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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FERNANDO GOMEZ RUIZ; FERNANDO
VIERA REYES; JOSE RUIZ CANIZALES;
YURI ALEXANDER ROQUE CAMPOS;
SOKHEAN KEO; GUSTAVO GUEVARA
ALARCON; and ALEJANDRO MENDIOLA
ESCUTIA, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; DAVID J.
VENTURELLA, Acting Director, U.S.
Immigration and Customs Enforcement;
SERGIO ALBARRAN, Acting Director of
San Francisco Field Office, Enforcement and
Removal Operations, U.S. Immigration and

Case No. 1:26-cv-02546-JLT-CDB

**DECLARATION OF TESS BORDEN IN
SUPPORT OF NOTICE OF EXTERNAL
MONITOR REPORT**

Date Filed: November 12, 2025
(transferred from Northern District of
California)

Trial Date: Not set

1 Customs Enforcement; U.S. DEPARTMENT
2 OF HOMELAND SECURITY;
3 MARKWAYNE MULLIN, Secretary, U.S.
Department of Homeland Security,

Defendants.

1 I, Tess Borden, declare as follows:

2 1. I am a managing attorney at the Prison Law Office, co-counsel of record for
3 Plaintiffs in this matter. I am admitted to the New York Bar, am registered by the State Bar of
4 California as a Registered Legal Aid Attorney through the Multijurisdictional Practice Program,
5 and am an active member of the Bar of this Court. I submit this declaration in support of
6 Plaintiffs' Notice of External Monitor Report. I have personal knowledge of the facts set forth
7 herein, and if called to testify as a witness thereto under oath, I could competently do so.

8 2. On February 10, 2026, the Court issued an order granting in part Plaintiffs' motion
9 for preliminary injunction ("PI Order"). Doc. 72. In that Order, the Court ordered Defendants to
10 ensure eight components of a constitutionally adequate health care system at California City
11 Detention Facility ("California City"). *Id.* at ¶ 1. "To ensure compliance" with the PI Order and
12 "the provision of constitutionally adequate health care," Defendants were further ordered to
13 provide access to a "qualified, independent, third-party monitor ('External Monitor')" who "will
14 ensure compliance with this Order and will monitor its implementation, including through review
15 of medical records and on-site inspection and interviews with patients and staff." *Id.* at ¶ 2.

16 3. On March 30, 2026, the Court issued an order appointing Dr. Muthusamy
17 Anandkumar as External Monitor. Doc. 112 ("Monitor Order"). Pursuant to the Monitor Order,
18 "[b]y the conclusion of the Term of Appointment, the External Monitor shall produce a report
19 assessing Defendants' compliance with the February 10 Order and the provision of
20 constitutionally adequate health care and making recommendations for remedial actions. The
21 report shall be filed on the docket but shall contain no personal identifiers of patients." Doc. 112,
22 ¶ 7.

23 4. On July 27, 2026, the External Monitor emailed Counsel for Defendants and
24 Plaintiffs a copy of his report and confirmed it was ready for public filing.

25 5. Attached hereto as **Exhibit A** is a true and correct copy of the report from
26 Dr. Anandkumar.
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28

1 6. Pursuant to the Monitor Order, an accompanying confidential appendix will be
2 separately provided to the Court. *See* Doc 112, ¶ 7. (“Individual patients shall be identified in a
3 separate confidential appendix provided to counsel for the parties and to the Court under seal.”)

4 I declare under penalty of perjury under the laws of the United States the foregoing is true
5 and correct. Executed on July 27, 2026, in San Francisco, California.

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TESS BORDEN