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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

F.L.B., et al.,

Plaintiffs,

v.

LORETTA E. LYNCH, et al.,

Defendants.

C14-1026 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiffs’ fourth motion to certify class, docket no. 230, is RENOTED to May 20, 2016. The Court tentatively certifies the following class and subclasses:

Tentative Class: All individuals under the age of eighteen (18) who are (1) in removal proceedings, as defined in 8 U.S.C. § 1229a,<sup>1</sup> on or after July 9, 2014, within the boundaries of the Ninth Judicial Circuit, (2) without legal representation, meaning (a) an attorney, (b) a law student or law graduate directly supervised by an attorney or an accredited representative, or (c) an accredited representative, all as defined in 8 C.F.R. § 1292.1, (3) financially unable to obtain such legal representation, and (4) potentially eligible for asylum under 8 U.S.C. § 1158, withholding of removal under 8 U.S.C. § 1231(b)(3), or protection under the Convention Against Torture, or potentially able to make a claim of United States citizenship.

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<sup>1</sup> Plaintiffs do not pursue a right-to-counsel claim on behalf of any juvenile aliens who are in “expedited removal” proceedings, and this Tentative Class definition excludes any minor who (i) qualifies as an “applicant for admission” as defined in 8 U.S.C. § 1225(a)(1), (ii) has not been paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5), and (iii) satisfies the other criteria for “expedited removal.”

1 Tentative Subclass 1: All individuals in the Class who are under the age of  
fourteen (14).

2 Tentative Subclass 2a: All individuals in the Class who were not admitted  
3 to the United States and are alleged to be “inadmissible” under 8 U.S.C.  
§ 1182.

4 Tentative Subclass 2b: All individuals in the Class who were admitted to  
the United States and are alleged to be “deportable” under 8 U.S.C. § 1227.

5 Tentative Subclass 3: All individuals in the Class whose removal  
6 proceedings are consolidated with those of at least one parent or legal  
guardian.

7 Tentative Subclass 4: All individuals in the Class who qualify as an  
“unaccompanied alien child” as defined in 6 U.S.C. § 279(g)(2).

8 The parties are DIRECTED to file, on or before May 6, 2016, supplemental briefs, not to  
9 exceed twelve (12) pages in length, regarding whether the Tentative Class and the  
Tentative Subclasses would satisfy the criteria of Federal Rules of Civil Procedure 23(a)  
10 & (b)(2). The parties shall also address how notice should be provided to class members  
if the Tentative Class is certified. *See* Fed. R. Civ. P. 23(c)(2)(A). Any responses to the  
11 supplemental briefs, which likewise shall not exceed twelve (12) pages in length, shall be  
filed by May 20, 2016.

12 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
13 record.

14 DATED this 18th day of April, 2016.

15 William M. McCool  
Clerk

16 s/Karen Dews  
17 Deputy Clerk