

Nos. 26-1294, 26-3344

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

FERNANDO GOMEZ RUIZ; et al.,

Plaintiffs-Appellees,

v.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; et al.,

v.

Defendants-Appellees,

CORECIVIC, INC.,

Intervenor-Appellant.

On Appeal from the United States District Court
for the Northern District of California,
No. 3:25-cv-09757-MMC
Hon. Maxine M. Chesney

**EXCERPTS OF RECORD
VOLUME 1 OF 6**

Daniel P. Struck
Nicholas D. Acedo
STRUCK LOVE ACEDO, PLC
3100 West Ray Road, Suite 300
Chandler, Arizona 85226
(480) 420-1600
Attorneys for Appellant CoreCivic, Inc.

1 KEKER, VAN NEST & PETERS LLP
 2 STEVEN P. RAGLAND - # 221076
 3 sragland@keker.com
 4 CODY S. HARRIS - # 255302
 5 charris@keker.com
 6 CARLOS C. MARTINEZ - # 354616
 7 cmartinez@keker.com
 8 LISA C. LU - # 364259
 9 llu@keker.com
 10 633 Battery Street
 11 San Francisco, CA 94111-1809
 12 Telephone: 415 391 5400
 13 Facsimile: 415 397 7188

8 CALIFORNIA COLLABORATIVE FOR
 9 IMMIGRANT JUSTICE
 10 PRIYA ARVIND PATEL - # 295602
 11 priya@ccijjustice.org
 12 MARIEL VILLARREAL - # 317048
 13 mariel@ccijjustice.org
 14 1999 Harrison Street #1800
 15 Oakland, California 94612
 16 Tel: (650) 762-8990

PRISON LAW OFFICE
 MARGOT MENDELSON - # 268583
 mmendelson@prisonlaw.com
 TESS BORDEN - MJP # 805022, *pro hac vice*
 tess@prisonlaw.com
 PATRICK BOOTH - # 328783
 patrick@prisonlaw.com
 ALISON HARDY - # 135966
 ahardy@prisonlaw.com
 RANA ANABTAWI - # 267073
 rana@prisonlaw.com
 1917 Fifth Street
 Berkeley, California 94710-1916
 Tel.: (510) 280-2621

AMERICAN CIVIL LIBERTIES UNION
 FOUNDATION
 KYLE VIRGIEN - # 278747
 kvirgien@aclu.org
 FELIPE HERNANDEZ - # 338468
 npp_fhernandez@aclu.org
 MARISOL DOMINGUEZ-RUIZ - # 345416
 mdominguez-ruiz@aclu.org
 425 California Street, 7th Floor
 San Francisco, CA 94104
 Tel.: (415) 343-0770

CARMEN IGUINA GONZALEZ - # 277369
 ciguinagonzalez@aclu.org
 915 15th Street, NW, 7th Floor
 Washington, DC 20005
 Tel.: (202) 393-4930

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

21 UNITED STATES DISTRICT COURT

22 NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
 ENFORCEMENT; TODD M. LYONS,
 Acting Director, U.S. Immigration and

Case No. 3:25-cv-9757-MMC

**[PROPOSED] ORDER APPOINTING
 MUTHUSAMY ANANDKUMAR AS
 COURT EXPERT PURSUANT TO FRE
 706-EXTERNAL MONITOR**

Judge: Hon. Maxine M. Chesney

Date Filed: November 12, 2025

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

Defendants.

**[PROPOSED] ORDER APPOINTING MUTHUSAMY ANANDKUMAR AS EXTERNAL
MONITOR**

At a hearing on February 6, 2026, the Court found evidence of systemwide failures in Defendants’ delivery of health care services at California City Detention Facility in the areas of health care staffing, intake procedures and assessments, access to medical specialists and emergency services, continuity of care, access to prescribed medications, and the “sick call” system. The Court concluded that Plaintiffs would suffer irreparable harm if the Court did not issue relief, that harm to some of the Named Plaintiffs and putative class members had already occurred, and that the balance of the equities and public interest favored a preliminary injunction. Accordingly, the Court granted in part Plaintiffs’ Motion for Preliminary Injunction and provisionally certified the Class. *See* ECF No. 71. On February 10, 2026, the Court enumerated the specific relief ordered, including eight basic components of a functional health care system, and ordered Defendants to provide access to an External Monitor to ensure compliance with those basic components and the provision of constitutionally adequate health care. ECF No. 72 (“February 10 Order”). The February 10 Order required the parties to meet and confer regarding the selection of the External Monitor and to present their proposal(s) to the Court, after which the Court would enter a further Order of appointment. *Id.* Following the parties’ status conference regarding the appointment of the monitor on March 5, 2026, the Court appointed Dr. Muthusamy Anandkumar as External Monitor. ECF No. 96. The Court further ordered the parties to meet and confer with respect to the form of the appointment order. *Id.*

The parties have presented their proposals for the form of the appointment order to the Court. Having reviewed those submissions, the Court hereby **ORDERS**:

1. Pursuant to ~~Rule 706 of the Federal Rules of Evidence~~ the Court’s equitable authority, Muthusamy Anandkumar, M.D., is appointed as the ~~Court’s expert~~ and External Monitor to monitor compliance with the Court’s February 10, 2026, Order and the provision of constitutionally adequate health care. ~~Dr. Anandkumar’s curriculum vitae is attached as Exhibit 1.~~ Dr. Anandkumar’s review of patient-specific information described in this

1 Order shall be subject to protective order.¹

2 2. The External Monitor's appointment is for a period of 120 days from the date of this
3 Order (the "Term of Appointment"), subject to renewal by court order.

4 To ensure the External Monitor can monitor compliance with the February 10 Order and
5 render a complete report to the Court, it is further **ORDERED**:

6 3. The External Monitor ~~will~~ shall be granted remote read-only access to California City
7 Detention Facility's electronic health record system ("EHRS") for the full term of
8 appointment. The External Monitor may select up to one team member to assist with
9 medical record reviews. That team member shall be granted remote read-only access to
10 the EHRS, subject to protective order, but shall not be permitted to attend the site visit
11 described below. The External Monitor and team member shall fully comply with all of
12 Defendants' and CoreCivic's applicable security protocols and system configurations.

13 4. Upon request at any point during the Term of Appointment, Defendants shall provide the
14 following documents to the External Monitor in electronic format, to the extent such
15 documents exist:

- 16 a. health care policies and procedures;
- 17 b. patient lists related to particular diagnoses, detainees enrolled in chronic care
18 clinics, prescriptions, detainees in medical observation/housing, pending orders,
19 emergency room visits, specialty care visits, and off-site visits and returns;
- 20 c. rosters of health care staff and current schedules, by position;
- 21 d. the facility's medication/drug formulary and documentation of non-formulary
22 requests and approvals/denials;
- 23 e. the tool or criteria used to approve or deny referrals to specialists and utilization
24 management logs or other records documenting approval, denials, and deferrals
25 (including alternative treatment plans);
- 26 f. logs of suicide watch placements, attempted suicides, and self-harm incidents;

27
28 ¹ If the parties do not stipulate to a protective order in time, the External Monitor and his team member shall indicate assent to the Model Protective Order for Highly Sensitive Confidential Information available on the U.S. District Court for the Northern District of California's website.

- 1 g. sick call requests and health care grievances/appeals, and the facility's responses,
2 including tablet and paper submissions, for all patients during a 30-day period, and
3 for specific patients, upon the External Monitor's request, when the relevant
4 documents are not in the EHRS; and,
- 5 h. any other documents or information that the External Monitor determines in his
6 expertise he needs to assess compliance, which he shall jointly identify for the
7 parties. If there is a dispute about his entitlement to records, the parties shall meet
8 and confer in an attempt to resolve the dispute and then seek the Court's assistance
9 as needed.

10 5. The External Monitor shall be permitted one in-person inspection lasting up to three full
11 days at the facility, to be scheduled on business days (Monday through Friday) with at
12 least one week's notice. Counsel for the parties and/or intervenors or proposed intervenors
13 may not attend the site visit. On site, the External Monitor shall be permitted to:

- 14 a. inspect any area of the facility and grounds related to the provision of health care;
15 b. observe pill call and the collection of sick call slips in up to four housing pods of
16 his selection;
17 c. interview custody and medical staff, whether full-time or contract employees. If
18 key health care staff are not available on the date(s) of the site visit, they will be
19 made available to the External Monitor via videoconferencing within two weeks of
20 the site visit's conclusion, subject to availability due to scheduled leave;
21 d. interview patients of his choosing, provided they and class counsel consent, in a
22 confidential room with sound privacy from any facility staff. Should the External
23 Monitor wish and the facility approve it based on safety and security, the room
24 shall allow for contact, *i.e.* not include a glass partition. ~~Defendants will~~
25 ~~compensate an in-person Spanish language interpreter to accompany the External~~
26 ~~Monitor for patient interviews and will facilitate access to an external phone line~~
27 ~~for patient interviews that require interpretation for other languages.~~ Confidential
28 language interpretation services shall be provided using contracted remote

1 language services (VOYCE). All interpreters will be subject to protective order.

2 e. review and receive a demonstration of the facility's health care scheduling system

3 and relevant electronic databases or dashboards, including but not limited to

4 system(s) that display pending appointments for specialists and clinic operations;

5 f. review any facility video relevant to health care, including but not limited to

6 emergency responses, unless upon review by the Warden or his designee,

7 disclosure of the video would implicate safety or security concerns, ~~and any~~

8 ~~business, budgetary, and/or operational documents relevant to health care~~; and,

9 g. bring necessary materials and equipment into the facility, including one laptop, but

10 the External Monitor may not take photographs or make audio or video recordings

11 given safety and security concerns. Should the External Monitor wish to have

12 photographs or video recordings taken, a designated staff member will take the

13 photograph and/or video recording requested by the External Monitor using a

14 facility camera and confirm with the External Monitor that the photograph or

15 video recording captures the intended subject(s). Any photographs or video

16 recordings taken during the inspection will be subject to a security review by

17 Defendants and CoreCivic, and all photographs and video recordings approved

18 for disclosure will be provided to the External Monitor.

19 6. The External Monitor shall not be permitted to communicate *ex parte* either verbally or

20 in writing with counsel for the parties. ~~as needed to perform his duties~~. All written

21 communications, emails, and document productions to or from the Monitor shall

22 be copied to counsel for all parties.

23 7. By the conclusion of the Term of Appointment, the External Monitor shall produce a

24 report assessing Defendants' compliance with the February 10 Order and the provision of

25 constitutionally adequate health care and making recommendations for remedial actions.

26 The report shall be filed on the docket but shall contain no personal identifiers of patients.

27 Individual patients shall be identified in a separate confidential appendix provided to

28 counsel for the parties and to the Court under seal. Before filing, the External Monitor

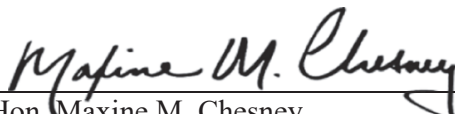
1 shall serve the parties with the report and appendix, copying all parties, and the parties
2 shall have 14 days from the date of service to submit written comments to the External
3 Monitor, with all parties copied. In his discretion, the External Monitor may modify the
4 report in any manner suggested by a party before filing it with the Court.

- 5 8. The External Monitor ~~and his team member~~ shall be paid at a rate of \$425/hour. ~~They~~ He
6 shall submit ~~their~~ his reasonable fees and expenses to the Court and shall be paid by
7 Defendants upon order of the Court.

8 Defendants shall provide access to items requested by the External Monitor within seven
9 days of the request. The External Monitor shall jointly alert the parties to issues in the timely
10 provision of such items. The External Monitor and/or the parties may bring any concerns about
11 access to the Court's attention. An undue delay in compliance with any portion of this Order, to
12 the extent it prevents the External Monitor from timely or effectively completing his work, may
13 be cause to extend the term of appointment.

14 **IT IS SO ORDERED.**

15
16 Dated: March 30, 2026

17 
18 Hon. Maxine M. Chesney
United States District Judge

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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
ENFORCEMENT; TODD M. LYONS,
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
Customs Enforcement; U.S. DEPARTMENT
OF HOMELAND SECURITY; KRISTI
NOEM, Secretary, U.S. Department of
Homeland Security,

Defendants.

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

MEMORANDUM OF DECISION

Judge: Hon. Maxine M. Chesney
Date Filed: November 12, 2025

1 On February 10, 2026, the Court, having read and considered the papers filed in support
2 of Plaintiffs’ Motion for Preliminary Injunction (Doc. Nos. 20, 48–49) and Defendants’
3 Opposition thereto (Doc. No. 38), the papers filed in support of Plaintiffs’ Motion for Class
4 Certification (Doc. Nos. 21, 46) and Defendants opposition thereto (Doc. No. 39), as well as the
5 Notice of Noncompliance with Court Order (Doc. Nos. 61–62), and having considered the
6 arguments of counsel made at the hearing held on February 6, 2026 (“February 6 hearing”),¹
7 issued its order Granting in Part Plaintiffs’ Motions for Preliminary Injunction and Class
8 Certification. (Doc. No. 72 (“February 10 Order”).) The Court now issues this Memorandum of
9 Decision to set forth in greater detail its reasons for that ruling.

10 **I. PROCEDURAL BACKGROUND**

11 On November 12, 2025, plaintiffs Fernando Gomez Ruiz, Fernando Viera Reyes, Jose
12 Ruiz Canizales, Yuri Alexander Roque Campos, Sokhean Keo, Gustavo Guevara Alarcon, and
13 Alejandro Mendiola Escutia (collectively, “Plaintiffs”), all individuals held in civil detention at
14 the California City Detention Facility (“CCDF”), brought the above-titled action against
15 defendants U.S. Immigration and Customs Enforcement (“ICE”); Todd Lyons, Acting Director,
16 ICE; Sergio Albarran, Acting Director, San Francisco Field Office ICE; the U.S. Department of
17 Homeland Security (“DHS”); and Kristi Noem, then Secretary, DHS (collectively, “Defendants”),
18 challenging conditions of confinement at CCDF. (*See* Doc. Nos. 1, 15.)

19 On December 1, 2025, Plaintiffs moved for a preliminary injunction and for provisional
20 class certification, seeking to represent a class of all persons detained at CCDF and an order
21 requiring constitutionally adequate health care, appointment of an independent and neutral
22 “External Monitor” to assess and report thereon, changes to CCDF’s attorney access policy, and a
23 number of other policies. (*See* Doc. No. 22; Doc. No. 22-38 (“Proposed Order”).) Defendants
24 opposed the motions and also moved to transfer the action to the Eastern District of California.
25 (*See* Doc. Nos. 37–40, 45.)

26 As part of their moving papers, Plaintiffs filed opening and rebuttal expert declarations
27 from Todd R. Wilcox, M.D., a practicing medical doctor and expert in the field of correctional
28

¹ On February 6, 2026, the Court also heard Defendants’ Motion to Transfer Venue.

1 health care (“Dr. Wilcox”), opening and rebuttal expert declarations from Dan Pacholke, an
2 expert in the field of adult institutional corrections (“Mr. Pacholke”), over two dozen declarations
3 from individuals detained at CCDF, and eleven attorney/paralegal declarations. In response,
4 Defendants submitted declarations from Christopher Chestnut, Warden at CCDF (“Warden
5 Chestnut”), Susan Tiona, M.D., Clinical Director for Correctional Medicine Associates and
6 Regional Medical Director for CoreCivic, the private company with which ICE contracted to
7 operate CCDF (“Dr. Tiona”), Dwan Morris, Food Service Director at CCDF, and Maxwell
8 Walker, Regional Dietician at CCDF.

9 Thereafter, on December 16, 2025, Plaintiffs filed a Motion for Temporary Restraining
10 Order (“TRO motion”), seeking urgent medical care for Fernando Viera Reyes and Yuri
11 Alexander Roque Campos, two of the named plaintiffs. (*See* Doc. No. 27.) As set forth therein,
12 Mr. Viera Reyes appeared to be suffering from prostate cancer but had been unable to see a
13 urologist, receive confirmation of a cancer diagnosis, or begin treatment, and Mr. Roque Campos
14 was suffering from congenital heart disease that required immediate attention from a cardiologist.
15 (*See id.*) On the following day, the Court held an emergency conference, during which the Court
16 urged the parties to meet and confer in hopes of reaching an acceptable resolution of the urgent
17 issues presented in the TRO motion, after which, on December 22, 2025, the parties submitted a
18 mutually acceptable stipulated order requiring prompt treatment for both individuals, which the
19 Court signed and issued that same date. (*See* Doc. No. 36 (“TRO Order”).)

20 On February 5, 2026, Plaintiffs filed a Notice of Noncompliance with Court Order,
21 asserting Defendants had failed to comply with the TRO Order as to Mr. Viera Reyes, who as of
22 that date had not received confirmation of his prostate cancer diagnosis or begun treatment (*see*
23 Doc. No. 62), and, at the February 6 hearing, Defendants’ counsel confirmed that Mr. Viera
24 Reyes had missed a critical specialty appointment due to an “internal scheduling error” at CCDF.
25 (*See* Doc. No. 75 (“February 6 Hr’g Tr.”) at 8:14–15.)

26 As noted above, the Court, at the February 6 hearing, also heard Defendants’ motion to
27 transfer. After reviewing the record and considering the arguments of counsel, the Court decided
28 to transfer the matter to the Eastern District of California. Before issuing such order, however, the

1 Court, at Plaintiffs’ request, agreed to consider issuing injunctive relief as to a limited number of
 2 matters Plaintiffs deemed most urgent, and, ultimately, as noted above, issued the February 10
 3 Order. (*See* Doc. No. 72.) As set forth therein, the Court found “Plaintiffs have demonstrated that
 4 they are likely to prevail on the merits of their claims; that they will suffer irreparable harm if the
 5 Court does not issue relief; that the balance of equities tips in their favor; that the public interest
 6 lies in issuing a preliminary injunction; and that all the requirements of Rule 23(a) and 23(b)(2)
 7 have been satisfied.” (*See id.* at 1.) In light thereof, the Court directed Defendants to: (1) ensure
 8 constitutionally adequate medical care (*id.* ¶ 1); (2) provide access to an independent, third-party
 9 “External Monitor” for a period of 120 days (*id.* ¶ 2); (3) ensure that detained individuals have
 10 timely and confidential access to attorneys through in-person, contact legal visits and calls (*id.* ¶
 11 3); and (4) provide free temperature-appropriate clothing and at least one hour of outdoor
 12 recreation time per day (*id.* ¶ 4).²

13 The Court now sets forth its reasoning in arriving at the above decision.

14 **II. PRELIMINARY INJUNCTION MOTION**

15 **A. Factual Background**

16 There is no dispute that CCDF is a former California state prison located in the Mojave
 17 Desert (*see* Doc. No. 45-1 (“Chestnut Decl.”) ¶¶ 2, 32), at which in late August 2025, ICE began
 18 housing federal immigration detainees pursuant to a contract with CoreCivic (*see id.* ¶¶ 3, 35).
 19 According to Defendants’ publicly available statistics, most of the people detained at CCDF have
 20 no criminal record. (*See* Doc. No. 49-2 (“Suppl. Pacholke Decl.”) ¶¶ 34–38.)

21 **1. Medical Care at CCDF**

22 In support of their preliminary injunction motion, Plaintiffs have proffered two
 23 declarations from Dr. Wilcox, a board-certified physician with more than three decades of
 24 experience as a physician in correctional facilities. (*See* Doc. No. 22-3 (“Wilcox Decl.”), Doc.
 25 No. 48-5 (“Wilcox Reply Decl.”).) Dr. Wilcox’s qualifications are not disputed. He currently
 26 serves as the Medical Director of the Salt Lake County Jail System and has served as President of

27
 28 ² The Court declined, at that time, to grant Plaintiffs all of the relief sought in their motion, instead holding in abeyance their additional requests for preliminary injunctive relief and class certification for determination after transfer to the Eastern District. (*See id.* at 3.)

1 the American College of Correctional Physicians and as a consultant for a variety of correctional
2 systems in California, Arizona, Utah, and Washington State. (*See* Doc. No. 22-3 ¶¶ 1–3.) Having
3 reviewed the relevant declarations, the Court finds Dr. Wilcox’s findings and opinions are
4 credible and supported by substantial evidence, including Defendants’ own records, which reveal
5 the deficiencies, omissions, and failures Dr. Wilcox identified and discussed.³

6 In Dr. Wilcox’s opinion, Defendants “struggle to deliver standard of care for common
7 uncomplicated problems,” let alone for “patients with complex medical care needs.” (*See* Doc.
8 No. 22-3 ¶ 9.) In particular, Dr. Wilcox found the patient intake process is “incomplete” and
9 “haphazard.” (*See id.* ¶¶ 10, 18, 25–68; Doc. No. 48-5 ¶¶ 34–45.) According to Dr. Wilcox,
10 although Licensed Vocational Nurses (“LVNs”), “lack the academic preparation and training
11 necessary to perform [such] assessments,” they, rather registered nurses (“RNs”), typically
12 perform the initial screenings (*see* Doc. No. 22-3 ¶ 24; Doc. No. 48-5 ¶ 37), referrals to medical
13 providers are delayed, even for urgent medical needs (*see* Doc. No. 22-3 ¶ 30; *see e.g.*, Doc. No.
14 22-4 (“Alvarez-Mora Decl.”) ¶¶ 7–8), and patients who arrive with medications or prescriptions
15 for medications experience dangerous lapses in the provision of that medication (*see* Doc. No. 22-
16 3 ¶¶ 47, 51; Doc. No. 48-5 ¶¶ 29, 44; *see e.g.*, Doc. No. 22-4 ¶ 9).

17 Next, Dr. Wilcox found the “sick call” system at CCDF (*see* Doc. No. 45-1 ¶ 145) suffers
18 from systemic delays and failures, with the result that patients “are not seen within a reasonable
19 time” and sick calls “describing urgent medical symptoms can go unaddressed or
20 unacknowledged for days or weeks” (*see* Doc. No. 22-3 ¶¶ 71–78; *see also* Doc. No. 48-5 ¶¶ 51–
21 56). Moreover, according to Dr. Wilcox, when care is provided, it is often deficient. In particular,
22 medical records showed shortages of stock medications, clinical notes revealed multiple instances
23 of “poor clinical judgment,” inadequate recordkeeping, and treatment that failed to comport with
24 the prevailing standard of care. (*See id.* Doc. No. 22-3 ¶¶ 49, 63, 81–85, 90, 109; Doc. No. 48-5
25 ¶¶ 19–20, 24, 46, 59.)

26 ³ The Court is not persuaded by Defendants’ argument that Dr. Wilcox reviewed an
27 insufficient subset of patient records to allow him to reach his conclusions; rather the Court finds
28 Dr. Wilcox has adequately explained why the deficiencies he identifies are systemwide. (*See* Doc.
No. 48-5 ¶¶ 10–13.)

Further, Dr. Wilcox found CCDF “has no effective system for ensuring that patients receive medically necessary specialty care in a timely manner.” (*See* Doc. No. 22-3 ¶ 121.) Of the thirteen orders for specialty care Dr. Wilcox reviewed, none had been authorized other than the two for the plaintiffs specifically referenced in the TRO Order (*see* Doc. No. 22-3 ¶ 114; Doc. No. 48-5 ¶¶ 75, 79, 82), one of whom, as noted, was not taken to his follow-up appointment despite the Court’s Order.

In addition to Dr. Wilcox’s findings, dozens of detained individuals have reported receiving inadequate medical care,⁴ including three of the named plaintiffs who required urgent and sustained attention they did not receive, namely, Mr. Gomez Ruiz, who was suffering from a foot ulcer that put him at risk for gangrene or amputation (*see* Doc. No. 22-3 ¶ 90), Mr. Roque Campos, whose life-threatening congenital heart condition put him at risk of sudden cardiac death but who could not see a cardiologist absent court intervention (*see id.* ¶¶ 86–89), and Mr. Viera Reyes, who was exhibiting symptoms and blood levels consistent with prostate cancer but did not see a urologist or get a biopsy so he could begin cancer treatment (*see id.* ¶ 116). Indeed, even after the Court ordered Defendants to ensure that Mr. Viera Reyes received prompt attention from specialists and necessary follow-up care, Defendants failed to comply with that order in a timely fashion. (*See* Doc. No. 62; Doc. No. 75 at 7:4–9:7.)

Given all of the above reasons, and others, Dr. Wilcox concluded “it is not safe to be sick at [CCDF].” (*See* Doc. No. 22-3 ¶ 9.)

Defendants did not offer their own independent medical expert to rebut or refute Dr. Wilcox’s opinions. Indeed, Dr. Tiona, CoreCivic’s Regional Medical Director, submitted a declaration that in many ways supports Dr. Wilcox’s findings. For example, after reviewing the

⁴ *See* Doc. No. 22-6 (“Roque Campos Decl.”) ¶¶ 15–35; Doc. No. 22-24 (“Viera Reyes Decl.”) ¶¶ 11–21; Doc. No. 22-8 (“Gomez Ruiz Decl.”) ¶¶ 5–16; Doc. No. 22-13 (“Leyva Decl.”) ¶¶ 13–29; Doc. No. 22-36 (“Khan Decl.”) ¶¶ 45–56; Doc. No. 22-4 ¶¶ 6–14; Doc. No. 22-5 (“Benavides Zamora Decl.”) ¶¶ 12, 17; Doc. No. 22-7 (“Guevara Alarcon Decl.”) ¶¶ 19–20, 23–34; Doc. No. 22-9 (“Guthrie Decl.”) ¶¶ 13–25, 28–29; Doc. No. 22-10 (“Juarez Ruiz Decl.”) ¶¶ 6, 9–15; Doc. No. 22-12 (“Keo Decl.”) ¶¶ 13, 20–32; Doc. No. 22-15 (“Mendiola Escutia Decl.”) ¶¶ 11, 23; Doc. No. 22-16 (“Montes-Diaz Decl.”) ¶¶ 15, 21–23; Doc. No. 22-17 (“Montes Regalado Decl.”) ¶¶ 11, 13–19, 21–22; Doc. No. 22-18 (“Neri Valdez Decl.”) ¶¶ 6–10; Doc. No. 22-19 (“Orejuela Gutierrez Decl.”) ¶¶ 2, 6–10; Doc. No. 22-21 (“Ruiz Canizales Decl.”) ¶¶ 51, 61, 65–68; Doc. No. 22-22 (“Santos Avalos Decl.”) ¶¶ 10–12; Doc. No. 22-23 (“Singh Decl.”) ¶¶ 5–23; Doc. No. 22-25 (“Vishal Decl.”) ¶ 8; Doc. No. 22-33 (“Armenta Decl.”) ¶¶ 9–12; Doc. No. 22-37 (“Garcia Romero Decl.”) ¶ 4; Doc. No. 49-7 (“Patient A Decl.”) ¶¶ 6–16.

1 same patient records Dr. Wilcox reviewed, Dr. Tiona acknowledged delays in “offsite
 2 appointment scheduling” and issues pertaining to ordering/renewing medications, adjusting
 3 dosage, scheduling follow-up appointments, establishing chronic care appointments,
 4 ordering/scheduling lab tests, ordering medical diets, and scheduling evaluations for possible
 5 accommodations related to eleven patients, as to all of which she avers she made specific
 6 recommendations for improvement. (*See* Doc. No. 40-7 (“Tiona Decl.”) ¶¶ 56–57.) According to
 7 Dr. Wilcox, as of the date of the hearing, i.e., more than a month after Dr. Tiona’s declaration was
 8 filed, none of those recommendations had been implemented. (*See* Doc. No. 48-5 ¶¶ 7, 63; Doc.
 9 No. 75 at 99:11–17.) Dr. Tiona also confirmed substantial delays in patient intake screening at
 10 CCDF (*see* Doc. No. 40-7 ¶ 31), identified nursing errors and the need for remedial training (*see*,
 11 e.g., *id.* ¶¶ 64, 68), and acknowledged systemwide, ongoing “difficulties in scheduling specialty
 12 appointments due to the lack of ICE-contracted specialists near the facility” (*see id.* ¶ 47).
 13 Although Dr. Tiona stated changes in staffing and training had been made to deal with various of
 14 the above-listed concerns (*see* Doc. No. 40-7 ¶¶ 32, 55; *see also* Doc. No. 45-1 ¶¶ 51–56), Dr.
 15 Wilcox found the deficiencies he noted continued to persist (*see* Doc. No. 49-3 ¶ 7).

16 Although Dr. Tiona also stated that none of the delays in patient care “resulted in adverse
 17 patient outcomes” (*see* Doc. No. 40-7 ¶ 53), Dr. Wilcox has identified a number of “adverse
 18 outcomes” for patients at CCDF “as a result of poor medical care” (*see* Doc. No. 48-5 ¶ 24; *see*,
 19 e.g., *id.* ¶ 25 (dangerously high blood glucose levels), ¶ 28 (“ongoing and progressive organ
 20 damage”), ¶¶ 60–61 (“kidney damage”), ¶¶ 72–73 (increased “risk of a stroke”)).

21 2. Attorney Access at CCDF

22 There is no dispute that, given the facility’s remote location, many legal visits take place
 23 over the phone or through Virtual Attorney Visits (“VAVs”). (*See* Doc. No. 45-1 ¶¶ 187, 190–
 24 95.) Plaintiffs have submitted the declarations of a considerable number of legal representatives
 25 who have reported difficulties communicating with their clients held at CCDF.⁵ For example,
 26 scheduling proved difficult, with some attorneys waiting weeks to have telephonic or video call

27 ⁵ *See* Doc. No. 22-26 (“Fabian Decl.”); Doc. No. 22-27 (“Felder-Heim Decl.”); Doc. No.
 28 22-28 (“Gorney Decl.”); Doc. No. 22-29 (“Goss Decl.”); Doc. No. 22-30 (“Kazim Decl.”); Doc.
 No. 22-31 (“Kyle Decl.”); Doc. No. 22-32 (“Quintero Decl.”); Doc. No. 22-34 (“Narayanan
 Decl.”); Doc. No. 22-35 (“Valenzuela Decl.”).

1 contact with their clients (*see* Doc. No. 22-31 ¶ 5; Doc. No. 22-32 ¶¶ 6–7, 9), and then having
2 those calls limited to 60 minutes (*see* Doc. No. 45-1 ¶¶ 190–91), which many attorneys found too
3 short to allow meaningful consultation (*see, e.g.*, Doc. No. 22-30 ¶¶ 16, 19; Doc. No. 22-31 ¶ 12).
4 Although Warden Chestnut states CoreCivic is “planning” to implement an online scheduling
5 portal to allow legal representatives to make their own appointments, there is no evidence of that
6 system having been implemented, nor does it address any of the other difficulties described by
7 counsel. (*See* Doc. No. 45-1 ¶ 195.)

8 Further, although attorneys may also visit their clients in person at the facility (*see id.* ¶
9 189), all attorney visits take place in a non-contact setting, with attorneys on one side of a pane of
10 glass, the client on the other, and a small opening at the bottom (*see, e.g.*, Doc. No. 22-29 ¶ 15;
11 Doc. No. 22-34 ¶ 8; Doc. No. 22-35 ¶ 5), constituting restrictive conditions under which attorneys
12 have difficulty hearing and speaking to their clients (*see, e.g.*, Doc. No. 22-29 ¶ 16; Doc. No. 22-
13 34 ¶ 10; Doc. No. 49-1 (“Harris Decl.”) ¶ 9). Although, according to Warden Chestnut, legal
14 contact visits “may be permitted upon request with facility approval” (*see* Doc. No. 45-1 ¶ 189),
15 as of the time of the February 6 hearing, all in-person attorney visits had been non-contact,
16 regardless of a detained person’s security status, and Defendants have acknowledged allowing
17 contact visits would require “changes to existing regulations at the facility” (*see* Doc. No. 49-1 ¶¶
18 10–11).

19 Moreover, although Warden Chestnut states “in-person legal visits are available between
20 8:00 a.m. and 8:00 p.m. daily” (*see* Doc. No. 45-1 ¶ 190), attorneys reported CCDF has ended
21 legal visits prematurely before 8:00 p.m. (*see, e.g.*, Doc. No. 22-35 ¶¶ 16, 18), as well as
22 significant visitation delays due to daily counts (*see id.* ¶¶ 12, 16, 18) and insufficient staffing
23 (*see* Doc. No. 22-29 ¶ 10), making it impracticable for attorneys to visit clients as often as they
24 typically would (*see id.* ¶ 21).

25 3. Other Conditions at CCDF

26 Plaintiffs submitted two declarations from Mr. Pacholke, an expert with more than 35
27 years’ experience in the field of adult institutional corrections, including holding leadership
28 positions in the Washington State Department of Corrections and serving as a consultant for, *inter*

1 *alia*, the National Institute of Corrections and New York University. (*See* Doc. No. 22-2
2 (“Pacholke Decl.”) ¶¶ 1–3.) Mr. Pacholke found the detainees at CCDF are not provided
3 adequate clothing or adequate outdoor access. (*See id.* ¶¶ 22, 26; Doc. No. 49-5 ¶¶ 16–18, 21–22.)
4 Defendants did not offer an independent expert to rebut Mr. Pacholke’s findings, relying instead
5 on Warden Chestnut’s declaration. Having reviewed the relevant declarations, the Court finds Mr.
6 Pacholke’s findings and opinions are credible and supported by substantial evidence.

7 In addition to Mr. Pacholke’s declarations, Plaintiffs submitted the declarations of a
8 number of detainees who describe the facility as being very cold (*see, e.g.*, Doc. No. 22-8 ¶ 17;
9 Doc. No. 22-37 ¶ 5; Doc. No. 22-5 ¶ 20; Doc. No. 22-13 ¶ 34; Doc. No. 22-36 ¶ 63), with some
10 detained people resorting to fashioning their socks into sleeves or beanies to keep warm (*see* Doc.
11 No. 22-7 ¶ 8; Doc. No. 22-37 ¶¶ 5, 15; Doc. No. 22-36 ¶ 67; Doc. No. 49-6 (“Mann Decl.”) ¶ 13).
12 There is no dispute that Defendants provide no sweatshirts, sweatpants, or similar protective
13 clothing (*see* Doc. No. 45-1 ¶ 74), and many detainees reported they could not afford to buy
14 sweatshirts at the commissary (*see, e.g.*, Doc. No. 22-8 ¶ 17; Doc. No. 22-14 (“Llufrio Decl.”) ¶
15 20). In Mr. Pacholke’s opinion, with which the Court agrees, “[w]eather-appropriate clothing
16 should be standard issue, [as] a part of the cost of detaining people.” (*See* Doc. No. 22-2 ¶ 22.)

17 Although Warden Chestnut states that, at some point, CCDF began providing “jackets” to
18 detained people (*see* Doc. No. 45-1 ¶ 73), Plaintiffs have submitted declarations that show those
19 items of clothing do not provide adequate warmth (*see e.g.*, Doc. No. 49-5 (“Suppl. Guevara
20 Alarcon Decl.”) ¶ 6 (stating “[t]he windbreakers are very thin, have no hood, and do not retain
21 heat”; further stating “[t]hey do not provide warmth”); Doc. No. 49-6 ¶ 13 (describing jackets as
22 “very thin and unlined, [with] no hood”; stating they “do not keep me warm”)). Defendants have
23 offered no descriptions to the contrary.

24 Moreover, a review of the declarations submitted by a number of detainees reflects an
25 inconsistent practice as to outdoor access, with the times varying between four and seven hours of
26 outdoor recreation per week, i.e., one hour per day at most (*see, e.g.*, Doc. No. 22-20 (“Rivera-
27 Trigueros Decl.”) ¶ 13; Doc. No. 22-24 ¶ 23; Doc. No. 22-12 ¶ 8, Doc. No. 22-33 ¶ 14; Doc. No.
28 22-14 ¶¶ 13, 20; Doc. No. 22-11 (“Julio F.V. Decl.”) ¶ 19; Doc. No. 22-37 ¶ 11), which according

1 to Mr. Pacholke, is “less than prisoners in segregation are offered” (*see* Doc. No. 22-2 ¶ 26).

2 Given all of the above reasons, and others, Mr. Pacholke concluded CCDF’s restrictions,
3 including, *inter alia*, “the lack of outdoor recreation time . . . and the failure to provide weather
4 appropriate clothing” are “exaggerated and unnecessarily harsh.” (*See* Doc. No. 49-5 ¶ 5.)

5 **B. Legal Standard**

6 Parties seeking a preliminary injunction must show that (1) they are “likely to succeed on
7 the merits” of their claim; (2) they are “likely to suffer irreparable harm in the absence of
8 preliminary relief”; (3) “the balance of equities tips in [their] favor”; and (4) “an injunction is in
9 the public interest.” *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). A stronger
10 showing on one element may offset a weaker showing on another. *See All. for the Wild Rockies v.*
11 *Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). Accordingly, a plaintiff satisfying the irreparable
12 harm and public interest factors need only raise “serious questions going to the merits” and show
13 that the “balance of hardships tips sharply in [such plaintiff’s] favor.” *Id.* at 1135.⁶

14 **C. Discussion**

15 **1. Plaintiffs are likely to succeed on their Fifth Amendment claim for** 16 **inadequate medical care.**

17 “There is no question that [civil immigration] detainees are entitled to adequate medical
18 care.” *See Doe v. Kelly*, 878 F.3d 710, 722 (9th Cir. 2017) (internal quotations and citations
19 omitted). Because Plaintiffs are civil detainees rather than convicted prisoners, the Fifth
20 Amendment governs the analysis rather than the Eighth Amendment, and the Court employs an
21 objective standard to determine whether medical care is adequate. *See Gordon v. Cnty. of Orange*,
22 888 F.3d 1118, 1120, 1122–25 (9th Cir. 2018). Conduct that would violate the higher Eighth
23 Amendment standard for inadequate medical care necessarily violates the lower Fifth
24 Amendment standard. *See Castro v. Cnty. of L.A.*, 833 F.3d 1060, 1067 (9th Cir. 2016).

25 Immigration detention is civil in nature and must be “nonpunitive in purpose and effect.”

26 ⁶ To the extent Defendants contend 8 U.S.C. § 1252(f)(1) is applicable, “which bars courts
27 from enjoining or restraining the operation of relevant statutory provisions of the [Immigration
28 and Nationality Act],” *see Jimenez v. U.S. Immigr. & Customs Enf’t*, 2024 WL 2306281, at *4
(N.D. Cal. May 20, 2024) (internal quotation and citation omitted), the Court disagrees. By the
instant action, Plaintiffs in no way seek to challenge any detainee’s removal, nor do they
otherwise raise any issue pertaining to any removal proceedings.

1 *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Plaintiffs citing *Jones v. Blanas*, 393 F.3d 918,
2 932 (9th Cir. 2004), invoke the presumption set forth therein and argue punitive conditions are
3 presumed when a civilly detained person is “confined in conditions identical to, similar to, or
4 more restrictive than, those in which his criminal counterparts are held.” Defendants dispute the
5 presumption’s applicability to civil immigration detainees. The Court need not resolve said
6 dispute at this juncture, however, as even assuming, *arguendo*, the *Jones* presumption is not
7 applicable, Plaintiffs have shown they are likely to prevail on the aspects of their claims covered
8 by the Court’s February 10 Order.

9 A condition of confinement is deemed unconstitutionally punitive where “intended to
10 punish, where it is excessive in relation to its non-punitive purpose or is employed to achieve
11 objectives that could be accomplished in . . . alternative and less harsh methods.” *See Fraihat v.*
12 *U.S. Immigr. & Customs Enf’t*, 16 F.4th 613, 647 (9th Cir. 2021) (internal quotation and citation
13 omitted).

14 Correctional facilities must “provide a system of ready access to adequate medical care,”
15 in which patients can alert medical staff to their problems and the staff is competent enough to
16 diagnose and treat those problems or refer the patients to others who can. *See Hoptowit v. Ray*,
17 682 F.2d 1237, 1253 (9th Cir. 1982). To comply with the constitution, correctional institutions
18 must conduct adequate medical screenings to identify individuals’ health needs and risk factors;
19 ensure that their health care systems support continuity of care, including by providing patients
20 with necessary medications and medical devices; timely respond to routine or emergent health
21 care needs; and have adequate and qualified staff to deliver medical services to patients. *See, e.g.,*
22 *Madrid v. Gomez*, 889 F. Supp. 1146, 1205 (N.D. Cal. 1995) (intake screening); *Lopez v. Smith*,
23 203 F.3d 1122, 1132 (9th Cir. 2000) (timely provision of medication); *Hoptowit*, 682 F.2d at
24 1253 (functional sick call system); *Jensen v. Shinn*, 609 F. Supp. 3d 789, 864 (D. Ariz. 2022)
25 (adequate and qualified staff). Where the facility’s medical staff cannot meet certain medical
26 needs, they must refer patients to those who can on a “reasonably speedy” basis. *See Hoptowit*,
27 682 F.2d at 1253; *see also, e.g., Casey v. Lewis*, 834 F. Supp. 1477, 1544 (D. Ariz. 1993) (finding
28 one month delay for serious medical problem not “reasonably speedy”).

1 Given Plaintiffs factual showing as to the inadequacy of health care provided at CCDF,
2 the Court finds Plaintiffs have established they are likely to succeed on their claim that medical
3 care at CCDF violates the Fifth Amendment or, at the very least, they have raised serious
4 questions going to the merits of that claim. By its February 10 Order, the Court has set out what it
5 has determined Defendants are required to do in order to provide adequate health care under the
6 Fifth Amendment, and said order's provision for appointment of an independent, third-party
7 monitor reflects this Court's determination that the Court would benefit from such individual's
8 assessment with regard to the provision of constitutionally adequate health care at CCDF. *See,*
9 *e.g., Cal. Coal. for Women Prisoners v. United States*, 723 F. Supp. 3d 712, 719 (N.D. Cal. 2024)
10 (appointing special master to "assist the [c]ourt to ensure compliance" with preliminary
11 injunction order); *Jensen*, 609 F. Supp. 3d at 913–14 (requiring parties to nominate proposed
12 experts "to assist with crafting an injunction that remedies constitutional violations").

13 **2. Plaintiffs are likely to succeed on their First and Fifth Amendment**
14 **claims regarding attorney access.**

15 Detained individuals retain their First Amendment rights, *see Valdez v. Rosenbaum*, 302
16 F.3d 1039, 1048 (9th Cir. 2002), which rights include the "right to hire and consult an attorney,"
17 *see Eng v. Cooley*, 552 F.3d 1062, 1069 (9th Cir. 2009). "[O]verly restrictive" policies that hinder
18 a detainee's ability to "hire and consult with an attorney" violate such detainee's First
19 Amendment right to "communicate with the outside world." *See Torres v. Dep't of Homeland*
20 *Sec.*, 411 F. Supp. 3d 1036, 1067–68 (C.D. Cal. 2019). Restrictions on access to counsel may also
21 be challenged under the Fifth Amendment. *See id.* at 1044–45, 1064–65 (finding civil
22 immigration detainees sufficiently alleged First and Fifth Amendment violations where contact
23 with counsel was subject to significant restrictions in terms of timing, duration, access to
24 confidential space, and promptness).

25 As discussed above, Defendants employ an essentially blanket policy preventing in-
26 person, contact visits between detained persons and their lawyers. Defendants have not provided
27 adequate justification for such a restriction, nor have defendants adequately explained the need
28 for any of the other delays and restrictions that are impeding attorneys' ability to consult with and

1 represent their clients.

2 Given Plaintiffs' showing, the Court finds Plaintiffs are likely to succeed on their claim
3 that Defendants' overly restrictive policies regarding attorney visits and legal calls violate
4 Plaintiffs' First and Fifth Amendment rights. By its February 10 Order, the Court has set forth
5 what it has determined Defendants are required to do in order to provide constitutionally adequate
6 access to counsel under the First and Fifth Amendments.

7 **3. Plaintiffs are likely to succeed on their Fifth Amendment claim**
8 **regarding other conditions of confinement.**

9 The Court finds Plaintiffs have shown the lack of temperature-appropriate clothing and
10 insufficient outdoor recreation time are both excessive in relation to any non-punitive purpose and
11 employed to achieve objectives that could be achieved by other, less harsh methods. Defendants
12 have not proffered, and the Court cannot conceive of, a non-punitive reason to deny temperature-
13 appropriate clothing, and Plaintiffs have submitted undisputed evidence that prisons, as well as
14 other ICE detention facilities, provide sweatshirts and sweatpants free of charge. (*See* Doc. No.
15 49-2 ¶¶ 21–22; Doc. No. 22-20 ¶ 15; Doc. No. 22-7 ¶ 8.)⁷

16 The Court also finds Plaintiffs should receive, weather permitting, a minimum of one hour
17 of outdoor access per day seven days a week. Although Defendants acknowledge such access is
18 their “goal” (*see* Doc. No. 45-1 ¶ 91), the evidence discussed earlier herein demonstrates such
19 goal is not being accomplished. Although various concerns may occasionally arise and interfere
20 with the provision of outdoor access, those concerns are likely to be much the same as those
21 encountered in prison settings, and, as noted, the amount of outdoor time CCDF detainees receive
22 is less than even prisoners held in solitary confinement receive. (*See* Doc. No. 22-2 ¶ 26.)

23 Given Plaintiffs' showing, the Court finds Plaintiffs have demonstrated they are likely to
24 succeed on their claim that they are being subjected to punitive conditions of confinement
25 pertaining to climatic exposure and outdoor access.

26 **4. Plaintiffs have shown they are suffering irreparable harm.**

27 Based on the factual findings set forth above, the Court finds Plaintiffs have adequately

28 ⁷ Although, as noted, Defendants state they have provided “jackets,” the un rebutted evidence is
that those jackets do not provide adequate warmth. (*See* Doc. No. 49-5 ¶ 6; Doc. No. 49-6 ¶ 13.)

1 shown they are suffering irreparable harm at CCDF. It is “well established that the deprivation of
2 constitutional rights unquestionably constitutes irreparable injury.” *Melendres v. Arapaio*, 695
3 F.3d 990, 1002 (9th Cir. 2012) (internal quotation and citation omitted). Here, as discussed above,
4 Plaintiffs have shown the deprivation of adequate medical care and imposition of other punitive
5 conditions of confinement at CCDF have resulted in past, ongoing, and in all likelihood if not
6 enjoined, continuing irreparable harm to detainees at CCDF. Moreover, the denial of meaningful
7 access to counsel likewise constitutes irreparable harm, particularly given “the complexity of
8 immigration procedures, and the enormity of the interests at stake.” *See Ardestani v. I.N.S.*, 502
9 U.S. 129, 138 (1991).

10 **5. The balance of equities and the public interest favor an injunction.**

11 “The third and fourth factors, harm to the opposing party and weighing the public interest,
12 merge when the Government is the opposing party.” *See Roe v. Critchfield*, 137 F.4th 912, 922
13 (9th Cir. 2025) (internal quotation and citation omitted). In that regard, the Court first notes, “it is
14 always in the public interest to prevent the violation of a party’s constitutional rights.” *See*
15 *Melendres*, 699 F.3d at 1002 (internal quotation and citation omitted). Next, the Court finds
16 avoiding “preventable human suffering” outweighs any administrative or financial concerns that
17 Defendants may have. *See Harris v. Bd. of Supervisors, L.A. Cnty.*, 366 F.3d 754, 766 (9th Cir.
18 2004). As the Ninth Circuit has observed, “[o]ur society as a whole suffers when we neglect the
19 [vulnerable], or when we deprive them of their rights or privileges.” *See Lopez v. Heckler*, 713
20 F.2d 1432, 1437 (9th Cir. 1983).

21 **III. CLASS CERTIFICATION MOTION**

22 **A. Plaintiffs have satisfied the requirements of Rule 23(a).**

23 A party seeking class certification must first meet the requirements of Rule 23(a), under
24 which such party must “prove that there are in fact sufficiently numerous parties, common
25 questions of law or fact, typicality of claims or defenses, and adequacy of representation.” *See*
26 *Comcast Corp. v. Behrend*, 569 U.S. 27, 33 (2013). The Court addresses each such element in
27 turn.

28 First, the proposed class is sufficiently numerous. *See Fed. R. Civ. P. 23(a)(1)*. The record

1 demonstrates that, at the time that Plaintiffs filed for class certification, there were at least 800
2 individuals detained at CCDF. (*See* Doc. No. 21 at 17; Doc. No. 46 at 4); *see also* *Rannis v.*
3 *Recchia*, 380 App’x 646, 651 (9th Cir. 2010) (noting “[i]n general, courts find the numerosity
4 requirement satisfied when a class includes at least 40 members”). Given such numbers, the Court
5 finds requiring either separate lawsuits or joinder of individual class members would be
6 impracticable.

7 Second, Plaintiffs have demonstrated commonality. *See* Fed. R. Civ. P. 23(a)(2). As set
8 forth above in detail, Plaintiffs challenge systemic policies and practices governing medical care,
9 access to counsel, and conditions of confinement at CCDF that apply to all detainees, and, in
10 support thereof, have submitted the declarations of Dr. Wilcox and Mr. Pacholke, as well as
11 numerous declarations by detainees, all attesting to Defendants’ operation of CCDF in a manner
12 that subjects detainees to systemwide unconstitutional policies and practices. Under such
13 circumstances, the Court finds individual factual differences pose no obstacle to commonality.
14 *See Parsons v. Ryan*, 754 F.3d 657, 682 (9th Cir. 2014) (collecting cases).

15 Third, Plaintiffs have established typicality. *See* Fed. R. Civ. P. 23(a)(3). Typicality is
16 satisfied where the class representatives and other class members “have the same or similar
17 injury,” where “the action is based on conduct which is not unique to the named plaintiffs,” and
18 where “other class members have been injured by the same course of conduct.” *See Parsons*, 754
19 F.3d at 685 (internal quotation and citation omitted). The injuries need only be similar, not
20 identical. *See id.* Here, as discussed above, the named plaintiffs declare that they, like all other
21 members of the putative class, are being exposed to substantial risk of serious harm by the
22 challenged policies and practices existing at CCDF. “The named plaintiffs thus allege the same
23 or [a] similar injury as the rest of the putative class; they allege that this injury is a result of a
24 course of conduct that is not unique to any of them; and they allege that the injury follows from
25 the course of conduct at the center of the class claims.” *See id.* (internal quotation and citation
26 omitted).

27 Fourth, the Court finds the adequacy requirement is satisfied as to the named plaintiffs and
28 their counsel. *See* Fed. R. Civ. P. 23(a)(4). In determining adequacy, courts ask “(1) do the named

1 plaintiffs and their counsel have any conflicts of interest with other class members; and (2) will
2 the named plaintiffs and their counsel prosecute the action vigorously on behalf of the
3 class?” *See Jane Doe 1 v. Nielsen*, 357 F. Supp. 3d 972, 990 (N.D. Cal. 2018). Here, no conflict
4 of interest has been identified as to any plaintiff or plaintiffs’ attorney nor is any such conflict
5 apparent, and Plaintiffs and their counsel have consistently demonstrated a commitment to
6 vigorously prosecuting the action on behalf of the class.

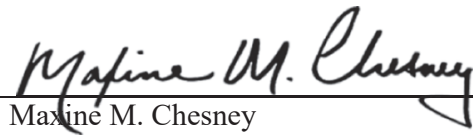
7 **B. Plaintiffs have satisfied the requirements of Rule 23(b).**

8 The Court next finds Plaintiffs have met the additional requirement that they satisfy at
9 least one of the three subsections of Rule 23(b). In particular, Plaintiffs have demonstrated they
10 meet the requirements of Rule 23(b)(2), which requires a showing that “the party opposing the
11 class has acted or refused to act on grounds that apply generally to the class, so that final
12 injunctive relief or corresponding declaratory relief is appropriate respecting the class as a
13 whole.” *See Fed. R. Civ. P. 23(b)(2)*. As discussed above, Plaintiffs’ challenge is to facility-wide
14 policies and practices governing medical care, access to counsel, and conditions of confinement;
15 their alleged injuries arise from the same policies and practices affecting all detainees; and those
16 injuries are capable of being addressed through uniform injunctive and declaratory relief.

17 **IV. CONCLUSION**

18 For the foregoing reasons, the Court issued the relief set forth in its February 10 Order.
19 Nothing herein is intended to alter, expand, or limit the Court’s previous ruling.

20
21 Dated: March 27, 2026

22 
23 Maxine M. Chesney
24 United States District Judge
25
26
27
28

1 KEKER, VAN NEST & PETERS LLP
 2 STEVEN P. RAGLAND - # 221076
 3 sragland@keker.com
 4 CODY S. HARRIS - # 255302
 5 charris@keker.com
 6 CARLOS C. MARTINEZ - # 354616
 7 cmartinez@keker.com
 8 LISA C. LU - # 364259
 9 llul@keker.com
 10 633 Battery Street
 11 San Francisco, CA 94111-1809
 12 Telephone: 415 391 5400
 13 Facsimile: 415 397 7188

8 CALIFORNIA COLLABORATIVE FOR
 9 IMMIGRANT JUSTICE
 10 PRIYA ARVIND PATEL - # 295602
 11 priya@ccijjustice.org
 12 MARIEL VILLARREAL - # 317048
 13 mariel@ccijjustice.org
 14 1999 Harrison Street #1800
 15 Oakland, California 94612
 16 Tel: (650) 762-8990

PRISON LAW OFFICE
 MARGOT MENDELSON - # 268583
 mmendelson@prisonlaw.com
 TESS BORDEN - MJP # 805022, *pro hac vice*
 tess@prisonlaw.com
 PATRICK BOOTH - # 328783
 patrick@prisonlaw.com
 ALISON HARDY - # 135966
 ahardy@prisonlaw.com
 RANA ANABTAWI - # 267073
 rana@prisonlaw.com
 1917 Fifth Street
 Berkeley, California 94710-1916
 Tel.: (510) 280-2621

AMERICAN CIVIL LIBERTIES UNION
 FOUNDATION
 KYLE VIRGIEN - # 278747
 kvirgien@aclu.org
 FELIPE HERNANDEZ - # 338468
 npp_fhernandez@aclu.org
 MARISOL DOMINGUEZ-RUIZ - # 345416
 mdominguez-ruiz@aclu.org
 425 California Street, 7th Floor
 San Francisco, CA 94104
 Tel.: (415) 343-0770

CARMEN IGUINA GONZALEZ - # 277369
 ciguinagonzalez@aclu.org
 915 15th Street, NW, 7th Floor
 Washington, DC 20005
 Tel.: (202) 393-4930

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

21 UNITED STATES DISTRICT COURT

22 NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

**~~PROPOSED~~ ORDER GRANTING IN
 PART PLAINTIFFS' MOTIONS FOR
 PRELIMINARY INJUNCTION AND
 CLASS CERTIFICATION**

Judge: Hon. Maxine M. Chesney

Date Filed: November 12, 2025

[PROPOSED] ORDER GRANTING IN PART PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTION
 AND CLASS CERTIFICATION
 Case No. 3:25-cv-09757-MMC

4113057

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

Defendants.

[PROPOSED] ORDER GRANTING IN PART PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTION
AND CLASS CERTIFICATION
Case No. 3:25-cv-09757-MMC

4113057

1-ER-0026

**~~[PROPOSED]~~ ORDER GRANTING IN PART MOTIONS FOR PRELIMINARY
INJUNCTION AND CLASS CERTIFICATION**

Pursuant to Federal Rules of Civil Procedure 65 and 23, and having reviewed the Parties' filings and the argument of counsel, the Court finds that Plaintiffs have demonstrated that they are likely to prevail on the merits of their claims; that they will suffer irreparable harm if the Court does not issue relief; that the balance of equities tips in their favor; that the public interest lies in issuing a preliminary injunction; and that all the requirements of Rule 23(a) and 23(b)(2) have been satisfied.

Accordingly, Plaintiffs' Motion for Preliminary Injunction is **GRANTED IN PART**, as follows:

1) Defendants are ordered to ensure the following:

- a. adequate health care staffing;
- b. comprehensive, documented medical intake screening, performed by a qualified medical provider within 12 hours of a person's arrival;
- c. thorough Initial Appraisals performed timely by a primary care provider;
- d. timely approval and access to medical specialists;
- e. timely and responsive emergency services;
- f. continuity of medical care upon intake and thereafter, including timely completion of active medical orders, access to scheduled provider appointments, and consistent provision of medication;
- g. timely access to prescribed medications; and
- h. a responsive "sick call" request system.

2) To ensure compliance with Paragraph (1) and the provision of constitutionally adequate health care, Defendants are ordered to provide access to a qualified, independent, third-party monitor ("External Monitor") for a period of 120 days, subject to renewal by court order. The External Monitor will ensure compliance with this Order and will monitor its implementation, including through review of medical records and on-site inspection and interviews with patients and staff. The

parties will meet and confer regarding the selection of the External Monitor and will present their proposal(s) to the Court within 14 days of this Order. If the Parties are unable to agree upon the selection, the Court will resolve the dispute and appoint the External Monitor. Defendants are ordered to pay the External Monitor's reasonable rate.

- 3) Defendants are ordered to ensure that detained individuals have timely and confidential access to attorneys, including but not limited to by allowing:
 - a. in-person legal visitation seven days per week from 8:00 a.m. to 8:00 p.m., in private and confidential settings, with each legal visit lasting up to three (3) hours in length;
 - b. contact attorney visits that do not take place through a pane of glass, absent documented security grounds to deny such contact;
 - c. scheduling of confidential legal calls with legal representatives of up to 90 minutes each, to take place within two (2) business days of a request; and
 - d. provision of written information regarding protocols for attorney-client communication to all individuals detained at California City.
- 4) Defendants are further ordered to ensure that detained individuals are provided with the following, with exceptions only where necessary for individualized, documented security concerns:
 - a. Temperature-appropriate clothing and blankets free of charge;
 - b. Reasonable, consistent, and adequate access to adequate outdoor recreation spaces, for at least 1 hour per day, 7 days per week.

- 5) The bond requirement of Federal Rule of Civil Procedure 65(c) is waived.

Plaintiffs' Motion for Class Certification (ECF No. 21) is **PROVISIONALLY GRANTED** as to the Class, and the Provisional Class is defined as: All persons who are now, or in the future will be, in the legal custody of U.S. Immigration and Customs Enforcement ("ICE") and detained at California City Detention Facility ("California City"). The Provisional Class is certified as to the practices and relief identified in this Order. It is further **ORDERED** that

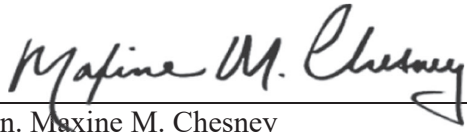
1 Fernando Gomez Ruiz, Fernando Viera Reyes, Jose Ruiz Canizales, Yuri Alexander Roque
2 Campos, Sokhean Keo, Gustavo Guevara Alarcon, and Alejandro Mendiola Escutia are hereby
3 appointed to be the named representatives of the Provisional Class. It is further **ORDERED** that
4 Plaintiffs' counsel, from the Prison Law Office, Kekker, Van Nest & Peters LLP, the American
5 Civil Liberties Union, and the California Collaborative for Immigrant Justice are hereby
6 appointed as counsel for the Provisional Class.

7 All relief sought by Plaintiffs but not addressed in this Order is held in abeyance pending
8 further Court order.

9 The March 6, 2026 Case Management Conference is vacated and taken off calendar. ~~The~~
10 ~~The February 13, 2026 deadline to conduct a Rule 26(f) conference and to file the ADR Certification is vacated.~~
11 ~~parties shall proceed with their Rule 26(f) conference and file the ADR Certification by February~~
12 ~~13, 2026.~~ The February 27, 2026 deadline to exchange initial disclosures and file a joint case
13 management statement is vacated.

14 **IT IS SO ORDERED.**

15 Dated: February 10, 2026

16 
17 Hon. Maxine M. Chesney
18 United States District Judge
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