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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12 WESTERN DIVISION  
13

14 Jenny Lisette Flores., *et al.*,

15 Plaintiffs,

16 v.

17 William Barr, Attorney General of the  
18 United States, *et al.*,

19 Defendants.  
20

Case No. CV 85-4544-DMG-AGR<sub>x</sub>

**PLAINTIFFS' [PROPOSED]  
PRELIMINARY INJUNCTION.**

Hearing: April 24, 2020 10 AM

[HON. DOLLY M. GEE]

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1 **IT IS HEREBY ORDERED as follows:**

2 1. Defendants are **ORDERED TO SHOW CAUSE** by June 19, 2020 at 10:00  
3 a.m. why this injunction should not be extended.

4 2. Pending the OSC hearing, IT IS HEREBY FURTHER ORDERED as  
5 follows:

6 a. For a period of 60 days, to comply with class members' right to "safe and  
7 sanitary" conditions of detention (FSA ¶ 12A), and to be "treated ... with ...  
8 special concern for their particular vulnerability as minors," (*id.* ¶ 11), and to  
9 prompt release to available sponsors (*id.* ¶¶ 14 and 18), and to detain minors  
10 in the least restrictive setting (*id.* ¶ 11 and 23), ICE and ORR shall make and  
11 record continuous efforts aimed at the release of class members *and release*  
12 *them* to available and acceptable sponsors identified in Paragraph 14 of the  
13 FSA, or, if not released within 20 days and detained in an FRC, release them  
14 with their detained parent unless that parent is determined to be a flight risk  
15 or danger.

16 b. In all facilities holding class members, ICE and ORR shall comply with all  
17 CDC guidelines for detention facilities.

18 c. ICE shall detain each child in the least restrictive setting.

19 d. In order to monitor ICE and ORR compliance with the Court's Order and  
20 evolving COVID-19 practices, and to resolve the current material factual  
21 disputes between the parties' declarants regarding practices at the ICE and  
22 ORR facilities, and to assist the parties and the Court in determining the need  
23 for or scope of any further Orders after 60 days, for a period of 30 days the  
24 parties may propound written discovery and conduct depositions (with any  
25 disputes to be promptly addressed by the Special Monitor).

26 e. During the 60 days after this Order is issued, the parties shall meet and  
27 confer with the assistance of the Special Monitor to address compliance with  
28 the Court's Order and file a joint status report addressing any remaining  
disputes that require the Court's adjudication of the pending application.

- 1 f. For purposes of ensuring prompt release over the next 60 days, ORR shall  
2 cease its blanket policy requiring fingerprints from all Category 2B and  
3 Category 3 sponsors and from all sponsors, adult household members, and  
4 adult care providers in every case where a home study is conducted. ORR  
5 may continue to require fingerprints if it conducts an individualized  
6 assessment and determines that fingerprinting is necessary to address a  
7 documented risk of safety to the child.
- 8 g. For purposes of ensuring class members are housed in safe and sanitary  
9 conditions, ICE and ORR shall inform a class member's counsel when a class  
10 member has been infected with or exposed to COVID-19 where counsel has  
11 class member's or the class member's parent's consent to release their medical  
12 information.

13 IT IS SO ORDERED.

14  
15 Dated: April \_\_, 2020

\_\_\_\_\_  
16 United States Judge Dolly M. Gee

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18 Presented by:

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20 \_\_\_\_\_/s/\_\_\_\_\_

21 Peter Schey

22 One of the Attorneys for Plaintiffs

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