances noted in the “Medical Grievance Log,” none were found “in favor of the
10 resident.” ICE JC Annual Rep. at 39-43.

11 As with conditions in CBP, Plaintiffs outlined dangerously inadequate medical
12 care practices and protocols in their response to the ICE JC’s most recent annual report.
13 Plaintiffs refer the Court to that filing for a review of a year’s worth of evidence from
14 both Plaintiffs and Defendants showing the precarious state of provision of health care to
15 children at Dilley and the deep need for a medical monitor to bring the facility’s practices
16 and protocols into compliance with the FSA. Declaration of Leecia Welch, July 15, 2026
17 ¶¶ 12-16 [Dkt. 1811-2].

18 iii. *Lack of Notice of Flores Rights*

19 Families uniformly report that Defendants do not apprise them of their full rights
20 under the FSA at all – in fact, over dozens of interviews and twelve visits, Plaintiffs’
21 counsel have not spoken with any families who recall learning about their child’s rights
22 under the Settlement. Pltf. Resp. to ICE Rep. at 14; Decl. of Leecia Welch, ¶ 9 [Dkt.
23 1779-2]. Defendants have remained woefully out of compliance with their obligation to
24 provide children with a notice of their *Flores* rights in ICE detention.

25 As for specific notice of a child’s right to release, “Plaintiffs provided Defendants
26 a proposed written notice of Flores rights on April 15, 2026” with no response. Joint
27 Status Report Pursuant to the Court’s Order of June 1, 2026 at 1 [Dkt. 1789], June 5,
28 2026 [Dkt. 1792]. Defendants incorrectly claim they are absolved of informing children

1 of their right to release because “[t]he Court never issued a final injunctive order
2 requiring ICE to implement a notice of a release right according to a particular protocol.”
3 Dft. Resp. at 12. But the Court has issued multiple final orders requiring that Defendants
4 disseminate a notice of rights in a manner that protects children and families and prevents
5 involuntary separations. The fact that the Court did not create this process for Defendants
6 does not lessen Defendants’ obligation to do so.

7 “Paragraph 12.A must be read to provide a broader notice of rights than provided
8 for elsewhere in the FSA, and at minimum should include a notice of rights pertaining to
9 custody and release such that Class Members may act upon them.” Release Order at 6.
10 “Accordingly, in order to comply with the FSA and the Court’s prior Order, ICE should
11 already have in place procedures for evaluating the suitability of non-parent custodians
12 for accompanied minors and releasing the minors to those custodians, provided there is
13 parental consent and ICE will not exercise its discretion to release the parent.” *Id.* at 5. As
14 long as “ICE has not provided such a notice to Class Members, ICE is not compliant with
15 Paragraph 12.A.” *Id.* at 6. ICE has not provided notice of even basic *Flores* rights to
16 children and their families and refuses to notify them or design a manner in which to
17 honor their exercise of their release-related rights.

18 Appointment of a monitor is therefore warranted. That monitor should further be
19 authorized to review, verify, and report data about all class members detained in DHS
20 custody for over 20 days and the individualized reasons for each of their prolonged
21 detentions. “If Defendants are in full compliance with prior Orders as they say they are,
22 then they should have nothing to fear from oversight by an independent monitor.” *Flores*
23 *v. Sessions*, 2018 WL 6133665 at *2.

24 ///

25 ///

26 ///

27 ///

E. The Court should modify its proposed order.

1. The Court should modify its proposed order by appointing a monitor to oversee nationwide time in CBP custody and authorizing the monitor to visit sites detaining children for over 72 hours.

This Court's proposed Order Appointing a Special Master and Independent Monitor is warranted by Defendants' noncompliance and is necessary to protect class members from violations of the FSA. Plaintiffs respectfully request the Court modify its proposed Order to include monitoring of TIC violations nationwide and to authorize the monitor to visit any facility that Defendants' data reveals to be detaining children for over 72 hours in violation of the FSA.

As this Court noted, "Plaintiffs point to an alarming number of minors subject to prolonged detention in CBP facilities and backsliding conditions of confinement," and appointment of a special master is necessary to monitor compliance with this Court's Orders. June 15, 2026 OSC at 3.⁴ Defendants' own data reveals that "the average TIC for minors in CBP custody for over 72 hours has increased since August 2025." *Id.* (citing jump from 58 children in January 2026 to 155 minors held in CBP custody for over 72 hours in March 2026); *see also, e.g.,* Chhabra Decl. Exh. A at 2-4 (Defendants' data shows continuing upward trend with 144 children held in CBP custody over 72 hours in

⁴ Plaintiffs respectfully request that the Court clarify, in its Order Appointing a Special Master and Independent Monitor, the meaning of "San Diego Sector." CBP Border Patrol has a San Diego Sector, but Otay Mesa POE and San Ysidro POE are not technically part of that Sector, because ports of entry are part of CBP's Office of Field Operations ("OFO"), a different CBP component than Border Patrol. Plaintiffs filed declarations from class members in Otay Mesa POE, and this Court found that "Plaintiffs have satisfied their burden of establishing Defendants' substantial non-compliance with the Agreement in the RGV (Ursula), El Paso, and San Diego (San Diego SSF, Chula Vista, Otay Mesa POE) sectors." August 15, 2025 Order at 11. Plaintiffs respectfully request that the Court clarify that the monitor is appointed to monitor, at minimum, the San Diego Border Patrol Sector and the San Diego Field Office of OFO (which includes Otay Mesa POE), RGV Border Patrol Sector, El Paso Border Patrol Sector, and Dilley ICE Detention.

1 April and 164 children in May 2026). Defendants’ explanations for prolonged TIC –
2 routine circumstances such as “awaiting transportation, travel documents, or for other
3 agencies, such as ICE, to take custody” – make clear that Defendants intend to continue
4 detaining children for prolonged periods. June 15, 2026 OSC at 3.

5 Defendants’ claim that “[n]o amount of independent monitoring would create
6 available bedspace at ICE facilities, schedule a repatriation flight that does not exist,
7 expedite travel documents, or address medical issues for a class member or their family
8 members” is disingenuous. Dft. Resp at 11. Dilley is a “2,400-bed ICE-dedicated
9 residential facility.” March 13, 2026 ICE JC Supp. Report 2 [Dkt. 1736-1]. The monthly
10 average daily population of children (“ADP”) ranged from 77.4 minors to 477.9 minors
11 throughout the entire reporting year. June 2025 ICE Annual JC Report 3 [Dkt. 1802-1].
12 There has been ample bed space in non-CBP DHS custody throughout the reporting year.
13 Further, they have shown that it is operationally feasible to expeditiously process children
14 even when the number of children being apprehended is far higher. In December 2023,
15 CBP encountered 123,501 families and detained them, on average, for 53.84 hours. July
16 1, 2024 CBP Juvenile Coordinator Report at 4-5 [Dkt. 1449-2]. But in May 2026, CBP
17 encountered just 328 families and detained them, *on average*, for 105.71 hours. CBP
18 Annual Report 5-7.

19 The Settlement requires DHS to “place each detained minor in the least restrictive
20 setting appropriate” and “expeditiously process the minor.” FSA ¶¶ 11, 12A. Defendants’
21 argument that “there is no provision of the FSA that governs when and whether DHS
22 must transfer class members between unlicensed facilities or between CBP and ICE
23 custody” is misleading at best. Dft. Resp. at 11. Moreover, the Court has already
24 foreclosed this argument: “[b]ecause CBP facilities are intended only for short-term use,
25 CBP shall hold minors in its custody only for the amount of time DHS reasonably
26 requires to process the minor for release.” August 15, 2025 Order at 14 [Dkt. 1638].
27 Although Dilley is also non-compliant with the FSA, it is unquestionably less restrictive
28 than CBP facilities. More important, although Dilley lacks FSA compliant release

1 policies, it does not have the same blanket no-release policy that CBP promotes.⁵ If
2 Defendants refuse to timely release children from custody, CBP must promptly transfer
3 them and their families to less restrictive alternative settings. Defendants are bound by
4 this Court's orders and not their own misinterpretation of the Settlement.

5 Moreover, Defendants' own data shows noncompliance with the time in custody
6 requirements of the FSA in 15 of 20 Border Patrol sectors. Chhabra Decl. Exh. A. In
7 addition to RGV, El Paso, and San Diego Sectors, between February 2026 and May 2026,
8 consistent significant non-compliant TIC times appear in Del Rio Sector (51 children
9 held over 72 hours); Laredo Sector (101 children held over 72 hours); and Tucson Sector
10 (47 children held over 72 hours). *Id.* It is not feasible for Plaintiffs to build a clear record
11 of conditions in *all* CBP facilities because there are 459 border stations and ports of
12 entry. Decl. of Luis Mejia, ¶ 2 [Dkt. 1606-2], Decl. of A. Modlin, ¶ 5 [Dkt. 1567-2]. But,
13 as the Court has found, prolonged detention in CBP custody is widespread and inherently
14 inappropriate. *See* Chhabra Decl. Exh. A 2-4; Order re Plaintiffs' Motion to Enforce
15 [1575], August 15, 2025 Order at 13 [Dkt. 1638] ("CBP facilities, by design, are not
16 suitable for minors for long periods of time."). Class members in all sectors should
17 benefit from independent oversight over time in custody.

18 Under the Draft Order, "[i]f the IM and/or SM identifies any concerns or issues
19 related to a suspected failure to substantially comply with the FSA or CBP Settlement
20 beyond the areas of monitoring detailed herein, they may notify the Juvenile
21 Coordinators and Parties. The Juvenile Coordinators will review the concerns with the
22 IM and SM. The IM and SM may include any such concerns or issues in their quarterly
23 reports to the Court." June 15, 2026 OSC at 11. The Order appointing the monitor should
24

25 ⁵ US Border Patrol Instagram Post, March 19, 2026, available at
26 https://www.instagram.com/p/DWFaJPIEdg-/?utm_source=ig_web_button_share_sheet
27 ("Another major milestone: The U.S. Border Patrol has reached 10 consecutive months
28 of zero releases into the United States. We have seen the consequences of releasing those
who refuse to enter lawfully. That era is over! Our borders are CLOSED to lawbreakers
and drug cartels.").

1 also make clear that when the IM learns of such violations, they are empowered to
2 request information about and conduct site visits at facilities where there is evidence of
3 violations.

4 The Court should appoint a monitor to oversee and validate nationwide time in
5 custody data and the monitor should be empowered to visit and request information from
6 CBP facilities that are detaining children for more than 72 hours without individualized,
7 documented, and lawful justification.

8 *2. The Court should modify its proposed order so that the Independent*
9 *Monitor has authority to verify and validate data DHS is required to*
10 *provide Flores class counsel.*

11 Verification of data is also appropriate due to Defendants' ongoing provision of
12 inaccurate data. The Court's proposed order appointing an independent monitor
13 appropriately provides that "[t]he IM and SM shall validate data pertaining to time in
14 custody and monitor CBP and ICE's systems for tracking and calculating time in
15 custody." June 15, 2026 OSC at 9. To avoid any ambiguity, the Court should clarify that
16 this authority is not limited to specific sectors or facility types and includes time in
17 custody data for *Flores* class members regardless of where they are detained.

18 As Plaintiffs have repeatedly shown over the past two years, the monthly census
19 data produced by CBP and ICE under Paragraph 28A and 29 of the FSA has included
20 persistent data errors. *See* Declaration of Rebecca Woloizin ¶¶ 9, 13-15, May 1, 2026
21 [Dkt. 1764-3] (ICE data errors related to Dilley and hotel stays); Declaration of Mishan
22 Wroe ¶¶ 4-5, 8-9, July 29, 2025 [Dkt. 1619-1] (children at Dilley omitted from ICE data);
23 Declaration of Diane de Gramont ¶¶ 5, 10-19 June 17, 2025 [Dkt. 1575-4] (errors in CBP
24 and ICE data). The data Defendants have filed with the Court also erroneously omitted
25 some class members. *See* Defendants' Notice of Filing Corrected Exhibits A and B to
26 May 4, 2026 ICE Juvenile Coordinator's Supplemental Report, May 22, 2026 [Dkt.
27 1783]; Plaintiffs' Response to Defendants' Notice of Filing Corrected Exhibits A and B,
28 May 28, 2026 [Dkt. 1787-1]. Further, the ICE JC Annual Report reflects ongoing

1 discrepancies in the data – ICE reported different average times in custody for February
2 2026 and March 2026 in its May 2026 Supplemental JC Report than it did in its annual
3 report. *See* Pltf. Resp. to ICE Rep. at 4. These data errors appear to be the result of
4 “shifting and/or erroneous data parameters used to produce the data,” June 15, 2026 OSC
5 at 3 fn.2 [Dkt. 1794] and are not limited to a particular sector or facility. Moreover, as the
6 only family detention center, children may be sent to Dilley from any CBP sectors and
7 field offices, making nationwide data validation essential to accurate data validation.

8 The independent monitor’s authority to validate that data must therefore not be
9 limited to certain sectors or facilities. This is consistent with the Court’s prior order,
10 which required that “the CBP and ICE Juvenile Coordinators shall maintain accurate
11 records and statistical information on minors held in DHS custody more than 72 hours”
12 without geographic limitation. August 15, 2025 Order at 15.

13 *3. The Court should modify its proposed order to appoint the independent*
14 *monitor to monitor Defendants’ use of unlicensed hotels.*

15 On April 3, 2026, the Court ordered that “[a]s previously ordered, Defendants shall
16 cease placing minors at hotels, with a narrow exception for brief, one to two-night stays
17 while in transit or prior to flights. Continued non-compliance will result in the re-
18 appointment of a Special Master/Independent Monitor.” March 30, 2026 Stat. Conf.
19 Order at 4, [Dkt. 1755]. The Court later denied Defendants’ motion for reconsideration
20 and reiterated that prolonged hotel detention is not permitted without a showing of
21 exigent circumstances and good cause. Order re Defendants’ Motion to Partially
22 Reconsider at 4, May 18, 2026 [Dkt. 1775]. Although the Court clarified that “[t]he
23 reference to ‘non-compliance’ did not relate *only* to the apparent prolonged detention of
24 minors in hotels,” Defendants have been on notice that continued prolonged hotel
25 detention could trigger appointment of an independent monitor. *Id.* at 4 (emphasis
26 added).

27 Despite the Court’s orders, Defendants have continued to detain children in hotels
28 for prolonged periods of time in April and May 2026. *See* Chhabra Decl. Exh. B. In May

1 2026, ICE held 27 children in hotels for over three days, including two children held in
2 various hotels for over 15 days and four additional children held in hotels for over 10
3 days. *Id.* In April 2026, ICE held 36 children in hotels for over three days, including six
4 children held for over 5 days. *Id.*

5 Defendants have not notified Plaintiffs of exigent circumstances and good cause
6 for these prolonged hotel stays as required by the Court’s September 2020 orders. *See*
7 Dkt. 976 at 17; Dkt. 990 at 5. And for reasons similar to those limiting Plaintiffs’ ability
8 to monitor conditions at hundreds of border stations including geographic breadth and
9 relatively brief lengths of stay in any one hotel, Plaintiffs’ counsel cannot interview
10 children in hotels or effectively monitor conditions of detention in hotels. *See* Plaintiffs’
11 Opposition to Defendants’ Motion to Reconsider at 14 [Dkt. 1764] (“Opp. to Motion to
12 Reconsider”). Moreover, Defendants have persistently refused to provide substantive
13 responses to Plaintiffs’ multiple requests for explanations of children’s prolonged hotel
14 detentions. Declaration of Rebecca Wolozin ¶¶ 14-15, May 1, 2026 [Dkt. 1764-3].
15 Shockingly, the Annual ICE Juvenile Coordinator Report fails to mention hotel detention
16 at all, despite the Court’s order that the Annual Report include “discussion of compliance
17 with the terms of the FSA as to any minors detained by the agencies during the reporting
18 period.” June 15, 2026 OSC at 2, [Dkt. 1794].

19 Under these circumstances, an independent monitor is necessary to provide
20 effective oversight of Defendants’ use of unlicensed hotels to detain minors. Such
21 oversight is particularly vital because children detained in hotels lack access to either
22 class counsel or their individual counsel, are denied access to the outdoors, and are not
23 treated with particular concern for their vulnerability as minors. Opp. to Motion to
24 Reconsider at 6-11 [Dkt. 1764]; *see also* Declaration of M.S.P. ¶¶ 3, 10-14, [Dkt. 1751-
25 2]; Decl. of Marcelino-Schalkwyl ¶ 16, [Dkt. 1764-4] (children’s preexisting conditions
26 untreated and exacerbated by hotel detention); *Id.* ¶¶ 4-9 (counsel could not find child
27 they represented); *Id.* ¶ 16 (children “not allowed outside the hotel room and were not
28

permitted outgoing phone calls” for two weeks). This dangerous practice violates the FSA and warrants extending the monitor’s jurisdiction to include hotels in any sector.

F. Defendants’ Motion to Terminate has not stayed the proceedings in the district court and detained child plaintiffs cannot and should not pay for a monitor to protect their rights under the Settlement.

Defendants suggest that ICE, an agency with a 74.85-billion-dollar budget, and CBP, an agency with a 64.73-billion-dollar budget,⁶ “should split [the SM and IM’s] payment equally” with Plaintiffs, children confined in DHS custody. Defendants rely on three flimsy arguments in support of this preposterous suggestion. First, they claim that the parties’ disputes could be resolved by “ordinary motion practice” without acknowledging the resources (and potential fees owed) that would be expended by Defendants in further motion practice. Dfts.’ Resp. at 17, 18. Second, they assert that consideration of the Plaintiffs’ means “does not require Plaintiffs to pay nothing,” referencing counsel rather than the Plaintiffs and citing an inapposite case relating to the cost of class member notice. *Id.* at 17. Third, Defendants puzzlingly allege that the Court “has not held that one party [the United States agencies detaining children in conditions that violate the FSA] is more at fault than the other [the detained children] for the disputes.” Dfts. Resp. at 23. For the reasons already explained, none of Defendants’ arguments have merit.

Defendants’ argument that this Court should cease to oversee the Settlement simply because Defendants have sought to terminate it is equally meritless. Dfts. Resp. at 14-15. The Court does not lose its jurisdiction over the Settlement because Defendants once again seek to terminate it or notice an appeal. *See, e.g., Nat’l. Res. Def. Council, Inc. v. Sw. Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001) (district courts retain jurisdiction over injunctions while an appeal is pending so long as doing so “[does] not materially

⁶ William L. Painter, Cong. Rsch. Serv., R48704, Understanding the FY2026 DHS Budget Request (Sept. 5, 2025), <https://www.congress.gov/crs-product/R48704>

1 alter the status of the case on appeal.”); *A & M Recs., Inc. v. Napster, Inc.*, 284 F.3d
2 1091, 1097-99 (9th Cir. 2002) (“The district court properly exercised its power under
3 Rule 62[] to continue supervision of [defendant's] compliance with the injunction . . .
4 [and] to enforce compliance with the modified preliminary injunction,” although it was
5 “issued after the parties had filed notices to appeal the modified preliminary injunction.”).

6 **III. CONCLUSION**

7 In their response, Defendants assert that some violations are “to be expected” and
8 that “deviations” from the Settlement are acceptable. Defs.’ Resp. at 9. The *average* time
9 in custody for children detained with family in CBP is still over 72 hours and many
10 children are still spending weeks in cement cells. Defendants detained at least 567
11 children for more than 20 days in ICE custody in February and March 2026 alone. Eighty
12 of these children were imprisoned for more than 90 days. Even if hundreds of children
13 can be considered “outliers,” as this Court has reminded Defendants, “[e]very outlier is a
14 child.” Tr. of Jun. 1, 2026 Status Conf. at 12:8-9 [Dkt. 1795]. Appointment of an
15 independent monitor is warranted because Defendants have consistently shown they are
16 unable or unwilling to comply with this Court’s orders.

17 For the aforementioned reasons, the Court should appoint an Independent Monitor
18 and Special Master to oversee nationwide time in CBP custody; conditions of
19 confinement in the RGV, El Paso, and San Diego Sectors of Border Patrol and the Ports
20 of Entry in those regions; time in ICE custody at Dilley; and medical care and notice of
21 rights at Dilley. The monitor should be authorized to review and validate nationwide TIC
22 data, including children detained by CBP and DHS for over 20 days, and individualized
23 reasons for their prolonged detention, and to inspect any facility or hotel where
24 Defendants’ data reveals DHS is detaining children for over 72 hours.

25
26
27 Dated: July 16, 2026

CENTER FOR HUMAN RIGHTS AND
CONSTITUTIONAL LAW

1 Carlos Holguín
2 Bardis Vakili
3 Sarah Kahn

4 NATIONAL CENTER FOR YOUTH LAW
5 Mishan Wroe
6 Diane de Gramont
7 Rebecca Woloizin

8 CHILDREN'S RIGHTS
9 Leecia Welch
10 Eleanor Roberts

11 /s/ Sarah Kahn
12 Sarah Kahn
13 *Attorney for Plaintiffs*
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Plaintiffs, certifies that this brief contains 6,996 words, which complies with the word limit of L.R. 11-6.1.

/s/ Sarah Kahn