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12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 Adrian RODRIGUEZ ALCANTARA, et. al.,

15 Plaintiff-Petitioners,

16 v.

17 GREGORY J. ARCHAMBEAULT, San
18 Diego Field Office Director, Immigration
19 and Customs Enforcement, et. al.,

20 Defendant-Respondents.

Case No. _____

**PLAINTIFF-PETITIONERS’
EMERGENCY EX PARTE
MOTION FOR SUBCLASS-
WIDE EMERGENCY
TEMPORARY
RESTRAINING ORDER,
PRELIMINARY INJUCTION
AND WRIT OF HABEAS
CORPUS**

Date: TBD
Time: TBD
Courtroom: TBD
Judge: TBD

21 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

22 Due to the urgent and imminent threat to the safety and lives of civil
23 immigration detainees held captive in the Otay Mesa Detention Center (“Otay
24 Mesa”) in the midst of an outbreak of the Coronavirus Disease 2019 (“COVID-19”),
25 Plaintiff-Petitioners hereby move this Court ex parte for an emergency temporary
26 restraining order and writ of habeas corpus to secure the immediate release of all
27 medically vulnerable detainees in the facility. Specifically, Plaintiff-Petitioners
28 respectfully request that the Court provisionally certify a class of civil immigration
detainees at Otay Mesa and a subclass of medically vulnerable detainees in Otay
Mesa and issue a classwide temporary restraining order directing Defendant-

1 Respondents to immediately refrain from maintaining in custody and release from
2 Otay Mesa all subclass members, defined as follows:

3 All civil immigration detainees incarcerated at the Otay Mesa Detention
4 Center who are age 45 or over or who have medical conditions that place
5 them at heightened risk of severe illness or death from COVID-19.

6 Subclass members' age and underlying medical conditions and the conditions
7 under which they are confined place them at heightened risk of serious illness or
8 death from contracting the Coronavirus Disease 2019 ("COVID-19"), in violation of
9 their Due Process rights under the Fifth Amendment to the Constitution.

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

16 Due to the urgency of this matter, as explained in the accompanying
17 Memorandum of Points and Authorities and the Declaration of Monika Langarica
18 attached thereto, Plaintiff-Petitioners have not yet informed Defendant-Respondents
19 of this motion. CivLR 83.3(g)(2). Immediately upon filing this motion, Plaintiff-
20 Petitioners' counsel will email copies of all case filings to Katherine Parker, Chief,
21 Civil Division of the U.S. Attorney's Office for the Southern District of California at
22 Katherine.Parker@usdoj.gov.

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

25 DATED: April 21, 2020

26 Respectfully submitted,
27 ACLU FOUNDATION OF SAN
28 DIEGO & IMPERIAL COUNTIES

s/ Monika Y. Langarica
MONIKA Y. LANGARICA

Attorneys for Plaintiff-Petitioners