

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**AMERICANS FOR IMMIGRANT JUSTICE, et al.,**

*Plaintiffs,*

v.

**U.S. DEPARTMENT OF HOMELAND  
SECURITY, et al.,**

*Defendants.*

No. 1:22-cv-03118 (CKK)

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65, Plaintiffs Americans for Immigrant Justice (“AIJ”), the Florence Immigrant and Refugee Rights Project (“FIRRP”), Immigration Justice Campaign (“IJC”), Immigration Services and Legal Advocacy (“ISLA”), and Refugee and Immigrant Center for Education and Legal Services (“RAICES”) (collectively, “Plaintiffs”) move for the entry of a preliminary injunction requiring Defendants to provide reliable and confidential means to communicate with their clients held in immigration detention at the Florence Correctional Center in Florence, Arizona (“Florence”), the Krome North Service Processing Center in Miami, Florida (“Krome”), the Laredo Processing Center in Laredo, Texas (“Laredo”), and the River Correctional Center in Ferriday, Louisiana (“River”) (collectively, the “Four Detention Facilities”). Plaintiffs FIRRP and AIJ also seek a court order requiring Defendants to provide reasonable accommodations for Detained Clients with Disabilities at Florence and Krome. Plaintiffs, all of which are non-profit legal organizations, seek this preliminary injunction on behalf of themselves and on behalf of clients and prospective clients held at the Four Detention Facilities (“Detained Clients”).

As explained in the accompanying Memorandum, a preliminary injunction is warranted. Defendants’ restrictions on attorney-client communications violate the prohibition under the Due Process Clause of the Fifth Amendment against subjecting civil immigration detainees to conditions that constitute punishment. Their attorney-access restrictions also deprive Detained Clients of their rights to a fundamentally fair custody proceeding to seek release from detention. Defendants further violate the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*, by violating Attorney Access Provisions of ICE’s Detention Standards. At Florence and Krome, Defendants violate Section 504 of the Rehabilitation Act, 29 U.S.C. § 701 *et seq.*, by failing to provide reasonable accommodations necessary for Detained Clients with Disabilities to communicate with

counsel. These constitutional and statutory violations subject Plaintiffs and Detained Clients to irreparable harm that significantly outweighs any conceivable hardship that Defendants may claim from an order requiring them to provide basic attorney-client access. The public interest similarly weighs in favor of granting this preliminary injunction.

In support of this Motion, Plaintiffs submit the accompanying Memorandum of Points and Authorities as well as the attached declarations and exhibits. A proposed injunction is attached for the Court's convenience.

Plaintiffs respectfully request oral argument on this Motion and are available at the Court's convenience.

**STATEMENT PURSUANT TO LOCAL RULE 7(m)**

Pursuant to Local Rule 7(m), on November 15, 2022, Plaintiffs' counsel, Eunice Cho, contacted by email Defendants' counsel, to determine if Defendants would consent to the relief requested in this motion. Plaintiffs' counsel also contacted by email the federal government's counsel in *Southern Poverty Law Ctr. v. Dep't of Homeland Security*, No. 1:18-cv-760-CKK (D.D.C.), which has been noted as a related matter, to try to identify Defendants' counsel in this case. Plaintiffs emailed the following addresses: OGC@hq.dhs.gov; OPLAServiceintake@ice.dhs.gov; Michael.a.celone@usdoj.gov; ruth.a.mueller@usdoj.gov; David.byerley@usdoj.gov; kevin.c.hirst@usdoj.gov; Richard.ingebretsen@usdoj.gov; and yamileth.g.davila@usdoj.gov. Plaintiffs received no response.

On November 17, 2022, Plaintiffs' counsel, Eunice Cho, contacted via telephone Yamileth Davila, the government's counsel in *Southern Poverty Law Ctr.* Ms. Davila confirmed receipt of the email, and inquired if service had been completed on all Defendants in this case. Ms. Cho confirmed that service had been completed, and Ms. Davila stated that although she was not

counsel in this case, Plaintiffs' counsel would receive a response from the government that day. Plaintiffs have received no further response from Defendants.

Respectfully submitted this 18th day of November, 2022.

/s/ Eunice H. Cho

Eunice H. Cho (DC Bar No. 1708073)  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
NATIONAL PRISON PROJECT  
915 Fifteenth St. N.W., 7th Floor  
Washington, DC 20005  
(202) 548-6616  
echo@aclu.org

Kyle Virgien (CA Bar No. 278747)\*\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
NATIONAL PRISON PROJECT  
39 Drumm St.  
San Francisco, CA 94111  
(202) 393-4930  
kvirgien@aclu.org

Jared G. Keenan (AZ Bar No. 027068)  
Vanessa Pineda (AZ Bar No. 030996)  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF ARIZONA  
P.O. Box 17148  
Phoenix, AZ 85011  
(602) 650-1854  
jkeenana@acluaz.org  
vpineda@acluaz.org

Arthur B. Spitzer (DC Bar No. 235960)  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF THE DISTRICT OF  
COLUMBIA  
915 Fifteenth St. NW, 2nd Floor  
Washington, DC 20005  
(202) 601-4266  
aspitzer@acludc.org

Katherine Melloy Goettel (IA Bar No. 23821)†  
Emma Winger (MA Bar No. 677608)\*  
Suchita Mathur (NY Bar No. 5373162)\*  
AMERICAN IMMIGRATION COUNCIL  
1331 G St. N.W., Suite 200  
Washington, DC 20005  
(202) 507-7552  
kgoettel@immcouncil.org  
ewinger@immcouncil.org  
smathur@immcouncil.org

Stacey J. Rappaport (NY Bar No. 2820520)\*  
Linda Dakin-Grimm (DC Bar No. 501954)‡  
Andrew Lichtenberg (NY Bar No. 4881090)\*  
Joseph Kammerman (NY Bar No. 5516711)\*  
MILBANK LLP  
55 Hudson Yards  
New York, NY 10001  
(212) 530-5347  
SRappaport@milbank.com  
LDakin-Grimm@milbank.com  
ALichtenberg@milbank.com  
JKammerman@milbank.com

/s/ Danielle S. Lee

Danielle S. Lee (DC Bar No. 1659736)  
MILBANK LLP  
1850 K Street, NW, Suite 1100  
Washington, DC 20006  
(202) 835-7532  
DLee@milbank.com

Katherine H. Blankenship (FL Bar No. 1031234)\*  
Daniel B. Tilley (FL Bar No. 102882)\*  
Janine M. Lopez (DC Bar No. 1685754)  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF FLORIDA  
4343 W. Flagler St. Suite 400  
Miami, FL 33134  
(786) 363-2700  
kblankenship@aclufl.org  
dtilley@aclufl.org  
jlopez@aclufl.org

Amien Kacou (FL Bar No. 44302)\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF FLORIDA  
4023 N. Armenia Avenue, Suite 450  
Tampa, FL 33607  
(813) 288-8390  
akacou@aclufl.org

Adriana Piñon (TX Bar No. 24089768)\*  
Bernardo Rafael Cruz (TX Bar No. 4109774)\*  
Kathryn Huddleston (TX Bar No. 24038188)\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF TEXAS  
P.O. Box 8306  
Houston, TX 77288  
(713) 942-8146  
apinon@aclutx.org  
brcruz@aclutx.org  
khuddleston@aclutx.org

*Counsel for Plaintiffs*

\*Admitted *pro hac vice*

\*\*Application for admission *pro hac vice* forthcoming.

†Application for admission to the D.C. bar pending; motion for admission *pro hac vice* submitted with the Court.

‡Seeking admission to or renewal of membership in D.D.C.