

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TEXAS CIVIL RIGHTS PROJECT, as Next Friend,)	
on behalf of UNNAMED CHILDREN #1-100,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	
)	No. 20-cv-_____
CHAD F. WOLF, Acting Secretary of Homeland)	
Security, in his official capacity, et al.,)	
)	
<i>Defendants.</i>)	

**PLAINTIFFS’ EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
ALLOWING ATTORNEY ACCESS
TO UNNAMED CHILDREN AND STAY OF REMOVAL**

Defendants have refused to provide undersigned counsel with access to the unaccompanied children at issue here, and accordingly undersigned counsel do not know the date and time they are due to be removed. Based on past experience, Counsel believes the removal of the children could be as soon as tonight (July 24) or this weekend. Per a news report, some children may have already been physically removed from the facility to unknown locations.

Plaintiffs Unnamed Children 1-100 (“Unnamed Children”) are children who have come to the United States alone and are being held pending removal from the United States under the government’s novel and unlawful Title 42 Process. The Unnamed Children were being housed at the Hampton Inn & Suites located in McAllen, Texas, as of July 23, 2020. Their next friend Texas Civil Rights Project, respectfully moves, on their behalf and based on this Motion and the attached memorandum of law and declaration, for a temporary restraining order (“TRO”) allowing attorney access to the Unnamed Children and staying their removal until the Court can set this matter for briefing.

Undersigned counsel has consulted with counsel at the Department of Justice and requested that Defendants allow counsel to access the Unnamed Children, and have also requested to stay their deportation. As of the filing of this Motion, counsel for the government has declined to do so. Plaintiffs therefore seek this Court's intervention. In addition to the grave harm the children would face if removed, the case involves a challenge to the government's unprecedented policy of expelling unaccompanied minors without any procedural protections based on the supposed authority in the public health laws of Title 42 of the U.S. Code. The only Court to have address the Title 42 Process stayed a child's deportation after finding that he was likely to succeed in his legal challenge to the Process.

Dated: July 24, 2020

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Respectfully submitted,

/s/ Celso J. Perez

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Attorneys for Plaintiff

**Pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2020, I will cause a copy of this motion, supporting exhibits and proposed order to be served on the following, together with the summons and complaint:

Chad F. Wolf
Acting Secretary of the Department of Homeland Security
245 Murray Lane, SW,
Washington, DC 20528;

Mark A. Morgan
Acting Commissioner of U.S. Customs and Border Protection
1300 Pennsylvania Ave, NW
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Matthew T. Albence
Deputy Director of U.S. Immigration and Customs Enforcement,
500 12th Street, SW
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Alex M. Azar II
Secretary of the U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
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/s/ Celso J. Perez
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