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Attorneys for Plaintiffs Fernando Gomez Ruiz, Fernando Viera Reyes, Jose Ruiz Canizales, Yuri Alexander Roque Campos, Sokhean Keo, Gustavo Guevara Alarcon, Alejandro Mendiola Escutia and all others similarly situated

UNITED STATES DISTRICT COURT

NORTHERN 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

Case No. 3:25-cv-09757-MMC

**DECLARATION OF KYLE VIRGIEN IN
 SUPPORT OF PLAINTIFFS' MOTION
 FOR CLASS CERTIFICATION**

Date: January 9, 2026
 Time: 9:00 a.m.
 Dept.: Ctrm 7 – 19th Floor
 Judge: Hon. Maxine M. Chesney

Date Filed: November 12, 2025

1 ENFORCEMENT; TODD M. LYONS,
2 Acting Director, U.S. Immigration and
3 Customs Enforcement; SERGIO
4 ALBARRAN, Acting Director of San
5 Francisco Field Office, Enforcement and
6 Removal Operations, U.S. Immigration and
7 Customs Enforcement; U.S. DEPARTMENT
8 OF HOMELAND SECURITY; KRISTI
9 NOEM, Secretary, U.S. Department of
10 Homeland Security,

11 Defendants.

1 I, Kyle Virgien, hereby declare:

2 1. I am a Senior Staff Attorney with the National Prison Project (“NPP”) of the
3 American Civil Liberties Union Foundation (“ACLU”). I make this declaration to describe my
4 qualifications and those of my colleagues to serve as counsel for the Proposed Class in this case.
5 The following facts are based on my own personal knowledge, and if called as a witness, I could
6 and would testify competently thereto.
7

8 **Kyle Virgien**

9 2. I am a member of the California bar, where I was first admitted to practice in 2011.
10 I have been admitted to practice in the U.S. District Courts for the Northern, Central, and Southern
11 Districts of California and Eastern District of Texas, and the U.S. Courts of Appeals for the Second,
12 Seventh, Ninth, and Federal Circuits.
13

14 3. I graduated from Harvard Law School in 2011 and clerked for the Hon. Raymond
15 T. Chen of the U.S. Court of Appeals for the Federal Circuit. I was also a litigation associate at
16 Latham & Watkins LLP and McDermott, Will & Emery LLP.

17 4. My legal practice focuses on the civil rights of people in immigration detention and
18 other forms of detention, including conditions of confinement in immigration detention, jail, and
19 prison.
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21 5. I have served as lead or co-counsel in certified class actions challenging conditions
22 of confinement on behalf of immigrant detainees, including *Barco Mercado v. Noem*, No. 25-cv-
23 6568 (LAK) (S.D.N.Y.); *Alcantara v. Archambeault*, No. 3:20-cv-00756-DMS-AHG (S.D. Cal.)
24 (provisional certification); and *Hernandez Roman v. Wolf*, No. 5:20-cv-00768-TJH-PVC (C.D.
25 Cal.).
26

27 6. I have also served as lead or co-counsel in numerous additional cases involving
28 conditions of confinement in immigration detention, including *M.A. v. Guthrie*, No. 2:25-cv-00765

(M.D. Fla.); *C.M. v. Noem*, No. 2:25-cv-00747 (M.D. Fla.); *Americans for Immigrant Justice v. DHS*, No. 1:22-cv-03118-CKK (D.D.C.); *Espinoza Escalona v. Noem*, No. 1:25-cv-00604 (D.D.C.); *Las Americas Immigrant Advocacy Center v. Noem*, No. 1-25-cv-00418 (D.D.C.); *Luna Gutierrez v. Noem*, No. 1:25-cv-1766 (D.D.C.); and *Jimenez v. ICE*, No. 1:23-cv-06343-RMI (N.D. Cal.), and lead or co-counsel in numerous Freedom of Information Act cases involving immigration detention.

7. I have also served as lead or co-counsel in certified class actions on behalf of people in criminal pre-trial detention, including *Hernandez v. County of Monterey*, 5:13-cv-02354-BLF; *Ahlman v. Barnes*, No. 8:20-cv-00835-JGB-SHK (C.D. Cal.); *Romero-Lorenzo v. Koehn*, No. 2:20-cv-00901-DJH-ESW (D. Ariz.); and *Fenty v. Penzone*, No. 2:20-cv-01192-SPL-JZB (D. Ariz.).

Carmen Iguina Gonzalez

8. My colleague, Carmen Iguina González is Deputy Director for Immigration Detention of the ACLU National Prison Project, where she plans, manages, and helps direct litigation efforts and strategy on issues related to immigration detention.

9. Her experience includes litigation of groundbreaking civil rights matters across a broad range of issues, including immigrants' rights, criminal justice, reproductive freedom, and the rights of incarcerated people.

10. Ms. Iguina González graduated magna cum laude from Harvard University and New York University School of Law. She clerked for U.S. Supreme Court Justice Sonia Sotomayor, Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit and Judge Kiyoko Matsumoto of the U.S. District Court for the Eastern District of New York.

11. Ms. Iguina González was a staff attorney at the ACLU of Southern California where she served as class counsel in the first case to establish a right to appointed legal representation for any group of immigrants facing deportation. *See Franco-Gonzalez v. Holder*, No. CV 10-02211

1 DMG DTBX, 2013 WL 3674492, (C.D. Cal. Apr. 23, 2013). She also served as counsel in other
2 complex immigration and criminal justice related class actions. *See J.E.F.M. v. Holder*, 107 F.
3 Supp. 3d 1119 (W.D. Wa. 2015), 837 F. 3d 1026 (9th Cir. 2016) (nationwide class action seeking
4 government-appointed representation for children in their deportation hearings); *Alfaro Garcia v.*
5 *Holder*, No. 14-cv-01775-YGR (N.D. Cal.) (nationwide class action on behalf of asylum seekers
6 who faced months of detention while awaiting reasonable fear determinations); *Youth Justice*
7 *Coalition v. City of Los Angeles*, No. 16-cv-7932 (C.D. Cal) (class action concerning use of gang
8 injunctions in Los Angeles).

10 12. Ms. Iguina González was also a Senior Staff Attorney at the ACLU Immigrant
11 Rights Project, where she also litigated immigrants' rights cases in federal court, with a focus on
12 class action litigation on behalf of detained immigrants. *See, e.g., Garland v. Aleman Gonzalez*,
13 No. 20-322 (U.S.) (class action concerning right to bond hearing for detained immigrants); *Miranda*
14 *v. Garland*, No. 20-1828 (4th Cir.) (class action challenge concerning procedural requirements
15 applicable in immigration bond hearings); *Robes v. U.S. Dep't Homeland Sec.*, No. 21-cv-13117
16 (D.N.J.) (class action challenge concerning transfer of immigration detainees); *see also Ayom v.*
17 *Garland*, No. 20-2274 (8th Cir.) (individual habeas petition concerning prolonged immigration
18 detention); *Mayorkas v. Innovation Law Lab*, No. 19-1212 (U.S.) (challenge to Migrant Protection
19 Protocols).

22 13. Ms. Iguina González was also an Associate at the Issues and Appeals practice of
23 Jones Day, a Counsel at Hecker Fink LLP, the Director and Adjunct Professor for the Howard
24 University School of Law Civil Rights Clinic, and an Adjunct Professor for the University of
25 Minnesota Law School Civil Rights Appellate Clinic.

1 **Marisol Dominguez-Ruiz**

2 14. My colleague, Marisol Dominguez-Ruiz, is a Staff Attorney at the ACLU's National
3 Prison Project. She graduated from Loyola Law School in 2022 and joined the ACLU's National
4 Prison Project as a Justice Catalyst Fellow. As a fellow, Ms. Dominguez-Ruiz focused on applying
5 underused disability laws to challenge the use of solitary confinement. In 2024, she joined the
6 ACLU's National Prison Project as a staff attorney.

7
8 15. Ms. Dominguez-Ruiz was first admitted to practice in California in 2022, and she
9 has been admitted to practice in the U.S. District Courts for the Northern and Central Districts of
10 California, and the U.S. Court of Appeals for the Third, Fourth, and Fifth Circuits.

11 16. Her entire legal practice since graduating from law school has focused on
12 representing the constitutional and human rights of adults and children who are under the legal
13 custody and control of the government, both correctional and child welfare agencies, and people in
14 immigration detention.

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16 17. Ms. Dominguez-Ruiz has served as co-counsel in class actions challenging
17 conditions of confinement on behalf of people in custody, including: *Rutherford v. Luna*, No. 2:75-
18 cv-04111 (C.D. Cal.) and *Rosas v. Luna*, No. 2:12-cv-00428 (C.D. Cal.) (cases about conditions of
19 confinement and use of force in the Los Angeles County jail system, the largest in the United
20 States); *Alex A. v. Edwards*, No. 3:22-cv-00573 (M.D. La., 5th Cir.) (challenge to the practice of
21 incarcerating children adjudicated delinquent in the former Death Row building at Louisiana State
22 Penitentiary-Angola); *Vail v. Dunleavy*, No. 3:25-cv-00086 (D. Alaska) (challenge to the Alaska
23 Department of Corrections regarding the provision of medical, mental health, and dental care); and
24 *C.M. v. Noem*, No. 2:25-cv-00747 (M.D. Fla.) (challenge the inadequate access to counsel in an
25 ICE detention facility).
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1 **Felipe De Jesús Hernández**

2 18. My colleague, Felipe De Jesús Hernández, is an attorney admitted to practice before
3 the courts of the State of California. He is a Staff Attorney at the National Prison Project (“NPP”)
4 of the American Civil Liberties Union Foundation (“ACLU”).

5 19. Mr. Hernández received his J.D. in 2020 from Harvard Law School and was
6 admitted to the California State Bar in August 2021. He has been in good standing with the
7 California State Bar since admission. He is also admitted to practice before the Central, Northern,
8 and Eastern Districts of California, and the U.S. Courts of Appeal for the First, Fourth, Sixth, and
9 Ninth Circuits. In 2023, he was appointed to serve on the Criminal Justice Act (“CJA”) Appellate
10 Panel for the U.S. Court of Appeals for the Fourth Circuit and, in 2024, he was appointed to serve
11 on the CJA panel for the Sixth Circuit.

12 20. Prior to joining NPP in October of 2025, Mr. Hernández clerked for Judge Roger L.
13 Gregory on the U.S. Court of Appeals, Fourth Circuit and Judge Raymond A. Jackson on the U.S.
14 District Court, Eastern District of Virginia. Then, Mr. Hernández was a Harvard Law Review
15 Fellow in the MacArthur Justice Center’s Appellate and Supreme Court Program, where he brought
16 constitutional appeals and cert petitions to end solitary confinement.

17 21. Following his fellowship, Mr. Hernández was an associate at Munger, Tolles, and
18 Olson where he worked some of the most high-profile matters related to civil rights violations in
19 California prisons, advocating for the end of the death penalty in California, accountability for
20 maintaining inadequate juvenile detention centers and police accountability reform. Mr. Hernández
21 was lead counsel *Ahn v. GEO Group, Inc.*, No. 1:22-cv-00586-CDB (E.D. Cal. 2025), which was
22 a wrongful death lawsuit related to the use of solitary confinement in an immigration detention
23 center.

24 22. I declare under penalty of perjury that the foregoing is true and correct.
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26
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Executed on November 26, 2025, in Berkeley, California.

By:



KYLE VIRGIEN