

1 BRETT A. SHUMATE
2 Assistant Attorney General
3 Civil Division
4 DREW ENSIGN
5 Deputy Assistant Attorney General
6 WILLIAM C. SILVIS
7 Assistant Director
8 KATELYN MASETTA-ALVAREZ
9 CHRISTINA PARASCANDOLA
10 Senior Litigation Counsel
11 JOSHUA C. MCCROSKEY
12 Trial Attorney
13 U.S. Department of Justice, Civil Division
14 Office of Immigration Litigation
15 General Litigation and Appeals Section
16 P.O. Box 878, Ben Franklin Station
17 Washington, DC 20044
18 (202) 305-1540
19 joshua.c.mccroskey@usdoj.gov
20 *Attorneys for Defendants*

21 UNITED STATES DISTRICT COURT
22 CENTRAL DISTRICT OF CALIFORNIA
23 WESTERN DIVISION

24 JENNY LISETTE FLORES, *et al.*,

25 Plaintiffs,

26 v.

27 PAMELA BONDI, Attorney General of
28 the United States, *et al.*,

Defendants.

No. CV 85-4544-DMG-AGR

**DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO ENFORCE
SETTLEMENT**

Hearing Date: August 8, 2025

Hearing Time: 10:00 a.m.

Honorable Dolly M. Gee
Chief United States District Judge

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	BACKGROUND	1
III.	LEGAL STANDARD.....	2
IV.	ARGUMENT.....	2
A.	The Court should deny the MTE because the FSA should be terminated.	2
B.	The Immigration and Nationality Act, 8 U.S.C. § 1252(f)(1), bars Plaintiffs’ requests for class-wide injunctive relief.....	2
C.	Plaintiffs fail to show any FSA violations based on time in custody.	4
D.	Plaintiffs do not show any FSA violations based on custodial conditions.	7
1.	Plaintiffs’ thin evidentiary showing does not sustain their burden to prove noncompliance with the FSA.....	7
2.	Plaintiffs do not prove FSA violations regarding custodial conditions in Border Patrol stations.	10
3.	Plaintiffs do not prove FSA violations regarding custodial conditions in ports of entry.	15
4.	Plaintiffs do not sustain their other general allegations.	17
E.	Plaintiffs have not proven that the Court should appoint a monitor.	19
1.	The <i>Flores</i> monthly data reporting problems have been resolved.	19
2.	CBP’s real-time monitoring of time in custody and expeditious processing is accurate.	20
V.	CONCLUSION	20

TABLE OF AUTHORITIES

CASES

<i>Demirchyan v. Gonzales</i> , No. CV 08-3452 SVW MAN, 2010 WL 3521784 (C.D. Cal. Sept. 8, 2010).....	9
<i>Dep’t of Homeland Sec. v. Thuraissigiam</i> , 591 U.S. 103 (2020).....	6
<i>Flores v. Barr</i> , No. CV 85-4544-DMG, 2020 WL 2758792 (C.D. Cal. Apr. 24, 2020)	2, 4, 6, 8
<i>Flores v. Barr</i> , No. CV 85-4544-DMG, 2020 WL 5491445 (C.D. Cal. Sept. 4, 2020)	5
<i>Flores v. Lynch</i> , 828 F.3d 898 (9th Cir. 2016).....	6
<i>Flores v. Sessions</i> , 394 F. Supp. 3d 1041 (C.D. Cal. 2017)	6, 8, 10
<i>Galvez v. Jaddou</i> , 52 F.4th 821 (9th Cir. 2022).....	3
<i>Garland v. Aleman Gonzalez</i> , 596 U.S. 543 (2022).....	3
<i>Suchite v. ABM Aviation, Inc.</i> , 741 F. Supp. 3d 878 (S.D. Cal. 2024).....	8
<i>Torres v. Barr</i> , 976 F.3d 918 (9th Cir. 2020).....	6, 7

STATUTES

8 U.S.C. § 1225(b).....	6
8 U.S.C. § 1229a.....	6
8 U.S.C. § 1252(f)(1)	1, 2, 3, 5
8 U.S.C. §§ 1221–1231	3

RULES

Fed. R. Evid. 802 9

REGULATIONS

45 C.F.R. §§ 410.1201–.1204 5

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On June 17, 2025, Plaintiffs filed a Motion to Enforce Settlement (“MTE”), alleging violations of the *Flores* Settlement Agreement (“FSA”) and seeking an order against Defendants U.S. Department of Homeland Security (“DHS”), U.S. Customs and Border Protection (“CBP”), and U.S. Immigration and Customs Enforcement (“ICE”). ECF No. 1575. Plaintiffs allege violations of the FSA regarding the time that class members spend in CBP custody, the conditions of CBP custody, and the monthly data reporting from CBP and ICE under FSA ¶ 29.¹ This Court should deny Plaintiffs’ MTE. First, for the reasons in Defendants’ pending Motion to Terminate Settlement Agreement (“MTT”), ECF No. 1567, the Court should terminate the FSA entirely. Second, under 8 U.S.C. § 1252(f)(1), the Court lacks jurisdiction to grant much of the relief Plaintiffs request. Third, Plaintiffs fail to prove current violations of the FSA and do not show that the Court should grant the relief sought.

II. BACKGROUND²

In both the U.S. Border Patrol, which operates between ports of entry (“POE”), and the Office of Field Operations (“OFO”), which operates at POEs, CBP ensures that holding facilities are safe and sanitary for class members in compliance with the FSA. *See* Decl. of John Modlin (“Modlin Decl.”) ¶¶ 19–34, 43–56, ECF No. 1567-2; Ex. 1, Decl. of Benjamin Hollinder (“Hollinder Decl.”) ¶ 5; Ex. 2, Decl. of Luis Mejia (“Mejia Decl.”) ¶¶ 5–6. Whenever CBP encounters an alien minor who lacks a lawful basis to be in the United States, CBP processes the minor and will repatriate the minor or transfer the minor to the Department of Health and Human Services (“HHS”) or ICE, as appropriate. Modlin

¹ Plaintiffs make no allegations regarding unaccompanied alien children. Accordingly, this Opposition focuses on minors in family units.

² Given this Court’s familiarity with the case, Defendants provide a summary tailored to the issues presented by Plaintiffs’ recent MTE. For additional procedural history, see Defendants’ MTT 6–19.

Decl. ¶¶ 9–17, 36–42. “Every effort is made to hold detainees for the least amount of time required to process, transfer, or remove those in custody as promptly as is appropriate and operationally feasible.” *Id.* ¶¶ 17, 56. Since January 2025, the number of children that CBP has encountered and apprehended has dramatically decreased. 2025 CBP Juvenile Coordinator Annual Report 8–12, ECF No. 1599-1. During the 30 days prior to June 9, 2025, Border Patrol apprehended a daily average of 25 unaccompanied alien children, with an average time in custody of less than 19 hours, and a daily average of 13.8 family units with an average time in custody of 87.75 hours. *Id.* at 9.

Under FSA Paragraph 29 and Court orders, CBP and ICE provide monthly reports to Plaintiffs’ counsel about minors who were in CBP or ICE custody for more than 72 hours during the previous month. Ex. 3, Decl. of Latoya Morgan (“Morgan Decl.”) ¶ 5; Ex. 4, Decl. of Dawnisha M. Helland (“Helland Decl.”) ¶ 9. After being notified that some class members were erroneously missing from the reports, CBP and ICE identified the problems and corrected how they pull data for these reports. Morgan Decl. ¶¶ 7–8; Helland Decl. ¶¶ 10–14.

III. LEGAL STANDARD

To enforce the FSA as a contract, Plaintiffs must prove by a preponderance of the evidence that CBP and ICE “are currently in breach of the FSA.” *Flores v. Barr*, No. CV 85-4544-DMG-AGR_x, 2020 WL 2758792, at *3 (C.D. Cal. Apr. 24, 2020). The Court applies the doctrine of substantial compliance. *Id.*

IV. ARGUMENT

A. The Court should deny the MTE because the FSA should be terminated.

For all the reasons stated in Defendants’ pending motion to terminate, the Court should terminate the FSA and, thus, deny the MTE. *See* MTT 22–55.

B. The Immigration and Nationality Act, 8 U.S.C. § 1252(f)(1), bars Plaintiffs’ requests for class-wide injunctive relief.

The Court should deny the relief Plaintiffs request because Congress has stripped this Court of jurisdiction “to enjoin or restrain the operation” of the immigration-detention

1 provisions of the INA on a class-wide basis. Plaintiffs ask the Court to order that CBP
2 “expeditiously process class members,” “make and record prompt and continuous efforts
3 on its part toward family reunification and the release of a minor,” process class members
4 for “individualized bond determination[s] where appropriate pursuant to Paragraph 24A
5 of the Settlement,” effect transfers to other facilities “expeditiously,” and “hold minors in
6 [CBP] custody only for the amount of time DHS reasonably requires to process the minor
7 for release and/or actively arrange for and complete transport of the minor to a more
8 suitable facility.” Proposed Order ¶¶ 1–3, ECF No. 1575-1.

9 In 8 U.S.C. § 1252(f)(1), Congress provided that “no court (other than the Supreme
10 Court) shall have jurisdiction or authority to enjoin or restrain the operation” of 8 U.S.C.
11 §§ 1221–1231 “other than with respect to . . . an individual alien.” 8 U.S.C. § 1252(f)(1).
12 *Galvez v. Jaddou*, 52 F.4th 821, 830 (9th Cir. 2022). These sections include the sources of
13 DHS’s authority to detain class members, which are in §§ 1225(b)(1)(B)(ii),
14 1225(b)(1)(B)(iii)(IV), 1225(b)(2)(A), 1226, and 1231(a).

15 The Supreme Court has stated that “§ 1252(f)(1) generally prohibits lower courts
16 from entering injunctions that order federal officials to take or to refrain from taking
17 actions to enforce, implement, or otherwise carry out the specified statutory provisions.”
18 *Garland v. Aleman Gonzalez*, 596 U.S. 543, 550 (2022). The Supreme Court held that
19 § 1252(f)(1) prohibited injunctions requiring the Government to provide bond hearings to
20 a class because the injunctions “require officials to take actions that (in the Government’s
21 view) are not required by § 1231(a)(6) and to refrain from actions that (again in the
22 Government’s view) are allowed by § 1231(a)(6).” *Id.* at 551.

23 Here, Plaintiffs’ requested class-wide relief would violate § 1252(f)(1) because it
24 would require CBP to take actions that are not required, or in some cases even permitted,
25 by the relevant statutory provisions. For example, Plaintiffs want the Court to order CBP
26 to consider families for parole or release into the United States. MTE 11. But
27 individualized consideration of release or parole is a procedural step that the covered
28 provisions of the INA do not require. *See Aleman Gonzalez*, 596 U.S. at 551. The FSA is

1 an injunction. *Flores*, 2020 WL 2758792, at *2. Thus, the FSA and any enforcement of
2 the FSA is subject to § 1252(f)(1). *See* MTT 22–24. Under § 1252(f)(1), the Court lacks
3 jurisdiction to order the requested class-wide relief.

4 **C. Plaintiffs fail to show any FSA violations based on time in custody.**

5 When CBP takes a minor into custody, it expeditiously processes the minor in
6 compliance with Paragraph 12.A of the FSA. Paragraph 12.A states that “[w]henver the
7 [Immigration and Naturalization Service (“INS”)] takes a minor into custody, it shall
8 expeditiously process the minor.” FSA ¶ 12.A. Although Paragraph 12.A contemplates
9 that minors will be released or transferred to a placement under Paragraph 19 within a
10 certain number of days, it provides that during an “influx of minors into the United States,”
11 the INS shall place minors “as expeditiously as possible.” FSA ¶ 12.A.3. The FSA defines
12 “influx of minors into the United States” as “those circumstances where the INS has, at
13 any given time, more than 130 minors eligible for placement in a licensed program under
14 Paragraph 19, including those who have been so placed or are awaiting such placement.”
15 FSA ¶ 12.B. Plaintiffs do not dispute that at all relevant times the “influx” provision has
16 been in effect based on the number of minors in immigration custody.

17 CBP must conduct several steps to “process” individuals suspected of being
18 unlawfully present. Agents “collect biographic and biometric information from certain
19 aliens and conduct records checks through CBP and other law enforcement systems.” *Id.*
20 ¶¶ 9–10. Agents may also have to question aliens individually. *Id.* Agents provide children
21 or their accompanying parents with certain forms, notices, and screenings. *Id.* ¶¶ 11–12.
22 For children in family units, Border Patrol processes the family for the appropriate
23 immigration disposition. *Id.* ¶ 14. Plaintiffs do not allege that CBP is failing to perform
24 expeditiously any of this processing.

25 Plaintiffs argue that CBP is violating the FSA by “refusing to consider families for
26 parole or release” and by not beginning “prompt and continuous efforts towards release
27 when it takes a child into custody.” MTE 11. In this argument, Plaintiffs conflate
28 Paragraphs 12.A, 14, 18 and 24.A of the FSA. Paragraph 14 states, “Where the INS

determines that the detention of the minor is not required either to secure his or her timely appearance before the INS or the immigration court, or to ensure the minor's safety or that of others, the INS shall release a minor from its custody without unnecessary delay" to a sponsor who meets certain requirements under Paragraphs 14–17. FSA ¶ 14. Paragraph 18 provides, "Upon taking a minor into custody, the INS, or the licensed program in which the minor is placed, shall make and record the prompt and continuous efforts on its part toward family reunification and the release of the minor pursuant to Paragraph 14 above." FSA ¶ 18. Finally, Paragraph 24.A. generally requires that a "minor in deportation proceedings shall be afforded a bond redetermination hearing before an immigration judge in every case." FSA ¶ 24.A. As explained above, 8 U.S.C. § 1252(f)(1) prohibits the Court from enforcing these provisions on a class-wide basis.

Moreover, the former INS's responsibilities were split among CBP, ICE, and HHS. Paragraphs 14, 18, and 24.A do not apply to CBP's operations that cover initial apprehension and processing. In a different context, the Court has expressed that different parts of the FSA only become applicable after certain periods of time or procedural triggers. *See Flores v. Barr*, No. CV 85-4544-DMG-AGR_x, 2020 WL 5491445, at *7 (C.D. Cal. Sept. 4, 2020). In the few hours or days that minors in family units spend in CBP custody, CBP could not conduct the rigorous and extensive suitability assessments required to protect children released to sponsors under Paragraph 14. *See* 45 C.F.R. §§ 410.1201–.1204 (outlining HHS's suitability review process in the context of unaccompanied alien children). Although Paragraph 18 starts with the phrase "[u]pon taking a minor into custody," it contemplates a vetting process that would ordinarily take longer than a family unit would spend in CBP custody. In addition, Paragraph 18 does not logically apply to the situation of family units because there is no need to work towards "family reunification" when the child is already with a parent. To the contrary, time spent in CBP custody is often spent working towards processing the family in a manner that will maintain family unity—removing the family together or placing them at an ICE family residential center. And, as the Ninth Circuit recognized, the FSA does not require the

1 release of parents. *Flores v. Lynch*, 828 F.3d 898, 908–09 (9th Cir. 2016). Thus, Paragraph
2 18 is inherently contradictory when family units are encountered.

3 Plaintiffs also fail to acknowledge that parole and release on bond are not the only
4 types of release. CBP may work expeditiously toward removal from the United States,
5 which is one form of release from immigration custody. *See Dep’t of Homeland Sec. v.*
6 *Thuraissigiam*, 591 U.S. 103, 119 (2020). This Court has found that expeditious
7 processing can encompass detention for a limited period if the government is working as
8 quickly as it can toward completing the expedited removal process or executing a final
9 order of removal when removal is “imminent” or “ready to take place.” *See Flores*, 2020
10 WL 2758792, at *10, *12; *Flores v. Sessions*, 394 F. Supp. 3d 1041, 1070 (C.D. Cal.
11 2017).

12 As to Paragraph 24.A, the Court cannot require bond hearings where detention is
13 mandatory. *See* 8 U.S.C. § 1225(b). In expedited removal, detention is presumptively
14 mandatory, and family units have no statutory right to bond redetermination hearings. *Id.*
15 § 1225(b)(1)(B)(ii), (iii)(IV). Likewise, inadmissible applicants for admission are subject
16 to mandatory detention pending removal proceedings under 8 U.S.C. § 1229a. 8 U.S.C.
17 § 1225(b)(2)(A). In addition, Paragraph 24.A has never applied to OFO’s operations
18 because the provision requires a bond redetermination hearing only for those in
19 “deportation proceedings.” FSA ¶ 24.A. At the time the FSA was being adopted, aliens
20 who arrived at POEs were placed in *exclusion* proceedings, not deportation proceedings.
21 *Torres v. Barr*, 976 F.3d 918, 927–28 (9th Cir. 2020) (en banc). Thus, by its own terms,
22 Paragraph 24.A has never applied to those aliens who arrive at POEs.

23 To the extent Plaintiffs want CBP to transfer children in family units to ICE faster,
24 Plaintiffs fail to show that CBP is not moving as expeditiously as possible. Although
25 Plaintiffs argue that minors’ time in CBP custody is too long, Plaintiffs present no
26 evidence of unreasonable delay. For example, Plaintiffs point to A.K.’s and F.Y.’s
27 declarations regarding the unusual length of time those families spent in CBP custody. *See*
28 MTE 9. For A.K.’s family, OFO was diligently working with ICE to secure commercial

1 airline flights for removal. Mejia Decl. ¶ 26. Securing flights can be a lengthy process
2 because of “limited numbers of flights to a particular country (in this case Kazakhstan),
3 procurement issues, and limitations by certain countries on the numbers of individuals
4 who can be repatriated in a given time period.” *Id.* Likewise, Border Patrol diligently
5 worked to process and transfer F.Y., but it was slowed down by a medical issue, the age
6 of one of the children, and a credible fear determination. Hollinder ¶ 33.

7 Plaintiffs also argue that DHS should not “restart” the time-in-custody calculation
8 after CBP transfers a minor to ICE. MTE 11. Because the parties signed the FSA before
9 the INS was dissolved, they did not account for CBP’s function of transferring minors to
10 other federal agencies. *See* Modlin Decl. ¶¶ 17, 36. Regardless, the real issue is whether
11 each agency is expeditiously performing its responsibilities. CBP and ICE are doing so.
12 Irrespective of how custody is calculated, the length of time in custody is brief and
13 reasonable under the FSA.

14 Finally, Plaintiffs incorrectly contend that CBP fails “to expeditiously transfer
15 children to a safe and sanitary facility.” MTE 11–12. Plaintiffs base this contention on
16 their premise that CBP facilities are not safe and sanitary. As discussed below, that premise
17 is wrong.

18 **D. Plaintiffs do not show any FSA violations based on custodial conditions.**

19 1. Plaintiffs’ thin evidentiary showing does not sustain their burden to
20 prove noncompliance with the FSA.

21 Although Plaintiffs allege nationwide noncompliance with the FSA and seek
22 nationwide remedies, Plaintiffs do not provide enough evidence to meet their burden of
23 proof. There are over 120 border stations within 20 U.S. Border Patrol Sectors and 328
24 POEs. *See* Hollinder Decl. ¶ 9; Mejia Decl. ¶ 2; Sectors and Stations, *U.S. Customs &*
25 *Border Protection*, [https://www.cbp.gov/border-security/along-us-borders/border-patrol-](https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors)
26 [sectors](https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors) (last modified Apr. 22, 2025). Recognizing the vast territory covered by CBP
27 operations, this Court has held that “[o]ne or two declarations from detainees located
28 within . . . sectors that span over one hundred miles and have multiple CBP stations is not

1 enough to satisfy the preponderance of the evidence standard regarding the conditions at
2 those facilities.” *Flores*, 394 F. Supp. 3d at 1053.

3 In support of the MTE here, Plaintiffs filed twenty-three declarations from
4 individuals who had been detained at different locations across the country at various times
5 over a five-month period. Almost all the declarations are from January, March, April, or
6 May and do not show that CBP is “currently in breach of the FSA” now in July. *Flores*,
7 2020 WL 2758792, at *3. And Plaintiffs file very few declarations as to each location.

8 Plaintiffs filed declarations from nineteen individuals who were detained in six
9 Border Patrol Sectors. Plaintiffs filed no evidence about fourteen of the twenty Border
10 Patrol Sectors. Plaintiffs provided one declaration about a station in the Detroit Sector, Ex.
11 4, K.V.L. Decl. (May 2, 2025); one declaration about a station in the Buffalo Sector, Ex.
12 25, L.Q.A. Decl. (May 2, 2025); two declarations about the Swanton Sector, Ex. 3, A.L.W.
13 Decl. (June 5, 2025); Ex. 10, V.I.B.G. Decl. (Mar. 26, 2025), and three declarations about
14 the El Paso Sector, Ex. 11, F.Y. Decl. (May 1, 2025); Ex. 12, M.M. Decl. (May 2, 2025);
15 Ex. 13, M.P.C. Decl. (May 2, 2025). Plaintiffs filed five declarations about the Rio Grande
16 Valley (“RGV”) Sector. Ex. 10, V.I.B.G. Decl. (Mar. 26, 2025); Ex. 15, F.O. Decl. (Apr.
17 30, 2025);³ Ex. 16, G.B.A. Decl. (Apr. 30, 2025); Ex. 17 M.H. Decl. (Apr. 30, 2025); Ex.
18 18, M.L.R.L. Decl. (Apr. 30, 2025). Plaintiffs present eight declarations about the San
19 Diego Sector, but five of the declarations are from January or March and make allegations
20 about the San Diego Soft-Sided Facility, a location that Border Patrol has not used since
21 March 2025. *See* Hollinder Decl. ¶ 71; Ex. 5, M.I.J. Decl. (Mar. 26, 2025); Ex. 6, A.B.

22 ³ The Court should disregard Exhibit 15 because the Certificate of Interpretation is
23 insufficient. Under Rules 604 and 901(a) of the Federal Rules of Evidence, “written
24 translations must be properly authenticated.” *Suchite v. ABM Aviation, Inc.*, 741 F. Supp.
25 3d 878, 883 (S.D. Cal. 2024). Plaintiffs must show that any interpretation is “an accurate
26 translation done by a competent translator.” *Id.* (citation omitted). Exhibit 15 has two
27 problems. First, the Certificate of Interpretation states that the interpreter translated the
28 declaration of a different individual from F.O. *See* ECF No. 1574-13 at 5. Second, the
certificate does not identify the interpreter other than by what appears to be a first name
“Yalda.” ECF No. 1575-17 at 5.

1 Decl. (Mar. 7, 2025);⁴ Ex. 7, G.A.D. Decl. (Mar. 7, 2025); Ex. 8, L.G.C.G. Decl. (Mar. 7,
2 2025); Ex. 9, R.S.R. Decl. (Jan. 13, 2025). Allegations about the closed soft-sided facility
3 do not show current noncompliance. Plaintiffs also filed three declarations about the
4 alleged conditions at Chula Vista Station in April 2025. *See* Ex. 19, L.N. Decl. (Apr. 10,
5 2025); Ex. 20, W.J. Decl. (Apr. 10, 2025); Ex. 21, S.G. Decl. (Apr. 10, 2025).

6 Plaintiffs' evidence is even more lacking as to OFO. Plaintiffs filed declarations
7 from individuals detained at just two POEs: one declaration from an individual who was
8 at the O'Hare International Airport under the Chicago Field Office, Ex. 14, A.T. Decl.
9 (May 1, 2025), and three individuals who were at the Otay Mesa POE under the San Diego
10 Field Office, Ex. 23, S.K. Decl. (May 22, 2025); Ex. 24, I.G. Decl. (May 22, 2025); Ex.
11 22, A.K. Decl. (Mar. 26, 2025). These snapshot accounts reveal nothing about the general
12 ongoing operations at those two POEs and do not prove any FSA violations at the other
13 326 POEs across the country.

14 Plaintiffs do not present comprehensive evidence showing any failure to
15 substantially comply with the FSA in a Border Patrol sector or OFO POE. Lacking that
16 proof, Plaintiffs attempt to stitch together a narrative from individual anecdotes arising
17 from different locations, times, circumstances, and CBP components. Plaintiffs do not
18 show a lack of substantial compliance in any particular location or as to any amenity.

19 Moreover, Plaintiffs' evidence fails to establish any nationwide or systematic failure
20 by CBP. Plaintiffs provide no basis to believe that the conditions alleged by their witnesses
21 would be the same as conditions that exist at other CBP facilities in different locations.
22 Each CBP facility applies CBP policies on holding and detention in a manner appropriate
23

24 ⁴ The Court should disregard Exhibit 6. Exhibit 6 does not identify the translator or contain
25 a certificate of interpretation from the translator. Instead, it contains hearsay from one of
26 Plaintiffs' attorneys about what the translator affirmed. ECF No. 1575-8 at 5. This hearsay
27 is inadmissible, Fed. R. Evid. 802, meaning the declaration lacks sufficient authentication.
28 *See Demirchyan v. Gonzales*, No. CV 08-3452 SVW MAN, 2010 WL 3521784, at *10
(C.D. Cal. Sept. 8, 2010), *supplemented*, No. CV 08-3452 SVW MANX, 2013 WL
1338784 (C.D. Cal. Mar. 28, 2013).

1 to address the unique operational and factual circumstances at a given time in any given
2 facility. Because of operational and geographic variations, “there is no one-size-fits-all
3 operational structure or operational processes for [Border Patrol] facilities.” Hollinder
4 Decl. ¶ 7. Similarly, “OFO operates at land, sea, and air POEs, all of which vary widely
5 in space, size, and operating conditions.” Mejia Decl. ¶ 6. “Plaintiffs’ handful” of
6 declarations as to each Border Patrol station or POE does not meet their burden of proof
7 to show a lack of substantial compliance. *Flores*, 394 F. Supp. 3d at 1053 n.3. For this
8 reason, the Court should deny the MTE.⁵

9 2. Plaintiffs do not prove FSA violations regarding custodial conditions
10 in Border Patrol stations.

11 Although the Court need not analyze each Border Patrol Sector given Plaintiffs’
12 lack of evidence, the evidence overall contradicts or provides reasons for the conditions
13 alleged. *See generally* Hollinder Decl.

14 a. *Swanton Sector*

15 Including all of Vermont and parts of New York and New Hampshire, Swanton
16 Sector covers an area of approximately 24,000 square miles and includes eight Border
17 Patrol stations. Hollinder Decl. ¶ 11. Plaintiffs filed declarations from two individuals who
18 were apprehended in Swanton Sector. A.L.W., V.I.B.G., and their children were detained
19 in Massena Station and Burke Station. *Id.* ¶¶ 12, 19.

20 In the MTE, Plaintiffs cite A.L.W.’s allegations that the individuals had no privacy
21 while using the toilet. MTE 4. At Burke Station, each cell contains a restroom with a toilet.
22 Hollinder Decl. ¶ 16. A small partition limits the view of the toilet area from a person
23 looking into the restroom from outside the cell. *Id.* Border Patrol does not offer complete
24 privacy because of safety concerns, including the prevention of suicide attempts and any

25 _____
26 ⁵ To the extent the Court finds that Plaintiffs have met their burden on any of their claims
27 regarding CBP conditions, any findings of fact reached by the Court should not extend
28 beyond the specific POE or Border Patrol station about which Plaintiffs have actually
provided affirmative evidence, as opposed to conjecture and speculation.

1 abuse that Border Patrol must guard against. *Id.* Burke Station has unfortunately had
2 attempted suicides in the restrooms that would have been successful had there been
3 complete privacy. *Id.*

4 Plaintiffs also appear to cite A.L.W.’s concern about the temperature in the holding
5 room at Massena Station. MTE 6. Personnel at Massena Station check the temperature
6 once per shift to ensure that the temperature stays around 72 degrees, and additional
7 clothes and blankets are available to children upon request. Hollinder Decl. ¶ 13. Plaintiffs
8 have not proven any lack of substantial compliance at any facility in the Swanton Sector.

9 *b. El Paso Sector*

10 El Paso Sector contains the state of New Mexico and Hudspeth and El Paso
11 Counties of Texas—a total of 125,500 square miles. Hollinder Decl. ¶ 22. The sector
12 includes ten Border Patrol stations. *Id.* ¶ 23. Plaintiffs filed declarations from three
13 individuals who were detained with their children in the El Paso Sector. F.Y., M.M., and
14 M.P.C. were detained at the Migrant Central Processing Center (“MCPC”) at the El Paso
15 Station. *Id.* ¶¶ 33, 35, 39.

16 Plaintiffs cite F.Y.’s allegation that there was no soap. MTE 13 (F.Y. Decl. ¶ 13).
17 CBP records show that a few hours after their arrival, both of F.Y.’s children were
18 provided showers and clean clothing. Hollinder Decl. ¶ 34. In addition, F.Y. and her
19 children were provided showers 14 additional times. *Id.* ¶ 35. With each shower, F.Y. and
20 her children received body wash, shampoo, a toothbrush/toothpaste, and towels. *Id.* On
21 recent site visits, the Juvenile Care Monitor (“JCM”) noted that wash basins were supplied
22 with soap. Juvenile Care Monitor Final Report, June 2025 (“June 2025 JCM Report”), at
23 8, ECF No. 1578.

24 Plaintiffs cite M.M.’s allegation that he was held with his brother, separate from his
25 other family members. MTE 16 (M.M. Decl. ¶ 15). Border Patrol sometimes has to group
26 detainees based on age, sex, and demographics because of operational and space
27
28

1 constraints and to maintain safe conditions for younger detainees. Hollinder Decl. ¶ 35.⁶
2 At MCPC, when families are held separately, they are provided the opportunity to visit
3 each other. *Id.* If operationally feasible, and absent a safety or security concern, family
4 units are placed together for visitation periods for a minimum of one hour, three times a
5 day. *Id.*; see June 2025 JCM Report 13.

6 Plaintiffs mention M.P.C.’s concern about the temperature. MTE 6 (M.P.C. Decl.
7 ¶ 5). Personnel at MCPC monitor temperature ranges to maintain a temperature of between
8 69° and 83° Fahrenheit. Hollinder Decl. ¶ 25. MCPC maintains a stock of additional
9 blankets and sweaters or jackets that class members can request. *Id.* ¶ 26; June 2025 JCM
10 Report 8. Posters in all holding areas where children are held inform the minors that extra
11 clothes are available. Hollinder Decl. ¶ 26; June 2025 JCM Report 8. Plaintiffs have not
12 proven a lack of substantial compliance in the El Paso Sector.

13 *c. RGV Sector*

14 RGV Sector covers more than 34,000 square miles of Southeast Texas and includes
15 nine stations. Hollinder Decl. ¶ 41. Five of Plaintiffs’ declarants were detained in RGV
16 Sector. V.I.B.G., F.O., G.B.A., M.H., M.L.R.L., and their children were held at the RGV
17 Central Processing Center (“Ursula”) in Ursula, Texas. *Id.* ¶¶ 47, 50, 57, 62, 66.

18 Plaintiffs cite allegations that there was no soap, regular showers, or clean clothes.
19 MTE 2, 13 (G.B.A. Decl. ¶ 11; M.H. Decl. ¶ 14; M.L.R.L. Decl. ¶ 14). Upon intake to
20 Ursula, all minors are provided an opportunity to shower with provided hygiene products
21 (including toothbrushes and toothpaste) and clean clothing. Hollinder Decl. ¶ 43. On
22 recent site visits, the JCM noted that wash basins were supplied with soap and documented
23 regular shower and toothbrush availability. June 2025 JCM Report 8. The JCM also
24 reported an adequate supply of extra clothes. *Id.* Signs are posted in areas where children
25
26

27 ⁶ Due to a typographical error, the Hollinder Declaration contains two consecutive para-
28 graphs numbered 35. This citation refers to the second paragraph.

1 are held notifying them of various amenities that are available to them, including clothing,
2 snacks, drinks, and medical care. Hollinder Decl. ¶ 43.

3 Plaintiffs have not proven violations of the FSA in RGV Sector.

4 *d. San Diego Sector*

5 San Diego Sector encompasses 56,831 square miles. Hollinder Decl. ¶ 70. The
6 sector operated the San Diego Soft-Sided Facility from January 2023 to March 2025.
7 Hollinder Decl. ¶ 71. Plaintiffs submitted the declarations of eight individuals who were
8 held in San Diego Sector. Five of the eight, M.I.J., A.B., G.A.D., L.G.C.G., and R.S.R.,
9 were detained at the San Diego Soft-Sided Facility. L.N., W.J. and S.G. were detained at
10 Chula Vista Station.

11 Plaintiffs cite allegations that there was no soap, no regular showers, and no clean
12 clothes. MTE 13 (G.A.D. Decl. ¶ 15; S.G. Dec ¶ 11; L.N. Decl. ¶13). At the San Diego
13 SSF, all cells besides isolation cells had soap dispensers located next to the sinks, whose
14 contents were checked daily by the cleaning staff and were refilled as needed. Hollinder
15 Decl. ¶ 73. Additionally, the amenities poster was posted in every pod so that it was visible
16 from every cell. *Id.* This poster told detainees that they could request amenities including
17 snacks, water, toothbrushes, and extra clothing. *Id.* G.A.D. claims that he and his family
18 were not provided showers. *Id.* ¶ 78. Showers are generally provided every 48 hours, and,
19 at the time of his declaration, G.A.D. and his family had been in custody for less time than
20 that. *Id.* He also claims that they “were only provided a small sponge on the first night to
21 brush their teeth.” *Id.* CBP records show that toothbrushes were provided twice during the
22 family’s two-day detention at the SSF. *Id.*

23 Although Chula Vista Station does not have any hand soap dispensers in the cells,
24 the amenities poster is posted along the walls and against the cell windows. *Id.* ¶ 74. This
25 poster shows detainees that hygiene items, including soap, are available upon request. *Id.*
26 Additionally, when subjects request or are due for showers, soap/shampoo is provided to
27 them. *Id.* Multiple hand sanitizers are located in the hallways between holding rooms. *Id.*
28 CBP records show that L.N.’s family was given clean clothing and was provided showers

1 on four occasions during the time covered by L.N.'s declaration. *Id.* ¶ 86. Similarly, CBP
2 records show that S.G. got showers on April 4, 6, and 9. *Id.* ¶ 95.

3 Plaintiffs cite two allegations that the toilets at the Chula Vista Station do not have
4 privacy. MTE 4 (L.N. Decl. ¶ 14; S.G. Decl. ¶ 5). At the Chula Vista Facility, the toilets
5 are behind a half wall, and cells that regularly hold unaccompanied juvenile detainees have
6 a swinging door equal in height to the level of the half wall. Hollinder Decl. ¶ 74. Due to
7 the rapid transition from the SSF to the Chula Vista Facility, not all cells had been
8 modified to include doors for restroom areas. *Id.* A request for modification of the
9 remaining cells has been submitted. *Id.*

10 Plaintiffs cite M.I.J.'s allegation that he was separated from his wife and children.
11 MTE 5 (M.I.J. Dec ¶ 8). San Diego Sector may hold adults separately from their
12 spouse/significant other and child to best operationalize the limited detention space and to
13 conform to sex segregation and juvenile/adult segregation practices for the safety of
14 younger detainees. Hollinder Decl. ¶ 72. When it is not operationally feasible to hold
15 family members together in the same holding room, visitation is offered once a day for a
16 period of one hour when operationally feasible. *Id.*

17 *e. Detroit Sector*

18 The Detroit Sector along the northern border of the United States covers 863 miles
19 of international water boundary and includes five stations. Hollinder Decl. ¶ 96. Plain-
20 tiffs' one declarant was detained at the Sandusky Bay Station. *See* K.V.L. Decl. Plain-
21 tiffs quote K.V.L.'s allegation that her son was not allowed to shower or change clothes
22 for four days. MTE 2 (K.V.L. Dec. ¶ 11). CBP records show that K.V.L.'s son was pro-
23 vided a shower on their second full day in custody, April 25, and then again on April 27.
24 Hollinder Decl. ¶ 101. Detainees at the station are offered soap and hand sanitizer. *Id.*
25 ¶ 105. In addition, new clothing items and laundry services are available at the station
26 when requested or needed. *Id.* ¶ 106.

27 Plaintiffs also note that K.V.L. alleges that the toilet was not private. MTE 2–3
28 (K.V.L. Dec. ¶¶ 7, 8). The holding room has a window to the primary processing area for

1 safety, but the toilet does have a concrete wall for some privacy. Hollinder Decl. ¶ 100.
2 Plaintiffs have not shown FSA violations at the Sandusky Bay Station.

3 *f. Buffalo Sector*

4 Covering 450 miles of international border, the Buffalo Sector includes six stations.
5 Hollinder Decl. ¶ 107. Plaintiffs' declarant L.Q.A. was detained at the Buffalo Station.
6 Plaintiffs do not cite any specific allegations of FSA violations from L.Q.A.'s declaration,
7 and Border Patrol has provided factual responses to the declarant's allegations, showing
8 substantial compliance. *See* Hollinder Decl. ¶¶ 108–12.

9 3. Plaintiffs do not prove FSA violations regarding custodial conditions
10 in ports of entry.

11 Plaintiffs do not prove any FSA violations at POEs. *See generally* Mejia Decl.

12 *a. POEs are not irregular locations.*

13 Plaintiffs argue that POEs are especially unsafe and “not intended for detention.”
14 MTE 2, 13. However, OFO ensures that any space it uses for detention is safe and sanitary.
15 Modlin Decl. ¶¶ 43–44. Plaintiffs contend that POEs lack a qualified adult providing
16 supervision. MTE 14. But any children in custody are monitored for safety. Modlin Decl.
17 ¶ 53. Moreover, all the individuals that Plaintiffs discuss were accompanied by a parent or
18 legal guardian who was able to supervise the child, so Plaintiffs' argument amounts to
19 speculation.

20 Plaintiffs also suggest that it is unusually difficult to locate children at POEs because
21 the exact POE is not identified in the monthly data reports. MTE 14. The FSA requires
22 collecting data on “to whom and where [minors are] placed, transferred, removed or
23 released.” FSA ¶ 28.A. CBP satisfies that requirement by reporting the field office's area
24 of responsibility within which the minor was held. The FSA does not require always
25 identifying the exact facility in the data reporting. Moreover, the list of POEs is publicly
26 available. They are official CBP locations. Class counsel can visit POEs and interview any
27 class members who are there, as class counsel did when they visited the Otay Mesa POE.
28

b. Otay Mesa POE

The Otay Mesa POE is a land POE in San Diego County, California. Mejia Decl. ¶ 20. It rarely has had to detain minors. *Id.* Plaintiffs present the declarations of three individuals who were at the Otay Mesa POE., A.K., S.K., and I.G. Most of the allegations come from A.K. whose family was transported out of custody at the POE over four months ago on March 12, 2025. *Id.* ¶ 27.

Plaintiffs cite A.K.’s allegation of receiving no soap or clean clothes. MTE 2 (A.K. Decl. ¶ 20). Children have access to sinks to wash their hands, and the POE recently took steps to ensure that soap and hand sanitizer are available upon request. Mejia Decl. ¶ 21. While Otay Mesa does not have showers, aliens in custody may be transported to the San Ysidro POE for showers. *Id.* CBP records show that A.K.’s family was offered showers at least 14 times. *Id.* ¶ 32.

Plaintiffs rely on A.K.’s allegation that the father was separated from the mother and child. MTE 16 (A.K. Decl. ¶ 10). While the port endeavors to hold children in the same area as their parent or other accompanying adult, it may be necessary at times to hold families separately based on the sex of the parent(s) or child(ren) for space, safety, and operational reasons. Mejia Decl. ¶ 23. In such cases, the port takes steps to facilitate family visitation at mealtimes as well as through other means. *Id.* CBP records reflect that the family was provided “family time” on at least eight occasions. *Id.* ¶ 28.

Plaintiffs also point to A.K.’s allegation that the toilets were not private. MTE 4 (A.K. Decl. ¶ 25). The toilet in each hold room is behind a half-wall so that it is not visible from the hold room or to the officers responsible for welfare checks. Mejia Decl. ¶ 21. As mentioned above, CBP facilities must balance privacy with safety. *See* Hollinder Decl. ¶ 16.

Plaintiffs cite A.K.’s allegation that the hold room was extremely cold. MTE 6 (A.K. Decl. ¶ 16). Otay Mesa maintains hold rooms at a temperature of between 66 and 80 degrees Fahrenheit. Mejia Decl. ¶ 30.

1 Plaintiffs point to S.K.’s allegation that the lights were always on and that the family
2 did not go outside. MTE 15 (S.K. Decl. ¶ 14, 16). It is not operationally feasible to provide
3 children with an outdoor or recreation space given the limitations of the facility. Mejia
4 Decl. ¶ 24. Each cell has the ability to dim lights, and the POE makes reasonable efforts
5 to dim lights and minimize noise and disruptions between 10:00 PM and 6:00 AM. *Id.*
6 However, officers may need to turn lights on during the night for safety. *Id.*

7 Plaintiffs have not proven any noncompliance at the Otay Mesa POE.

8 *c. O’Hare International Airport POE*

9 The O’Hare International Airport is one of the busiest POEs in the country, but it
10 rarely has to detain children for significant periods of time. Mejia Decl. ¶¶ 7–8. Plaintiffs
11 filed a declaration from A.T. Plaintiffs cite A.T.’s allegation that he was “not permitted to
12 flush the toilet.” MTE 2 (A.T. Decl. ¶ 10). This is not a violation of any FSA provision.
13 Officers generally make efforts to flush the toilet after use, or as often as needed to ensure
14 proper functioning. Mejia Decl. ¶ 12. Moreover, the flushing mechanism is outside the
15 detention cell for security reasons to prevent the flushing of contraband, and in any event
16 OFO does not own the facilities at the airport and is not able to reconfigure the flushing
17 system. *Id.* Plaintiffs have not proven any FSA violations at O’Hare.

18 4. Plaintiffs do not sustain their other general allegations.

19 Plaintiffs broadly allege several other claims, but they do not show a lack of
20 substantial compliance.

21 *a. Allegations about the Particular Vulnerability of Minors*

22 Plaintiffs allege that CBP officers or agents treated families in an unprofessional
23 manner. MTE 3, 15 (S.G. Decl. ¶¶ 4, 6, 8–9; V.I.B.G. Decl. ¶¶ 15–16, 19, 24, 27; S.K.
24 Decl. ¶¶ 20–22; M.H. ¶ 20). These four accounts are inconsistent with the professionalism
25 that the JCM and individuals interviewed by the JCM have reported. *See* Interim Juvenile
26 Care Monitor Report, May 2025, at 7, ECF No. 1570 (“All children and families
27 interviewed by the JCM during this reporting period said that they had been treated
28

professionally by CBP personnel and contractors while in the RGV and El Paso JPFs.”); June 2025 JCM Report 12 (“Families and UCs have consistently reported to the JCM that they feel physically safe while in CBP custody.”). Moreover, all CBP employees “are subject to standards of conduct.” Hollinder Decl. ¶ 9. They are required to be professional and considerate in their contact with detainees. *Id.* Failing to follow those professional standards could result in disciplinary action. *Id.* Members of the public may submit complaints to CBP’s Office of Professional Responsibility, and all reports of misconduct are referred to for “investigation, fact-finding, or immediate management action.” *Id.* ¶ 10.

Plaintiffs also make allegations about whether children are provided information and allowed to play outside. MTE 15. Plaintiffs do not link these allegations to specific requirements in the FSA, and Plaintiffs do not identify what specific actions they believe would be sufficient. CBP does share information with children through amenities posters and caregivers. Hollinder Decl. ¶¶ 28, 43–44, 90. And, while the FSA does not require outdoor recreation and not all CBP facilities can provide it, facilities do allow movement and play, and some provide outdoor recreation. *Id.* ¶¶ 52, 103, 111; Mejia Decl. ¶ 24.

b. Allegations about Telephone Access

Plaintiffs allege that CBP limits class members’ access to using the telephone and to contacting lawyers. *See* MTE 5, 16. CBP records show that many of the declarants did receive phone calls. *See* Hollinder Decl. ¶¶ 38, 53, 61, 64, 68, 104. Some stations have less capacity to offer phone calls, but they are still available on a limited basis when requested. *Id.* ¶¶ 88, 109. Moreover, the FSA does not require that minors in family units receive phone calls within a certain time after initial apprehension and detention. Plaintiffs cite Paragraph 24.D and form I-770. But neither establishes that CBP must arrange immediate phone calls.

c. Allegations about Medical Care

Plaintiffs allege that CBP is failing to provide adequate medical care. MTE 16–17. However, CBP provides medical care to all children in its custody. Modlin Decl. ¶¶ 57–60. The JCM has found that CBP has “made major strides in implementing a robust

1 medical care system for children in custody.” June 2025 JCM Report 14–15. CBP’s Chief
2 Medical Officer reviewed the medical records of the children related to the declarants
3 submitted in support of the MTE. Ex. 5, Decl. of Margaret Brewinski Isaacs ¶ 9. The
4 Office of the Chief Medical Officer found that the medical care provided was generally
5 adequate, and the Office took corrective action in the few cases where it found
6 deficiencies. *Id.* ¶¶ 11–15. Plaintiffs have not proven a lack of substantial compliance with
7 the FSA.

8 **E. Plaintiffs have not proven that the Court should appoint a monitor.**

9 1. The Flores monthly data reporting problems have been resolved.

10 Plaintiffs have not proven that the Court should appoint a monitor to review CBP’s
11 and ICE’s monthly data reporting under FSA Paragraph 29. CBP acknowledges that its
12 prior reporting had limitations, but CBP has worked with Plaintiffs and the JCM to resolve
13 the issues. Morgan Decl. ¶¶ 6–8. Plaintiffs have not identified any issues in the two most
14 recent CBP reports. The JCM reviewed the revised parameters implemented by CBP, as
15 well as recent data reports, and found that Plaintiffs should be able to have confidence in
16 the CBP data going forward. June 2025 JCM Report 4. Moreover, the CBP data system is
17 proprietary and extremely complex. Morgan Decl. ¶ 4. Plaintiffs have not shown that any
18 external monitor would be familiar enough with these systems to be effective.

19 ICE also acknowledges that there were errors in its reporting as a result of reopening
20 family residential centers. Helland Decl. ¶¶ 8, 10–11. But these issues were not
21 longstanding; they arose only as a byproduct of the change in enforcement operations this
22 Spring. *Id.* ICE identified the issues and is confident that future reporting will be complete.
23 *Id.* ICE also added reviewers to check the reports going forward. *Id.* ¶ 13.

24 CBP and ICE resolved the problems, and the parties can continue to work out any
25 future issues that may arise.
26
27
28

1 2. CBP's real-time monitoring of time in custody and expeditious
2 processing is accurate.

3 Plaintiffs ask the Court to appoint a monitor to assess CBP's internal monitoring
4 of times in custody and its efforts to release or transfer minors. MTE 19; Proposed Order
5 ¶ 5. Plaintiffs have not identified any issues in CBP's internal real-time monitoring.
6 Indeed, CBP has robust real-time capability to monitor times in custody, potential
7 overcrowding, and issues with transfers. Modlin Decl. ¶ 62; *see* June 2025 JCM Report
8 16–17. The difficulties with the monthly reporting to class counsel arose from the
9 retrospective nature of this data pull that exists only for the purpose of complying with the
10 FSA and court orders. Those difficulties do not affect CBP's real-time operational use of
11 the data. The Court should not appoint a monitor to review those matters.

12 **V. CONCLUSION**

13 Plaintiffs have not proven any breaches of the FSA or that the proposed remedies
14 are appropriate. The Court should deny the MTE.
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Dated: July 18, 2025

Respectfully submitted,

2 BRETT A. SHUMATE
3 Assistant Attorney General
4 Civil Division

5 DREW ENSIGN
6 Deputy Assistant Attorney General

7 WILLIAM C. SILVIS
8 Assistant Director

9 KATELYN MASETTA-ALVAREZ
10 CHRISTINA PARASCANDOLA
11 Senior Litigation Counsel

12 /s/ Joshua C. McCroskey

JOSHUA C. MCCROSKEY

13 Trial Attorney

14 U.S. Department of Justice, Civil Division
15 Office of Immigration Litigation

General Litigation and Appeals Section

16 P.O. Box 878, Ben Franklin Station

17 Washington, DC 20044

(202) 305-1540

18 joshua.c.mccroskey@usdoj.gov

19 *Attorneys for Defendants*

L.R. 11-6.2 Certification

The undersigned counsel of record for the United States certifies that this brief contains 6,999 words, which complies with the word limit of L.R. 11-6.1.

Dated: July 18, 2025

/s/ Joshua C. McCroskey

JOSHUA C. MCCROSKEY

Trial Attorney

U.S. Department of Justice, Civil Division

Office of Immigration Litigation

EXHIBIT

1

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3

4 Jenny Lisette Flores, *et al.*,
5 Plaintiffs,

6 v.

7 Pamela Bondi, Attorney General of the
8 United States, *et al.*,
9 Defendants.
10

Case No. 2:85-cv-04544-DMG

District Judge Dolly M. Gee

11
12 **DECLARATION OF BENJAMIN HOLLINDER**

13 I, Benjamin Hollinder, pursuant to 28 U.S.C. § 1746, and based upon my personal
14 knowledge and information made known to me from official records and reasonably
15 relied upon in the course of my employment, relating to the above-captioned matter,
16 hereby declare as follows:

17 1. I currently serve as the Division Chief; Immigration, Prosecution, and
18 Custody (IPC) Operation, within the Law Enforcement Operations Directorate
19 (LEOD) of the U.S. Border Patrol (USBP) Headquarters at U.S. Customs and Border
20 Protection (CBP). I have been in this role since June 30, 2024. Prior to my current
21 role, I was the Assistant Chief in IPC, LEOD from April 2022 to June 2024, and the
22 Acting Executive Officer at San Diego Sector from August 2021 to April 2022.
23 Effective August 10 2025, I will be returning to San Deigo Sector as a Patrol Agent in
24 Charge.

25 2. In my current role, I oversee immigration enforcement, criminal
26 prosecutions and custodial oversight. My position includes oversight of Border Patrol
27 immigration enforcement policies and practices, including policies related to the
28 *Flores* Settlement Agreement.

3. I am familiar with the *Flores* Settlement Agreement, including the

1 requirements in the *Flores* Settlement Agreement that juveniles be held in facilities
2 that are safe and sanitary; that juveniles be provided access to food, drinking water,
3 toilets, sinks, medical care, and adequate ventilation; and that CBP monitor its
4 compliance with these terms. I am aware that the *Flores* Settlement Agreement applies
5 to all juveniles who are in CBP custody, regardless of whether or not they are
6 accompanied by an adult parent or legal guardian.

7 4. I am aware that the Plaintiffs in this case filed a Motion to Enforce the
8 Settlement, alleging, among other things, that conditions in USBP facilities in the
9 Swanton, El Paso, Rio Grande Valley (RGV), San Diego, Detroit, and Buffalo Sectors
10 were in violation of the Agreement. I understand that Plaintiffs provided 23
11 declarations pertaining to children held in these facilities between January and May
12 2025.

13 5. I am submitting this declaration to provide both an overview of CBP's
14 efforts to comply with the Agreement and to provide information, pulled from USBP's
15 official system of record, outlining the treatment that these children received while in
16 custody.

17 **Custodial Conditions in Border Patrol Facilities**

18 6. CBP provided an overview of Border Patrol processing and custodial
19 conditions in the May 22, 2025 Declaration of John Modlin. ECF No. 1567-2. The
20 below supplements the information provided in that declaration.

21 7. Because the nature of USBP operations varies greatly across geographic
22 locations and sectors, and the number of aliens in custody fluctuates regularly, there
23 is no one-size-fits-all operational structure or operational processes for USBP
24 facilities. For example, on the Northern Border, USBP has traditionally had much
25 fewer apprehensions, with significantly fewer apprehensions of children, than on the
26 Southern Border. Therefore, the Northern Border has not traditionally had the
27 capacity or need to develop soft-sided facilities to hold large numbers of aliens.

28 8. In addition, as apprehension numbers at the Southern Border have
decreased in the past few years, some sectors on the Southern Border have begun to

1 de-commission soft-sided facilities and/or place them in “warm status,” in order to
2 ensure that taxpayer money is being spent in an appropriate manner. This means
3 that, in some cases, children who may previously been held in a soft-sided facility
4 may be held in USBP stations. However, CBP takes steps to ensure that its facilities
5 comply with the requirements of the *Flores* Settlement Agreement and, as
6 appropriate, the 2022 CBP El Paso and RGV Settlement. Additionally, USBP
7 processes all children in a manner consistent with the *Flores* Settlement Agreement
8 and the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA).

9 9. There are twenty Border Patrol Sectors. Eight of those are along the
10 northern border, nine are along the southern border, and three are along the coastal
11 borders. Border Patrol agents, like all CBP employees, are subject to standards of
12 conduct ([https://www.cbp.gov/sites/default/files/assets/documents/2021-Jan/cbp-](https://www.cbp.gov/sites/default/files/assets/documents/2021-Jan/cbp-standards-conduct-2020_0.pdf)
13 [standards-conduct-2020_0.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2021-Jan/cbp-standards-conduct-2020_0.pdf)), and a violation of those standards could result in
14 disciplinary action. Among those standards is the requirement that Agents must be
15 professional in their contact with supervisors, subordinates, coworkers, and members
16 of the public. This requirement to remain professional means being polite, respectful,
17 and considerate. USBP expects that Border Patrol agents will treat all detainees with
18 professionalism consistent with these standards of conduct.

19 10. Members of the public may submit complaints to CBP’s Office of
20 Professional Responsibility (OPR) Intake portal through CBP’s public web page:
21 https://www.help.cbp.gov/s/?language=en_US. CBP Intake serves as a central
22 “clearinghouse” for receiving, processing, and tracking allegations of misconduct
23 involving personnel and contractors employed by CBP. CBP Intake provides CBP
24 with a centralized and uniform system for processing reports of alleged misconduct.
25 All reports of misconduct are coordinated with the Department of Homeland
26 Security (DHS) Office of Inspector General (OIG) and referred to the appropriate
27 office for investigation, fact-finding, or immediate management action. I am not
28 aware that any of the complaints contained in declarations submitted in conjunction
with Plaintiffs’ filing regarding any alleged lack of professionalism on behalf of

1 Border Patrol agents were submitted to OPR's Intake portal by Plaintiffs or their
2 lawyers.

3
4 **Swanton Sector**

5 11. Swanton Sector is along the northern border of the United States with
6 Canada. The Swanton Sector covers an area of approximately 24,000 square miles
7 and includes the entire State of Vermont and several counties of New York and New
8 Hampshire. Swanton Sector also includes 295 miles of the northern border with
9 Canada which includes 203 miles of land border and 92 miles of water boundary.
10 Swanton Sector includes eight (8) Border Patrol Stations: Beecher Falls Station,
11 Massena Station, Ogdensburg Station, Champlain Station, Burke Station, Newport
12 Station, Richford Station, and Swanton Station. Swanton Sector is the 10th busiest
13 Border Patrol Sector and the busiest on the northern border with an approximately
14 2,585 average annual encounters between FY14 and FY24.

15 **Exhibit 3**

16 12. A.L.W., her husband, and her months-old child were arrested by Border
17 Patrol on May 21, 2025, walking along the side of a road near Fort Covington, New
18 York. They admitted to Border Patrol agents that they were present in the United
19 States illegally. They were brought to Massena Station. On May 22, they were
20 transferred to Burke Station. They remained at Burke Station until May 24, 2025, at
21 which point they were transferred to ICE custody.

22 13. A.L.W. alleges that they were held at Massena Station in a small room
23 that was "freezing cold" with a fan that "constantly blew cold air on all of us."
24 A.L.W. further alleges that she asked the "guards" to turn off the fan, concerned that
25 the baby might get sick, but the "guards laughed at us and said that they couldn't
26 control the fan." At Massena Station, personnel maintain the temperature within the
27 space held for those in custody at 72 degrees Fahrenheit. The temperature is
28 maintained through the use of heating ventilation and air conditioning (HVAC) vents
mounted on either wall of the holding cell or the ceiling to circulate fresh air into/out

1 of the cells. The HVAC vent system is controlled by a panel on the wall that is
2 controlled by Border Patrol personnel. Agents check the temperature once per shift
3 to make sure it is at or close to the desired temperature and track it in the e3
4 detention module. Personnel also provide all necessary clothing and blankets for
5 detainees to maintain their desired comfort level. Additional cloth blankets and
6 clothing are available upon request to any person—including children—in custody.
7 There are no fans in the cells.

8 14. At Burke Station, A.L.W. alleges that she and her child were initially
9 held separately from her husband. Decisions about where to hold family members
10 within a Station are made by Border Patrol personnel based on available space,
11 safety concern, and other operational considerations.

12 15. A.L.W. also alleges that her cell at Burke Station was “very dirty.”
13 Every cell at Burke Station is cleaned daily by a professional cleaning service. The
14 cleaning includes disinfecting all sleeping mats, cleaning the bathroom area,
15 mopping, garbage removal, and a wipe-down of bench areas.

16 16. A.L.W. complains that the toilet “wasn’t private” and “was out in the
17 open.” There is a restroom with a toilet available to detainees within each cell. A
18 small partition limits the view of the toilet area within the restroom from a person
19 looking into the restroom from outside the cell. The inside of the restrooms are
20 visible to others within the cell. There is also a camera within each cell, but a privacy
21 screen set up within the CCTV software blurs the immediate area around the toilet
22 within the restroom. Border Patrol does not offer complete privacy of the restroom
23 because of serious security and safety concerns, including the prevention of suicide
24 attempts and physical, emotional, verbal, and sexual abuse. Burke Station has
25 unfortunately had individuals who have attempted suicides in the restrooms, which
26 may have been successful had there been complete privacy.

27 17. A.L.W. alleges that it was “very hard to sleep in the cell.” At Burke
28 Station, all children, are provided clean bedding including a mat and a blanket. A
“Pack-and-Play” also was provided to A.L.W.’s child.

1 18. A.L.W. alleges that the cell at Burke Station did not have clean water.
2 At Burke Station, there is potable drinking water in every cell which is tested
3 regularly and is safe to drink. The station also offers bottled water to every detainee
4 upon request for drinking, to mix baby formula, or for brushing teeth.

5 Exhibit 10

6 19. V.I.B.G. was encountered with her two twin children and their father at
7 or near Derby, Vermont on February 24, 2025, and transported to Newport Station.
8 They were then transported to Massena Station where they were detained until
9 March 1, 2025, and then transferred to Burke Station. They remained in Burke
10 Station until March 3, 2025, and then were transferred via flight to Rio Grande
11 Valley Central Processing Center in McAllen, Texas.

12 20. V.I.B.G. alleges that “[i]n New York” the facility was enclosed and
13 freezing. It is unclear which facility this refers to but, as noted above, the
14 temperature at Massena Station is maintained at 72 degrees. At Burke Station, the
15 temperature is maintained, per policy, in the range of 69-83 degrees Fahrenheit At
16 both facilities, additional blankets and outerwear are available upon request to
17 detainees. While there are no windows at either facility, detainees are allowed
18 outside time at both Burke and Massena Stations, upon request, depending on
19 weather conditions, manpower, and the number of detainees in custody.

20 21. V.I.B.G. alleges that she was very afraid because the twin children got a
21 cold and a bad cough at the Swanton Sector facilities. Records indicate that the
22 children both received a medical assessment upon their arrival to the facility. Both
23 children received at least 10-15 welfare checks per day at both facilities, including as
24 frequently as several times per hour. CBP records do not indicate any complaints of
25 cold or cough by V.I.B.G. or the children during their time at these facilities.

26 El Paso Sector

27 22. El Paso Sector is one of nine Border Patrol Sectors that runs along the
28 Southwest Border of the United States with Mexico. El Paso Sector contains, within

1 its Area of Responsibility, the entire state of New Mexico and Hudspeth and El Paso
2 Counties of Texas—a total of 125,500 square miles. It covers 264 miles of
3 international boundary of Mexico. El Paso Sector is one of the busiest Border Patrol
4 sectors and the 2nd busiest along the Southwest Border of the United States. It
5 averaged approximately 242,474 annual encounters between FY23, FY24, and
6 FY25.

7 23. Within El Paso Sector there are ten stations: Las Cruces Station, Fort
8 Hancock Station, Ysleta Station, Truth or Consequences Station, Alamogordo
9 Station, Deming Station, Santa Teresa Station, El Paso Station, Lordsburg Station,
10 and Clint Station. El Paso Sector also operates the Migrant Central Processing Center
11 (MCPC) which serves as the Juvenile Priority Facility (JPF) for El Paso Sector.

12 24. Upon intake to the MCPC, all minors are provided an age -appropriate
13 meal and/or snacks with juice and water, a mat and mylar blanket, and a medical
14 intake assessment. They are also provided an opportunity to shower with clean
15 clothes and a hygiene kit (this includes shampoo, body wash, a
16 toothbrush/toothpaste, and towels). Minors are then provided an opportunity to
17 shower every 48-hours thereafter. Children receive a toothbrush/toothpaste every
18 day, and upon request.

19 25. MCPC closely monitors temperature ranges inside its facilities to
20 maintain an optimal temperature of no less than 69 degrees Fahrenheit and no more
21 than 83 degrees Fahrenheit. In the event that there are issues with the thermostat, the
22 MCPC submits a work order for it to be fixed. MCPC staff closely monitor and
23 record the ambient temperature by using a temperature reading device installed in all
24 pods/cells. Staff log in to an electronic centralized HVAC monitoring system at the
25 command center and verify and record temperatures in all pods/cells where class
26 members are held three times a day. If temperatures are out of range MCPC staff will
27 immediately submit a work order request to Facilities Management and Engineering.
28 As a second level of monitoring, an independent El Paso Sector Detention and Data
Management Team conducts audits at the facility to ensure *Flores* Settlement

1 compliance which includes temperature measurements in pods/cells.

2 26. MCPC maintains a stock of clothing in a variety of sizes that can be
3 distributed to class members. Additional blankets and sweaters are available upon
4 the request of the class member, his/her parent, or other accompanying family
5 member, which they are informed about by posters hung in all cells where children
6 are held. MCPC's general practice is to provide clean clothing to all incoming
7 individuals if they have not been provided them by the apprehending station.
8 Additionally, individuals will be provided new underwear, socks, and an undershirt
9 at each additional shower. Other clothing items will continue to be replaced if they
10 become soiled, or upon request.

11 27. MCPC has contracted caregivers present at every shift. Caregivers
12 provide assistance to children and families in custody, as well as supervise recreation
13 and other activities for children. Caregivers are present with families and
14 unaccompanied alien children continuously checking if individuals are in need of
15 any amenities or medical services. Caregivers and USBP personnel frequently ensure
16 a clean and safe environment and address any issues children may have. Caregivers
17 are advised to look for signs of health issues or distress. If medical issues are
18 identified, caregivers are instructed to immediately provide notification to USBP
19 personnel to facilitate prompt medical care by contracted medical personnel and refer
20 individuals to a hospital as needed.

21 28. Caregivers also provide, twice daily, messages notifying children and
22 families they may raise questions or concerns to them at any time, including a
23 request for additional blankets, clothes, snacks, hygiene items, access to phone or
24 medical assistance. Caregivers are instructed to share those questions or concerns
25 with MCPC personnel. MCPC also ensures that there is appropriate information
26 being shared with those in CBP custody by displaying amenity posters on the walls
27 of each of the pods advising children and families they can ask for additional food,
28 clothing, and hygiene items at any time.

29. Both unaccompanied and accompanied children have the same types of

1 activities available to them—e.g., recreation time, coloring books, crayons, playing
2 cards, puzzles, and television. The safety and wellbeing of all individuals in custody
3 is considered when determining the availability of appropriate activities, which
4 dictates what is available at any given time, and there are not generally toys
5 available. If an item became soiled or damaged, then that item would be replaced,
6 which may lead to a difference in the quantity of activities available.

7 30. MCPC does not limit either accompanied or unaccompanied children
8 from activities or playing in the pods. However, MCPC does need to maintain the
9 safety of all individuals within the facility, and there may be situations where a child
10 would need to be prohibited from engaging in activity that could potentially be
11 dangerous to themselves or to others. In general, however, children are allowed to
12 play and run around in the pods and engage in age-appropriate activities. Children
13 have been observed playing imaginary games with each other, chasing each other,
14 and jumping or running.

15 31. MCPC provides age-appropriate, nutritious meals three times daily.
16 MCPC also provides milk, juice, water, snacks, including baby formula and
17 disposable baby bottles. Children have access to snacks, water and juice; and these
18 are also provided upon request. MCPC records this information in the e3Detention
19 Module. Age-appropriate meals include bite-sized meals for children between 2-5
20 years of age. El Paso Sector utilizes a vendor to prepare the food, and the vendor
21 complies with sanitation requirements. When MCPC first became the JPF in March
22 2025, due to transition of the food contract, bite-sized options were briefly not
23 available at every meal. However, MCPC has diligently worked with the food
24 vendor to ensure consistent receipt of age-appropriate meals going forward.

25 32. The MCPC does not have the ability to dim the lights at night.
26 However, MCPC will turn off lights in order to “dim” and darken the pod areas that
27 house detainees. Each cell in the MCPC has toilets and sinks. Soap is available to all
28 detainees in the pods in a soap dispenser above the sinks located in the pods.

Exhibit 11

33. F.Y. crossed the border illegally near Ysleta, TX on March 20, 2025 with her two children, I.Y., who was two months old at the time, and L.C., who was one year old. F.Y. and her children were held at the MCPC until they were booked out on April 21, 2025. This family unit was originally scheduled to travel from El Paso Sector to San Diego Sector via flight on March 23, 2025 to await a removal flight. However, this family unit was unable to board on that date because of an illness (fainting) that F.Y. experienced before boarding the plane. El Paso Sector continued to coordinate with ICE Enforcement and Removal Operations (ERO) in El Paso; however, ERO was unable to accept this family to their non-detained unit nor to their Karnes County Immigration Processing Center due to the age of the child. On April 15, 2025, U.S. Citizenship and Immigration Services issued a negative determination of fear under the Convention Against Torture. El Paso Sector continued coordinating with the CBP Movement Coordination Cell and DHS National Incident Command Center (NICC) until the family was able to be turned over to the ERO Dilley Immigration Processing Center (Dilley) on April 21.

34. F.Y. complains that the facility was cold, and that her two children got sick because of the cold. She also alleges that there were no extra clothes provided for the children. As noted above, MCPC maintains pods at the facility between 69-83 degrees. The temperatures in the pods were checked at each shift and any issues were reported for resolution. CBP records show that a few hours after their arrival, both children were provided showers and clean clothing. CBP records further reflect that the children were provided additional clean clothing on at least eleven occasions. As noted above, the family was also provided with mats and mylar blankets. F.Y. complains that the lights were on all night. As mentioned above, the El Paso MCPC does not have the ability to dim the lights at night. However, MCPC turns off some lights in order to “dim” and darken the pod areas during sleeping hours.

35. F.Y. states that the family would go a week without being allowed to take a shower. In addition to the shower provided at intake, CBP records reflect that

1 F.Y. and her children were provided showers 14 additional times, and were offered
2 one additional shower which F.Y. refused. These showers generally occurred
3 approximately every 24-48 hours, with records reflecting one gap of six days and
4 one gap of four days. F.Y. states that there was shampoo provided but no soap. The
5 hygiene pack provided for detainees when showering includes shampoo, body wash,
6 a toothbrush/toothpaste, and towels.

7 Exhibit 12

8
9 35. M.M. was encountered by Border Patrol with his parents and two
10 siblings on March 23, 2025. He was held with his family at the MCPC from March
11 24, 2025 through April 12, 2025. Following the encounter, the El Paso MCPC began
12 coordinating with El Paso ICE/ERO officials once vetting was complete, however,
13 ERO was unable to place this family unit locally, refer to their non-detained unit, or
14 place on a commercial flight for removal. El Paso Sector continued coordination
15 with ERO and the DHS NICC until the family unit was transferred to Dilley on April
16 12. M.M. was held with his brother, separate from his family members, due to
17 operational and space constraints that sometimes require USBP to group detainees
18 based on age, sex, and demographics. Detainees are sometimes grouped based on
19 age, sex, and demographics also to maintain safe conditions for younger detainees.
20 At MCPC, when families are held separately, they are provided the opportunity to
21 visit with each other. If operationally feasible, and absent a safety or security
22 concern, family units are placed together for visitation periods for a minimum of one
23 hour, three times a day.

24 36. M.M. claims that it was “freezing cold” in the MCPC and that he was
25 not provided “a sweater or anything” to keep warm. CBP records reflect that M.M.
26 was provided clean clothing on five occasions. At the MCPC, all detainees are
27 provided with a sweat top (depending on season, or if requested), sweat pants,
28 undershirt, underwear, and socks when they arrive to the facility for their initial
shower, if these items were not already provided by the station that originally
apprehended them. All individuals are provided a new undershirt, underwear, and

1 socks at every subsequent shower. Additional clothing items are also provided if the
2 items become soiled or unhygienic.

3 37. M.M. claims that he ate mostly chips, and that he “found a ground tablet
4 in the food.” As discussed above, MCPC provides food that is delivered from an
5 outside vendor. USBP does not place medicine in any food provided to detainees,
6 and provides the food as it is delivered by the food vendor. While chips and other
7 snacks are generally available to detainees, the vendor delivers a variety of foods
8 including burritos, soup, hot breakfast items, sandwiches, fruit, and granola bars.
9 CBP records reflect that M.M. was provided all of these items.

10 38. M.M. claims that he got “a call” but that it was only for a few minutes.
11 CBP records reflect that M.M. was provided phone calls on at least 20 occasions
12 while at El Paso MCPC.

13 Exhibit 13

14 39. M.P.C. was held in MCPC with her two children A.C.P. (2 years old)
15 and A.V.P. (9 years old) from very early in the morning on April 28, 2025 through
16 May 1, 2025. Upon arrival at the facility the family was provided a shower, hygiene
17 products including a toothbrush and toothpaste, and clean clothing. They were also
18 served a meal and provided a mat and blankets. The family was provided a second
19 shower two days later on April 30, and again were provided hygiene products and
20 clean clothes. As discussed above, dental hygiene products were available on request
21 throughout the family’s time in MCPC, and detainees are informed of the availability
22 of these products by a poster in that is posted in the hold rooms.

23 40. M.P.C. complains that her children could not run around and did not
24 have any toys. As discussed above, children are permitted to play safely at the
25 facility, and while toys are not provided the facility makes some items available for
26 children to entertain themselves. M.P.C. also states that her children did not eat much
27 while they were in the MCPC. As discussed above, food is delivered at MCPC by a
28 vendor that provides a wide variety of items. MCPC provides age-appropriate,
nutritious meals three times daily. MCPC also provides children access to milk,

1 juice, water, and snacks, and these items are available on request.

2
3 **Rio Grande Valley Sector**

4 41. RGV Sector is also on the Southwest border with Mexico. This Sector
5 covers more than 34,000 square miles of Southeast Texas encompassing thirty-four
6 Texas counties. There are nine stations within RGV Sector: Rio Grande City Station,
7 Harlingen Station, Fort Brown Station, McAllen Station, Brownsville Station,
8 Falfurrias Station, Corpus Christi Station, Weslaco Station, and Kingsville Station.
9 Rio Grande Valley Sector covers approximately 320 miles of international boundary
10 with Mexico. RGV Sector is one of the busiest Border Patrol sectors and the 3rd
11 busiest along the Southwest border of the United States. It averaged approximately
12 231,800 annual encounters per year from FY14 to FY24. The Rio Grande Valley
13 Central Processing Center (Ursula) in Ursula, Texas is the JPF for RGV Sector.

14 42. Ursula has 20 cells that are approximately 750 to 900 square feet in size.
15 Ursula keeps the temperature between 69 and 83 degrees. Temperature is monitored
16 regularly to ensure detainee safety and comfort. Staff conduct and document regular
17 temperature checks at least 3 times a day in all detainee holding areas using wall-
18 mounted digital devices. Lights are dimmed or turned off from 10:00 pm to 6:00 am
19 in each cell where juveniles are sleeping to provide an eight-hour rest period. The
20 cells in the MCPC have toilets/sinks. While soap is not available in the cells, hand
21 sanitizer stations are strategically located just outside the cells, where detainees are
22 provided regular supervised access.

23 43. Upon intake to Ursula, all minors are provided an age-appropriate meal
24 and/or snacks with juice and water, a mat and mylar blanket, a medical intake
25 assessment, an opportunity to shower with hygiene products (including toothbrushes
26 and toothpaste) provided, and clean clothing. Snacks and water are always available
27 to children in custody, and signs are posted in areas where children are held notifying
28 them of various amenities that are available to them upon request including clothing,
food, water, and medical care.

44. Ursula has contracted caregivers present at every shift. Caregivers

1 provide assistance to children and families in custody, as well as supervise recreation
2 and other activities for children. Caregivers also provide, twice daily, messages
3 notifying children and families they may raise questions or concerns to them at any
4 time, including a request for additional blankets, clothes, snacks, hygiene items,
5 access to phone or medical assistance. Caregivers are present with families and
6 unaccompanied alien children continuously checking if individuals are in need of
7 any amenities or medical services. Caregivers and USBP personnel frequently ensure
8 a clean and safe environment and address any issues children may have. Caregivers
9 are advised to look for signs of health issues or distress. If medical issues are
10 identified, caregivers are instructed to immediately provide notification to USBP
11 personnel to facilitate prompt medical care by contracted medical personnel and they
12 refer individuals to a hospital as needed.

13 45. Food at Ursula is provided through an outside contract with a food
14 services company. Per the contract with this company, all food vendor meals must
15 comply with U.S. Department of Agriculture (USDA) health, safety, and nutritional
16 guidelines. Upon delivery of the food, the vendor provides certification from a
17 nutritionist that the food meets those standards. Meals are provided three times daily
18 and special meals for medical or religious reasons are available upon request.
19 Besides meals, snacks are available at all times, upon request, and without limit.

20 46. At Ursula, there are puzzles, coloring books and crayons, Tic Tac Toe,
21 hopscotch, cartoons and kid friendly movies available to children. Ursula also has
22 extra clothing, including sweatshirts and sweatpants, available for children upon
23 request.

Exhibit 10

24 47. CBP records indicate that V.I.B.G. and her two children were
25 transferred from Burke Station in New York to RGV/CPC on March 3, 2025 and
26 booked out on March 14, 2025.

27 48. V.I.B.G. alleges that a "staff member" grabbed and scraped her and that
28 she was hit with a baton for praying out loud with her child. There is no report of any

physical altercation reported to USBP personnel during this timeframe—either by the declarant or any other detainee. Furthermore, during her time at RGV/CPPC, V.I.B.G. was afforded the opportunity to speak, at length, with personnel from the DHS Office of the Immigration Detention Ombudsman (OIDO), an office within DHS (not CBP) that conducts independent oversight of immigration detention by CBP and ICE to promote safe, humane conditions. Nothing was brought to the attention of Border Patrol by the OIDO representative.

49. V.I.B.G. also alleges that the food was “horrible” and “old” and that they were given cold and spoiled food. As discussed above, the food at Ursula is provided fresh daily through an outside contract with a food services company. Medical records indicate that one of V.I.B.G.’s children suffers from an autism disorder. Special meals were provided to this child to accommodate their unique nutritional needs as a result of their condition. CBP records indicate that both of V.I.B.G.’s children were served hot meals or snacks, milk, and juice numerous times per day for each day during their stay at RGV/CPC. V.I.B.G. also alleges that Border Patrol tried to force her to feed her twins, aged 3 years old, formula. CBP records contain no indication that the mother was forced to feed formula to her 3-year old twins. Nutritional options for juveniles in custody are provided based on age and individual needs. For older children who are unable to take formula, alternative options such as juice, powdered milk, bottled water, and age-appropriate snacks or meals are made available.

Exhibit 15

50. On April 21, 2025, F.O., his wife, and his three children who were 6, 4, and 1 years old, illegally entered the United States from Mexico outside a designated port of entry. Border Patrol arrested and transported them to RGV/CPC. At the time of his declaration F.O. and his family had been in Border Patrol custody for nine days.

51. F.O. alleges that he and his male children were held separately from his wife and daughter and placed in a room with mats but no pillows and only aluminum

1 blankets. Border Patrol makes every effort to house families together, but sometimes
2 must separate them due to operational, space, and safety concerns. As F.O.
3 acknowledges, families who are held separately are reunited daily to visit with each
4 other in a common area.

5 52. F.O. alleges that they were not allowed to go outside. While this facility
6 does not have a designated outdoor recreation area, juveniles in custody are afforded
7 meaningful opportunities for movement and engagement within the facility. Each
8 pod contains a large common area where juveniles are able to move about freely
9 throughout the day. Cell doors remain open to promote freedom of movement. And
10 as previously mentioned, there are other recreational activities available, including
11 Tic-Tac-Toe, hopscotch, coloring books, puzzles, and cartoons/movies.

12 53. F.O. also correctly acknowledges that he and his family were provided
13 the opportunity to shower daily, and at the time of the shower were provided hygiene
14 items including a toothbrush and toothpaste. F.O. further correctly acknowledges that
15 he and his family were provided daily opportunities to make a phone call.

16 54. He further alleges that the restroom does not have a door and only a
17 curtain. Showers at the facility have privacy curtains. Restrooms are designed with
18 half walls, which provide a reasonable degree of privacy while allowing for visual
19 supervision to ensure the safety and well-being of individuals in custody. F.O. also
20 alleges that there is no soap to wash their hands. As previously mentioned, soap is
21 not available inside the cells, however, hand sanitizer is located just outside the cells
22 to which detainees are provided regular supervised access.

23 55. F.O. alleges that the food is “unfamiliar” to his children which
24 sometimes makes it difficult for them to eat. As previously mentioned, three USDA-
25 certified meals are provided each day at Ursula and snacks, juice, and water are
26 readily available and provided to children upon request.

27 56. F.O. alleges that they he and his family were never given a “list of free
28 legal services or told us we can call a lawyer.” All family units and unaccompanied
alien children in custody are provided with a list of free legal service providers.

1 Children are also provided with the Form I-770, Notice of Rights and Disposition.
2 These forms are shown to them and placed inside their file. The list of free legal
3 service providers is also posted inside each phone booth, which detainees are
4 permitted to use on a daily basis. Additionally, posters are displayed in every pod
5 informing individuals of their right to speak with an attorney.

6 Exhibit 16

7
8 57. G.B.A. and her 7-year old child illegally entered the United States on
9 April 22, 2025 near Brownsville, Texas, outside of a designated port of entry. They
10 were arrested and transported first to the Fort Brown Station for processing and a
11 routine medical assessment, and then to Ursula. At the time of their declaration, they
12 had been at Ursula for eight days.

13 58. G.B.A. complains that she and her daughter could not eat some of the
14 food they were provided. As previously stated, only USDA-certified meals are
15 provided by the food services vendor, and snacks, juice, water, and milk are
16 available upon request. Special meals can be provided to accommodate dietary or
17 medical needs upon request. Snacks are also always available to families at Ursula.

18 59. As G.B.A. acknowledges, she and her daughter were provided daily
19 showers, at which time they were also provided the opportunity to brush their teeth.
20 G.B.A. complains that they are not provided water to brush their teeth, only dry
21 paste. Detainees at this facility are provided with individually-packaged pre-pasted
22 toothbrushes, which have a small amount of toothpaste embedded in the bristles.
23 These toothbrushes are designed to activate with saliva, eliminating the need for
24 water. Detainees simply brush and spit into a waste receptable. .

25 60. G.B.A. also alleges that the restroom has a short wall but no door and
26 no privacy. As previously stated, restrooms are designed with half walls, which
27 provide a reasonable degree of privacy while allowing for visual supervision to
28 ensure the safety and well-being of individuals in custody. G.B.A. alleges that there
is no soap to wash their hands. As previously stated, soap is not available inside the
cells but sanitizer is located outside the cells and detainees can access with

1 supervision.

2 61. G.B.A. acknowledges that they were provided the opportunity to make
3 one phone call per day, after the shower. She complains that the phones are in the
4 hallway while an agent is nearby and listens while the detainees make calls. Agents
5 must monitor detainees while they are in custody, and stay nearby but do not listen to
6 detainees' telephone calls. G.B.A. also alleges that they are not given a list of free
7 legal services. As previously stated, all family units and unaccompanied alien
8 children are provided a list of free legal services which are placed inside their file.
9 This list is also posted in each phone booth, which detainees are allowed to access on
10 a daily basis.

11 Exhibit 17

12 62. M.H. and her 12-year old child illegally entered the United States,
13 outside of a designated port of entry, on April 29, 2025 near Roma, Texas. They
14 were encountered by Border Patrol, arrested, and brought to Ursula. At the time of
15 their declaration, they had been in custody for one day.

16 63. M.H. complains that it is cold and they were not provided extra
17 clothing. Extra clothing is made available to all children at Ursula, and a poster is
18 posted in family holding cells telling detainees they can request additional clothing.

19 64. M.H. describes similar experiences to the above declarants regarding
20 the shower, soap, restroom, allotted phone calls, and food. My responses regarding
21 general policies at Ursula concerning these topics are the same as previously
22 discussed. CBP records indicate that M.H.'s son took a shower on two of the three
23 days in custody. Records also indicate that M.H.'s was offered or placed a phone call
24 on each day. M.H.'s son was also provided hot meals on each day, including three on
25 the full day in custody. M.H. also complains that there are no brushes or combs and
26 cannot comb their hair. For safety and hygiene reasons, hairbrushes and combs are
27 not provided to detainees. These items can be misused in a secure setting and are
28 difficult to sanitize.

65. M.H. states they did not receive a list of free legal services. As stated,

1 all family units and unaccompanied alien children in custody are provided with a list
2 of free legal services providers that is placed in their file, and the list is placed in
3 every phone booth. Additionally, posters are displayed in every pod informing
4 individuals of their right to speak with an attorney.

5 Exhibit 18

6
7 66. M.L.R.L. and D.A.R.L., her 2-year old child, entered illegally into the
8 United States on April 24, 2025. They were arrested by Border Patrol and
9 transported to the Ursula. At the time of the declaration, they had been in custody for
10 six days.

11 67. M.L.R.L. acknowledges that they were provided clothes. However, she
12 complains that it was very cold and the sweater they were given was thin, and they
13 were not given anything else to stay warm. As discussed above, Ursula maintains a
14 temperature range of 69 to 83 degrees which is monitored and tracked. Additionally,
15 there is a poster that is posted in family cells letting detainees know that additional
16 clothing is available upon request.

17 68. M.L.R.L. describes similar experiences to the above declarants
18 regarding daily, food, daily dental hygiene, outdoor space, and daily phone calls. My
19 responses to those allegations regarding general policies at Ursula concerning these
20 topics are the same as discussed above. CBP records indicate that M.L.R.L. was
21 provided several hot meals and snack options on each day in custody.

22 69. M.L.R.L. states that she was not provided access to information about
23 legal service providers. As stated, this list is provided to all family units and
24 unaccompanied alien children and placed in their file. They are placed in the phone
25 booths and posters are displayed in every pod informing detainees of their right to
26 speak with an attorney.

27 San Diego Sector

28 70. The San Diego Sector encompasses 56,831 square miles including 931
miles of coastal border from the California border with Mexico north to Oregon. San

1 Diego Sector's primary operational area of responsibility consists of 7,000 square
2 miles including 60 linear miles of international boundary with Mexico and 114
3 coastal border miles along the Pacific Ocean. The San Diego Sector encompasses
4 coastal beaches and expansive mesas that lead to coastal and inland mountains,
5 rugged canyons, and high desert.

6 71. The USBP Chula Vista Station's (Chula Vista) area of operation
7 stretches from the San Ysidro Port of Entry to approximately 5 miles east of the Otay
8 Mesa Port of Entry. In January 2023, a new 130,786-square-foot soft-sided facility
9 was opened in Otay Mesa, California (SSF). The San Diego SSF's primary purpose
10 was to safely and expeditiously process individuals in U.S. Border Patrol custody.
11 The San Diego SSF provided additional processing capacity for Border Patrol's San
12 Diego Sector. Due to a significant drop in the number of illegal crossings, the San
13 Diego SSF was closed in March 2025.

14 72. The San Diego Sector adheres to CBP's Family Unity Policy. On a
15 case-by-case basis, adult males may be held separately from their spouse/significant
16 other and child while in CBP custody to best operationalize the limited detention
17 space and to conform to sex segregation and juvenile/adult segregation practices, and
18 for the safety of younger detainees. When it is not operationally feasible to hold
19 family members together in the same holding room, visitation is offered once a day
20 for a period of 1 hour when operationally feasible. To ensure the cleanliness of the
21 cells, cell cleaning has been increased from once to twice daily in all cells.

22 73. The SSF did not have a secure outside area to facilitate exercise or other
23 time outside of the facility. All toilets were enclosed, had doors, and offered privacy
24 to the subjects. All cells other than isolation cells had soap dispensers located next to
25 the sinks, whose contents were checked daily by the cleaning staff and were refilled
26 as needed. Additionally, the amenities poster, also known as the "Tu Puedes Pedir"
27 poster, was posted in every pod so that it was visible from every cell. This poster
28 indicated to detainees which hygiene items were available upon request including
snacks, water, toothbrushes, and extra clothing. At the SSF, showers were provided,

1 along with soap/shampoo. Lights could be dimmed, as operationally feasible, to
2 facilitate sleep for juveniles. At the SSF, the temperature range was maintained
3 between 66 and 80 degrees Fahrenheit. Each pod has a digital thermometer mounted
4 on the towers. Temperatures are monitored regularly and logged for compliance.

5 74. At the Chula Vista Facility, the toilets are behind a half wall and cells
6 that regularly held unaccompanied alien children detainees have a swinging door
7 equal in height to the level of the half wall. Due to the rapid and unexpected
8 transition from the SSF to the Chula Vista Facility, not all cells had been modified to
9 include doors for restroom areas. A request for modification of the remaining cells
10 has been submitted. Chula Vista does not have any hand soap dispensers in the cells
11 but the "Tu Puedes Pedir Poster" is posted along the walls and against the cell
12 windows. This poster shows detainees that hygiene items are available upon request
13 to include soap. Additionally, similar to the SSF, when subjects request or are due
14 for showers, soap/shampoo is provided to them. Tooth sponges with toothpaste
15 already on the sponge are provided in every shower and upon request. Multiple hand
16 sanitizers are located in the hallways between holding rooms. At Chula Vista, some
17 cells have a temperature monitoring system which is reviewed regularly. For the
18 other cells, the temperature is set at 70 degrees, and the thermostat is monitored and
19 compliance is logged.

20 75. At the SSF, food services were contracted out. The food services
21 contractor, which provided the meals, was required to serve two hot meals (breakfast
22 and dinner) and one cold meal (lunch) every day. Meals varied day-to-day and
23 specialty meals (vegetarian, vegan, kosher) could be ordered when needed. Meals
24 were fresh daily and kept in the dining facility until served. Age-appropriate meals
25 were provided to children. At Chula Vista, food is delivered by a contract meal
26 service twice a day. arm meals are kept in a warmer (at 140 degrees Fahrenheit) until
27 served. Cold meals are kept in a refrigerator (40 degrees Fahrenheit) until served.
28 Specialty meals can be ordered when needed.

Exhibit 5

76. M.I.J. and his family spent time in Border Patrol facilities in RGV Sector and San Diego Sector. He does not clearly explain his allegations or where events occurred, but generally alleges that he was held separately from his family. As discussed above, this is often necessary for operational, space, and/or safety reasons. When families are held separately they are provided the opportunity to visit with each other generally at least once per day, as operationally feasible.

Exhibit 7

77. G.A.D. was detained with his 7-year old and 2-year old sons on March 5, 2025, at the San Diego SSF. At the time of his declaration they had been detained for two days.

78. G.A.D. claims that he and his family were not provided showers. Showers are generally provided every 48 hours, and G.A.D. and his family had been in custody for less time than that at the time of his declaration. He also claims that they “were only provided a small sponge on the first night to brush their teeth.” CBP records for this family indicate that toothbrushes were provided twice during their two-day detention at the SSF. The remainder of G.A.D.’s allegations are addressed above in my discussion regarding the San Diego SSF.

Exhibit 8

79. L.G.C.G., a 19-year old mother, was detained with her 1-year old son on March 3, 2025, in Yuma Station. On March 4, 2025, L.G.C.G. and her son were transferred from Yuma Station to the San Diego SSF. At the time of her declaration the family had been in custody at the San Diego SSF for three days.

80. L.G.C.G. acknowledges that they were provided mats, blankets, showers and toothbrushes. She claims that her son didn’t eat much of the food because “it is for adults.” As described above, the food contract at the San Diego SSF provided age-appropriate food for all ages, including infant meals and toddler (aged 2-5 year old) meals.

81. LG.C.G. claims that it was cold in the pods. As discussed above, the

1 temperature at the San Diego SSF is maintained at 66 to 80 degrees, and there is a
2 poster in all pods telling detainees that they may request additional clothing .

3
4 Exhibit 9

5 82. R.S.R., a 28-year old mother, was detained with her 7-year old son, her
6 male partner, and her father on February 11, 2025, at the San Diego SSF. At the time
7 of her declaration she had been in custody at the San Diego SSF for two days.

8 83. R.S.R. alleges that her partner and father were held separately from her
9 and her son. This is consistent with Border Patrol policy as described above, which
10 also provides that the family is reunited for regular visitation as operationally
feasible.

11 84. R.S.R. claims that all the meals they are provided are cold. The food
12 service contract at San Diego SSF required the food service provider to serve two hot
13 meals a day (breakfast/dinner) and one cold meal a day (lunch). CBP records reflect
14 that in the timeframe covered by R.S.R.'s declaration, the family was served at least
15 two hot meals. Any complaints about the food or its quality that were brought to
16 USBP's attention would have been addressed with the contract meal provider.

17 Exhibit 19

18 85. L.N., a 32-year old mother, was detained with her three minor children
19 on April 2, 2025, at Chula Vista. At the time of her declaration they had been in
20 custody for eight days.

21 86. L.N. states that the family was provided showers when they arrived at
22 Chula Vista. CBP records show that they were also provided showers on three
23 additional occasions during the time period covered by L.N.'s declaration (April 4, 7,
24 9). L.N. acknowledges that the family was provided with clean clothing.

25 87. L.N.'s claims about soap, temperature, lights, toilets, food, and
26 toothbrushes are addressed above. L.N. claims no toys are provided for the children.
27 At Chula Vista, caregivers would have provided crayons and coloring books to
28 children during periods in which they were outside the cell several times a day,
including during cell cleaning and scheduled playtime with the caregivers. They

1 have access to coloring books and crayons during these periods.

2 88. L.N. claims they were not permitted to make any phone calls. As
3 operationally feasible, detainees are provided access to phones should they request
4 one. The SSF had phone booths available to facilitate calls to attorneys. Currently,
5 SDC no longer has any such phone booths, but detainees may still ask to use a
6 phone. L.N. alleges she was not provided a list of free legal service providers. A list
7 of free legal services is provided for every detainee in their file which is transferred
8 with them when they are transferred to ICE/ERO custody.

9
10 Exhibit 20

11 89. J.W. is a 17-year old boy who was detained with his mother on April 3,
12 2025, at Chula Vista. At the time of his declaration he had been in custody at Chula
13 Vista for seven days.

14 90. J.W. alleges that he was provided only one shower. CBP records show
15 that he was provided showers on April 5 and April 9, and was provided shower
16 wipes on April 7. J.W. also alleges that he was never given information about what
17 he could ask for. However, as noted above, posters with pictures of amenities that
18 can be requested and provided upon request are posted in cells holding children at
19 Chula Vista. J.W.'s other allegations are addressed in the discussions above.

20 Exhibit 21

21 91. S.G., a 16-year old girl, was detained with her mother and two younger
22 siblings on April 2, 2025, at Chula Vista. At the time of her declaration S.G. had
23 been in custody at Chula Vista for eight days.

24 92. S.G. claims that the water available in the cells was dirty and smelled
25 bad, but they were forced to drink it. She claims that agents refused to give them
26 bottled water and juice. CBP records reflect that snacks, milk, and juice were
27 provided to S.G. on multiple occasions while she was in custody at Chula Vista.
28 Additionally, bottled water is served with every meal. There is also a drinking

1 fountain with potable water within each cell.

2 93. S.G. claims that there were no toys available, and that they were told
3 toys were not allowed when they asked for some. She further claims that CBP
4 personnel shouted at them when they tried to play. As discussed, caregivers at Chula
5 Vista had a supply of crayons and coloring books to provide to children.

6 94. S.G. claims there was no soap in the cell. As discussed above, soap is
7 available upon request along with clothing and other items as detailed on a poster
8 that is posted in the cells where children are held.

9 95. CBP records show that S.G. was provided showers on April 4, 6, and 9.
10 CBP records also show that S.G. was provided dental hygiene products on at least
11 seven occasions. Other allegations in S.G.'s declaration are addressed above.

12 **Detroit Sector**

13 96. Detroit Sector Detroit Sector is along the northern border of the United
14 States with Canada. It covers 863 miles of international water boundary with Canada
15 and encompasses the states of Michigan, Indiana, Ohio, and Illinois and the
16 surrounding Great Lakes and Detroit, Saint Clair, and Saint Mary's Rivers. Within
17 Detroit Sector there are five Stations: Sandusky Bay Station, Sault Sainte Marie
18 Station, Marysville Station, Gibraltar Station, and Detroit Station.

19 **Exhibit 4**

20
21 97. K.V.L. and her f5-year old son were encountered by the Perkins
22 Township, Ohio Police Department (Perkins PD) on April 23, 2025, during a traffic
23 stop. The vehicle they were in was reported stolen. Perkins PD contacted Sandusky
24 Bay Station and Border Patrol agents were sent to the scene. A record search of
25 K.V.L. reported that she had not been attending her scheduled appointment with
26 ICE/ERO agents. K.V.L. and her son were arrested and transported to Sandusky Bay
27 Station. They were held there until their transfer to ICE/ERO custody on April 27,
28 2025.

98. K.V.L. alleges that at Sandusky Bay Station she and her child were held

1 in a “tiny room” and that both had to sleep together on a narrow mat against the wall.
2 At Sandusky Bay Station, mats and bedding are provided for detainees upon arrival.
3 If requested, agents will provide additional bedding.

4 99. K.V.L. alleges there were no windows with views to the outside. While
5 the detention area at this facility does not have windows that face the outside, it is
6 normal for agents to allow children and their parents access to the outside of the
7 facility if weather permits. Sandusky Bay Station agents make every effort for family
8 units to have access to the outside.

9 100. K.V.L. complains that the room had a toilet visible to anyone walking
10 by the room and she and her son could only urinate because it was uncomfortable to
11 go to the bathroom in the view of only men. Each holding room has windows to the
12 primary processing area in this facility for the safety of all individuals. Each holding
13 room has a toilet with a concrete wall to allow for privacy, and which obstructs
14 visibility from outside the cell. If requested, there are more private restrooms
15 available that may be considered for use.

16 101. K.V.L. then complaints that when she and her son were “finally”
17 brought to the shower, it was in a bathroom for employees, and that this was first
18 time they were allowed to brush their teeth. CBP records indicate that K.V.L.’s son
19 was provided a shower on their second full day, April 25, and then again on April 27.
20 Every reasonable effort is made for children to shower every 48 hours in accordance
21 with the CBP National Standards on Transport, Escort, Detention and Search
22 (TEDS). At the time of K.V.L. and her son’s encounter, the only shower facilities
23 available for this family unit were in the female/male locker rooms. If a subject
24 requests it, additional showers can be provided if a female/male employee is on duty,
25 depending on the person’s sex. Sandusky Bay Station has female and male agents
26 who escorted these subjects to the shower facilities. All subjects are provided with
27 personal hygiene products, shower shoes, and towels. Also, every morning, detainees
28 are provided with—and can request additional— toothbrushes and toothpaste. These
products are placed on a table alongside various drinks and snacks, that allow for

1 access whenever needed.

2 102. K.V.L. alleges that her son could not sleep and was woken up “so many
3 times” by the bright light. CBP records indicate that K.VL.’s son received hourly (if
4 not more than hourly) welfare checks each night while held at Sandusky Bay Station
5 and those checks note that he was sleeping on all but their last night in custody.
6 During nighttime hours, lights are generally turned off in the holding cell. To protect
7 the safety and security of both agents and detainees, some lighting may remain on.

8 103. K.V.L. claims there was nothing for her son to do except for one
9 coloring book. However, CBP records indicate that at one point the child was also
10 offered, and was playing with, a miniature basketball hoop and basketball outside the
11 open cell. Sandusky Bay Station also provides coloring books, stuffed animals,
12 access to various streaming services, basketballs, soccer balls, and other outdoor
13 equipment that can also be used. It is normal practice for agents to take family units
14 outside if the weather permits. If the weather does not permit, agents allow families
15 to access the sally port and garage area for recreational use.

16 104. K.V.L. alleges that they were not allowed to make any phone calls.
17 However, CBP records indicate that K.V.L. was permitted to charge her cell phone
18 to retrieve a personal number. At Sandusky Bay Station, family units are allowed to
19 make phone calls whenever they need to, except for when other subjects are being
20 processed and safety is of concern. This station does not restrict access to phone
21 calls, including to make calls to counsel or the consulate of their native country.
22 There are two interview rooms with phone lines that are utilized for contacting
23 lawyers and consular services. This station does provide phone chargers and access
24 to cell phones to retrieve phone numbers.

25 105. K.V.L. alleges that there was no soap at the sink in the room.
26 Individuals in each holding cell are offered soap, hand sanitizer, and toilet paper.
27 Agents will provide hygiene products upon request. The station has several various
28 products that are available upon request, including diapers, bibs, soaps, shampoo,
feminine hygiene, and deodorant.

1 106. K.V.L. alleges that it was four days before her son could change clothes,
2 and that agents did not let him change even his underwear, and that, as a result, he as
3 a rash on his penis. When a subject arrives at Sandusky Bay Stion, if he or she does
4 not have additional clothing items, the station will provide them. Clothing items are
5 available to family units when requested or needed. Agents will do laundry as
6 needed or requested.

7 **Buffalo Sector**

8 107. Buffalo Sector also runs along the northern border with Canada. It
9 covers 450 miles of international boundary with Canada from approximately the
10 Ohio/Pennsylvania state line to Jefferson County, New York, encompassing most of
11 New York State and all of Pennsylvania, Maryland, Virginia, and West Virginia.
12 Within Buffalo Sector there are six Border Patrol Stations: Erie Station, Oswego
13 Station, Rochester Station, Wellesley Island Station, Buffalo Station, and Niagara
14 Falls Station.

15 **Exhibit 25**

16
17 108. L.Q.A. and her 5-year old son were arrested on April 15, 2025 by the
18 Cheektowaga Police Department for alleged shoplifting at a Walmart near Buffalo,
19 New York. Border Patrol agents arrived at the scene, determined they were illegally
20 present in the United States, and transported them to Buffalo Station. They were held
21 there until April 18, 2025 when they were booked out to ICE/ERO custody.

22 109. L.Q.A. alleges that neither she nor her son were allowed to make any
23 phone calls at Buffalo Station. Individuals in custody are allowed to use a station
24 phone on a limited basis. They are allowed to retrieve phone numbers from their
25 electronic device and make calls on the station landline.

26 110. L.Q.A. alleges that they could not shower until right before transfer to
27 ICE/ERO custody. CBP records indicate that L.Q.A.'s child was provided a shower
28 on his second full day in custody, before his transfer on April 18. This facility,
designed to accommodate short-term holding, lacks a shower in the detention area.

1 However, detainees are provided access to the showers in the employee locker room
2 according to shift schedules and manpower. If a shower is requested, every effort is
3 made to accommodate that request.


4 111. L.Q.A. alleges that her child was not allowed outdoor time. While this
5 facility is not able to accommodate outdoor time, L.Q.A.'s son was provided other
6 recreational activities. Records indicate that on the last day in custody, he was
7 watching cartoons with L.Q.A. This facility also has toys available for children and
8 has provided children with paper and written instruments for drawing/coloring.

9 112. L.Q.A. alleges that her son would cry, including at night, because he
10 would not have enough food and that they only gave him cookies and juice. Meals
11 and snacks are available at all times and upon request for juveniles in this facility.
12 CBP records indicate that L.Q.A.'s son was offered at least three hot meals for each
13 full day in custody, one of which he refused, and one hot meal for each of the other
14 days. Besides meals, L.Q.A.'s son was provided snacks, milk, and juice throughout
15 the day, each day. CBP records also indicate that, each night, welfare checks were
16 conducted at least every hour, and L.Q.A. was reported to be sleeping each night.

17 113. I declare, under penalty of perjury, I declare, under penalty of perjury,
18 that the foregoing is true and correct to the best of my knowledge, information, and
19 belief.

20
21 Executed on this 18th day of July 2025.

22
23
24 BENJAMIN S
HOLLINDER

 Digitally signed by BENJAMIN S
HOLLINDER
Date: 2025.07.18 13:30:17 -04'00'

25
26 Benjamin S. Hollinder
27 Division Chief
28 U.S. Border Patrol
U.S. Customs and Border Protection

U.S. Department of Homeland Security

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT

2

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3

4 Jenny Lisette Flores, *et al.*,
5 Plaintiffs,

6 v.

7 Pamela Bondi, Attorney General of the
8 United States, *et al.*,
9 Defendants.
10

Case No. 2:85-cv-04544-DMG

District Judge Dolly M. Gee

11
12 **DECLARATION OF LUIS MEJIA**

13 I, Luis Mejia, pursuant to 28 U.S.C. § 1746, and based upon my personal knowledge
14 and information made known to me from official records and reasonably relied upon
15 in the course of my employment, relating to the above-captioned matter, hereby
16 declare as follows:

17 1. I currently serve as the Deputy Executive Director, Admissibility and
18 Passenger Programs, Office of Field Operations (OFO), U.S. Customs and Border
19 Protection (CBP). I have been in this role since September 2021.

20 2. In this role, I have oversight of OFO policy related to United States Code,
21 Title 8 for all 328 Ports of Entry (POEs) and am responsible for preparing field
22 guidance surrounding the application of relevant laws, regulations, court decisions,
23 executive orders, and other statutory interpretations. Additionally, I oversee strategy,
24 policy development, and implementation of national policies related to the processing
25 of travelers at all ports of entry. Further, I direct approximately 75 national programs
26 encompassing OFO primary and secondary inspections and actions developed in the
27 course of those activities.

28 3. I am familiar with the *Flores* Settlement Agreement, including the

1 requirements in the *Flores* Settlement Agreement that juveniles be held in facilities
2 that are safe and sanitary; that juveniles be provided access to food, drinking water,
3 toilets, sinks, medical care, and adequate ventilation; and that CBP monitor its
4 compliance with these terms. I am aware that the *Flores* Settlement Agreement applies
5 to all juveniles who are in CBP custody, regardless of whether or not they are
6 accompanied by a parent or legal guardian.

7 4. I am aware that the Plaintiffs in this case filed a Motion to Enforce the
8 Settlement, alleging, among other things, that conditions at the O'Hare and Otay Mesa
9 Ports of Entry are in violation of the Agreement. Plaintiffs provided the declarations
10 of four children or their family members held in these facilities between January and
11 May 2025. There are four declarations provided in which the relevant child was held
12 at an OFO port of entry (POE): one at O'Hare International Airport, and three at Otay
13 Mesa.

14 5. I am submitting this declaration both to provide an overview of CBP's
15 efforts to comply with the Agreement in these locations and to provide information,
16 pulled from CBP's official system of record, outlining the treatment that the identified
17 children received while in custody.

18 6. OFO is responsible for preventing the entry of terrorists and their
19 weapons at official CBP POEs, and for preventing the illicit trafficking of people and
20 contraband from entering or leaving the United States at POEs. OFO operates at land,
21 sea, and air POEs, all of which vary widely in space, size, and operating conditions. I
22 understand that the May 22, 2025 declaration of John Modlin [ECF No. 1567-2]
23 (Modlin Declaration) provided a detailed overview of custodial conditions and
24 operations at POEs. At a fundamental level, however, it is important to remember that
25 operations vary significantly among POEs. Seaports, in particular, receive few
26 passengers and routinely process high values of cargo and trade. Such POEs do not
27 have the capacity or the need for extensive holding areas, as they encounter very few
28 removable aliens. Similarly, airports have traditionally not received many removable

1 aliens, and so similarly lack such extensive hold rooms, while some larger or busier
2 POEs have more space and capacity for more extensive holding facilities. Because no
3 POE is the same as any other, OFO often must quickly adapt to meet its custody
4 obligations in these vastly differing environments. However, at all POEs CBP takes
5 steps to ensure that its facilities comply with the requirements of the Agreement.
6 Additionally, as explained in the Modlin Declaration, OFO holds and processes all
7 children in a manner consistent with the *Flores* Agreement and the Trafficking Victims
8 Protection Reauthorization Act of 2008 (TVPRA).

9 **O Hare International Air ort**

10 7. O'Hare International Airport (O'Hare) is one of the biggest and busiest
11 in the country. It routinely processes an average of 16,035 arriving passengers per
12 day. The vast majority of those travelers arrive with valid travel documents and/or
13 are U.S. citizens, and are permitted to enter the United States without incident. In
14 some cases, however, and especially because travel documents do not confer
15 admittance to the United States or a legal status, OFO may determine that an alien
16 who arrives at an airport is inadmissible to the United States. Many of these
17 individuals are placed on a return flight to their country of origin and are held in
18 OFO custody only until that return flight can be arranged. However, if an alien
19 subject to removal claims a fear of return, or is otherwise not able to be immediately
20 repatriated, then they may be detained for further proceedings. POEs are not
21 designed or intended for long-term custody, and CBP therefore makes diligent
22 efforts to transfer such individuals out of the POE and into the custody of U.S.
23 Immigration and Customs Enforcement (ICE) or another government agency as
24 expeditiously as possible. In some cases, however, there may be operational
25 limitations on CBP's government partners leading to extended time at the POE.

26 8. Chicago O'Hare has not traditionally held large numbers of children in
27 custody. Nonetheless, when a child must be held at O'Hare, the POE ensures that
28 children are provided with appropriate amenities and are treated with dignity and

1 respect. Specifically, children in custody are provided blankets, snacks, meals, and
2 water, and individuals are allowed to eat snacks that they may have brought in their
3 own luggage. Because the airport does not have any ability to prepare food, O'Hare
4 relies on shelf-stable frozen meals for individuals in custody, although it makes
5 efforts to offer a variety of types of meals (e.g., kosher, halal, vegetarian). The
6 temperature in the hold rooms at O'Hare is maintained at 66-80 degrees Fahrenheit.
7 While OFO cannot control this temperature to adjust for individual requests due to
8 the fact that the space used by OFO is owned by the City of Chicago and temperature
9 is centrally controlled, O'Hare does make extra blankets available as needed. Lights
10 in the hold rooms can be turned on or off by request, although hallway lights remain
11 on at all times for safety and security reasons. Two showers are available in the
12 secured detention area.

13 9. O'Hare airport has a family hold room. However, if it is operationally
14 infeasible to utilize due to the population in custody, the adult male parent may be
15 held in a separate room. In such cases, care is made to ensure contact between the
16 family members as feasible.

17 10. To the greatest extent possible, all custodial actions, including the
18 provision of food and water, the offer of showers or medical care, and welfare
19 checks, are documented in OFO's Unified Secondary (USEC) system. The port also
20 monitors and tracks the holding room conditions such as temperature and
21 cleanliness.

22 Exhibit 14

23
24 11. One declarant, A.T., age 11, states that he was held at the O'Hare
25 airport for five days before being transferred to ICE's Dilley Family Residential
26 Center with his mother and father. CBP records indicate that A.T. was held at
27 O'Hare airport for 115 hours. A.T.'s allegations are consistent with OFO's operations
28 at O'Hare airport, which CBP maintains are sufficient for the relatively small

1 number of children who are held there for as short a time as possible.

2 12. A.T. states that he was only provided a yellow emergency blanket and a
3 mat. As noted above, in order to allow individuals in custody the ability to sleep, the
4 port provides emergency blankets and mats, with additional blankets available if
5 needed. A.T. also states that he was not permitted to flush the toilet. For security
6 reasons, particularly to prevent the flushing of narcotics or other contraband, the
7 restroom in the holding cell is not able to be flushed from the inside, but rather is
8 flushed from outside the detention cells. Officers generally make efforts to flush the
9 toilet after use, or as often as needed to ensure proper functioning. As noted above,
10 OFO does not own the facilities at the airport and is not able to reconfigure this
11 feature.

12 13. A.T. alleges that he and his mother were held separately from his father.
13 Due to facility maintenance challenges at the time of encounter, A.T. was held in a
14 cell with his mother, with his father in an adjacent cell. OFO does not control the
15 facility maintenance because it does not own the facilities.

16 14. On at least two occasions the family was permitted access to their
17 belongings to obtain a book and snacks that they brought with them. The family was
18 also permitted to visit one another during their time at O'Hare. A.T. was provided
19 opportunities to shower on April 6, 2025. A.T. was offered and accepted a shower on
20 April 9.

21 15. A.T. states that there were cameras in the restrooms. While the facilities
22 do have CCTV cameras for security purposes, the view of the toilet itself is blacked
23 out for privacy purposes consistent with applicable law, and so officers cannot
24 observe someone using the toilet.

25 16. A.T. states that it was very cold in the cell. As noted above, O'Hare
26 maintains the temperature between 66-80 degrees Fahrenheit and tracks the
27 temperature in the USEC system, which reflects that the temperature was noted to be
28 within the required range during A.T.'s time in custody. A.T. states that he and his

1 family were not allowed to turn off the lights themselves. While aliens in custody are
2 not able to turn the lights on and off on their own, the port can and does turn off
3 lights in the detention area itself, particularly upon request. A.T. does not state, and
4 CBP records do not reflect, whether he or his family ever asked for the lights to be
5 turned off.

6 17. Finally, A.T. states that he did not like the food, was allergic to one of
7 the meals provided, and ate very little. As noted above, shelf-stable meals are
8 provided due to resource limitations at O'Hare. A variety of meals are offered,
9 including pasta, meat, rice, vegetables, oatmeal, and Kraft mac and cheese, which
10 A.T. states he was provided. When CBP becomes aware of any food allergy or
11 intolerance, accommodating meals are provided. OFO records reflect that A.T.'s
12 stated allergies were to fur and spicy food, neither of which are available at O'Hare.
13 A.T. states that he was only provided water between meals; however, water, milk,
14 and fruit punch are always available upon request and offered with snacks in addition
15 to mealtimes.

16 18. During his time in custody, A.T. was offered meals on thirty occasions,
17 thirteen of which he declined, as well as four snacks. For each meal and snack, he
18 was offered something to drink. O'Hare does not have the ability to provide fresh
19 fruit, but fruit products are also available, such as applesauce.

20 19. OFO records reflect that A.T. was administered medication or offered
21 the opportunity to receive medication (over the counter allergy pills and ointment
22 from the families' belongings) on four occasions. As noted above, his records note
23 that he had allergies to fur and spicy food. Records also show that he used an inhaler.

24 Otay Mesa POE

25
26 20. Otay Mesa is a land POE just east of the San Ysidro port of entry. Otay
27 Mesa traditionally has processed a large volume of truck travel and trade, and very
28 few inadmissible aliens, let alone alien children. Most of the individuals traditionally

1 held in Otay Mesa's holding cells are single adults who have either been found
2 inadmissible and/or are pending a transfer to criminal custody. Given the nature of
3 port operations and the nature of OFO's holding cells, individuals in Otay Mesa are
4 transferred out of CBP custody as expeditiously as possible.

5 21. Otay Mesa POE is operated by the General Services Administration
6 (GSA). It has 10 hold rooms, which are separate from the rooms where inspections
7 and interviews are held. Each cell is equipped with a toilet. The button to flush the
8 toilet is outside of the restroom itself, so officers generally make efforts to flush the
9 toilet after use, or as often as needed to ensure proper functioning. The toilet is behind
10 a half-wall so that it is not visible from the hold room or to the officers responsible for
11 welfare checks, and cameras in the hold room blur out any view of the toilets.
12 Children have access to sinks to wash their hands, and the POE has taken steps to
13 ensure that soap and hand sanitizer are available upon request. While Otay Mesa does
14 not have showers, aliens in custody may be transported to the San Ysidro POE for
15 showers. The POE works with GSA to maintain a temperature of between 66 and 80
16 degrees Fahrenheit, with an optimal range of 69 to 80 degrees Fahrenheit.

17 22. Meals are served three times per day in the lunchroom, at 7:00 AM,
18 11:00 AM, and 6:00 PM, and snacks and water are always available, with cups
19 stocked by the water fountain. The meals are delivered three times per day by an off-
20 site vendor, and the food contract provides for on-demand service, enabling regular,
21 vegan, kosher, and gluten-free meals. Additionally, the port keeps frozen and shelf-
22 stable meals on hand for any urgent needs. During mealtimes, families and children
23 are brought to a lunchroom so that families who may be held separately can visit each
24 other during those times.

25 23. While the port endeavors to hold children in the same area as their
26 parent or other accompanying adult, it may be necessary at times to hold families
27 separately based on the sex of the parent(s) or child(ren). In such cases, the port takes
28 steps to facilitate family visitation at mealtimes, as noted above, as well as through

1 other means. Aliens in custody are provided the opportunity to make a phone call if
2 operationally feasible, and these calls are not limited to specific parties such as
3 lawyers or consulates.

4 24. Otay Mesa has onsite medical providers, and officers routinely conduct
5 welfare checks of aliens in custody. While it is not operationally feasible to provide
6 children with an outdoor or recreation space given the limitations of the facility,
7 children are not prohibited from moving around freely or playing in their holding cell.
8 While in the lunchroom or otherwise interacting with family members, children have
9 access to toys and coloring books, and the cells have TVs. Each cell has the ability to
10 dim lights. Between 10:00 PM and 6:00 AM the POE makes reasonable efforts to
11 minimize noise and disruptions, as well as dim the lights. However, officers may need
12 to turn lights on during the nighttime hours if needed to maintain safety and security.

13 25. Families in custody at Otay Mesa, like other aliens in custody, are held
14 in holding cells with other families or adults. OFO works diligently to transfer
15 children out of the POE as expeditiously as possible. While aliens are held in custody
16 at Otay Mesa, OFO takes steps to ensure that children are held in safe and sanitary
17 conditions as shown by the POE's commitment to transport individuals to San Ysidro
18 to shower, the variety of meals and snacks offered, and the provision of onsite
19 medical support.

20
21 Exhibit 22

22 26. CBP records show that A.K. was encountered at the Tecate POE on
23 January 28, 2025, with her husband and minor daughter, M.B. About an hour later,
24 the family was transported to Otay Mesa for further processing. The family did not
25 express any fear of return to their home country while in OFO custody and were
26 processed for Expedited Removal under the 212(f) Invasion Proclamation. The
27 family remained in OFO custody at Otay Mesa until March 1, 2025, while OFO
28 worked with ICE to secure commercial airline flights for the family to be removed to

1 their home country. This can be a lengthy process due to many factors including
2 limited numbers of flights to a particular country (in this case Kazakhstan),
3 procurement issues, and limitations by certain countries on the numbers of
4 individuals who can be repatriated in a given time period. Flights were eventually
5 arranged for the family to depart the U.S. to Kazakhstan.

6 27. On March 1, 2025, the family was transferred to ICE custody for
7 transport to JFK International Airport. On March 2, 2025, the family refused to
8 board the commercial flight at the airport for removal to Kazakhstan. ICE returned
9 the family to OFO custody at Otay Mesa on March 3, 2025. On March 7, 2025, the
10 family was referred to USCIS for CAT interviews after claiming a fear of torture if
11 removed to Kazakhstan. USCIS rendered a positive result for the CAT screening on
12 the same day. The family was issued a Notice to Appear and, on March 12, 2025, the
13 family was turned over to ICE for detention at Karnes County (Texas) Residential
14 Center pending their scheduled court hearing.

15 28. A.K. claims that while they were held in Otay Mesa, M.B. was only
16 permitted to see her father two times, and officers denied their requests for additional
17 visits. CBP records reflect that the family was provided “family time” on at least
18 eight occasions.

19 29. A.K. claims that while they were held at Otay Mesa there were 23
20 women and children held in one room with no windows. CBP’s logs show that there
21 were ten people held in the hold room where A.K. was being held. CBP hold rooms
22 generally do not have windows.

23 30. A.K. claims that it was “extremely cold” in the hold room where she
24 and M.B. were held. As noted above, Otay Mesa maintains hold rooms at a
25 temperature of between 66 and 80 degrees Fahrenheit. Amenities logs confirm that
26 the temperature was within this range throughout the family’s stay at Otay Mesa.
27 Additional clothing is available and provided upon request. Aliens in custody are
28 advised to ask an officer if they need any amenities, and CBP officers also offer

1 amenities if they notice that amenities are needed.

2 31. A.K. claims that it was difficult for M.B. to sleep because the cells were
3 cold, the mats provided were thin, and the lights were on. CBP records reflect that
4 during welfare checks M.B. was seen sleeping on several occasions. The mats
5 provided at Otay Mesa are approximately 2" foam encased in vinyl. As A.K.
6 acknowledges, Otay Mesa provides blankets to individuals in custody, including
7 A.K. and M.B., for sleeping. As discussed above, lights are sometimes kept on for
8 operational reasons including the safety of officers and detainees.

9 32. The family was offered and declined a shower on January 31. The
10 family was offered and accepted showers beginning on February 2 at least 13 times,
11 at intervals generally ranging from every 24 to 48 hours. Clothing is provided upon
12 request or as is necessary. A.K. claims M.B. was provided a toothbrush two or three
13 times. CBP records reflect that the family was provided toothbrushes on at least ten
14 occasions. The records also reflect that the family's cell was cleaned at least 12
15 times.

16 33. A.K. claims that M.B. only received cold milk with cereal, one cookie,
17 instant noodles, and "a few times" she received macaroni and cheese, and that there
18 were no snacks available in between. CBP records show that during their time at the
19 Otay Mesa POE, the family had access to snacks while in their cell and were also
20 provided meals three times a day. Records reflect that a variety of meals and snacks
21 were provided including: chips; cookies; fruit; milk; juice; hot oatmeal; apple sauce;
22 macaroni and cheese; cereal; PB J sandwiches; beef with gravy, vegetables, and
23 rice; ravioli; soup; fruit squeezies; noodles; barbeque chicken; mixed vegetables;
24 meatball marinara; fruit cups; burritos; chicken, rice, and vegetables; and rice crispy
25 treats.

26 34. A.K. claims that M.B. only received water at mealtimes because there
27 were no cups to drink water from the water fountain. CBP records reflect that water
28 was accessible at all times in the cell where they were being held. Water fountains

1 are located within every holding room and water cups are stocked at the water
2 fountains.

3 35. OFO generally does not provide items such as nail clippers and hair ties
4 to individuals in custody because those items create a safety risk. Nails can be
5 clipped by medical staff.

6 36. The family received regular welfare checks which revealed A.K. and
7 M.B. sleeping, laying down, sitting together, and watching television. They also
8 show that, at several of these welfare checks, M.B. was noted as playing in the cell.

9
10 Exhibit 23

11 37. CBP records show that the declarant, S.K., along with his wife and three
12 minor children, D.K., A.I., and S.K., was encountered at Otay Mesa on May 18,
13 2025. The family was transferred out of custody on May 22, 2025. They were all
14 screened by medical personnel on arrival to the facility and determined to be in good
15 health.

16 38. During their time in custody, the children were provided with welfare
17 checks every 15 minutes. CBP records reflect that during welfare checks the children
18 were frequently observed to be sleeping, snacking, laying down, playing, and
19 watching TV. CBP records reflect that the family was provided “family time” at least
20 five times while in custody. The records show also that about an hour after being
21 taken into the facility, at 11:45 PM, S.K. made a phone call to a relative.

22 39. Records reflect that the temperature was checked multiple times using a
23 thermometer and recorded in CBP records to be between 69 and 73 degrees
24 Fahrenheit. Records also reflect that the cell where the family was held was cleaned
25 at least five times during their time in custody.

26 40. CBP records show that the children were brought to the cafeteria for
27 meals three times per day. Records show that a variety of food was provided to the
28 children including: bean and cheese burritos; veggie burritos; oatmeal; Cheerios;

1 milk; cookies; chips; juice; fruit pouches; “option of veggie meal with rice or meat;”
2 mac n cheese; cup of noodle chicken soup; “hot meal with tofu, beans and veggies;”
3 and peanut butter crackers. CBP records note that the parents claimed their daughter,
4 S.K., had sensitivities to certain foods but they were not sure what caused her
5 allergy-like symptoms, and stated that they wanted to try different foods to see how
6 she reacts. CBP records reflect that S.K. was provided a variety of foods throughout
7 her time in custody.

8 41. S.K. claims that there was no soap provided and that they could not
9 wash their children. CBP records show that the family was offered and accepted
10 hygiene products (toothbrush, face wash, hand soap, body wipes) at various times on
11 at least thirteen occasions, and were offered at least four showers, one of which the
12 children’s mother declined. On May 20, 2025, the family was offered a chance to get
13 clean clothes from their own luggage, and the children’s mother did so.

14 42. D.K.’s records note that, on May 18, 2025, he had an “accident in [the]
15 family cell from running around with siblings,” and was brought to medical by his
16 father. Within 10 minutes of the accident, he was provided a cold pack and plans for
17 medication for any headache caused by the accident. Medical staff cleansed D.K.’s
18 wound with antiseptic towelettes, applied topical triple antibiotics, and dressed the
19 wound with a simple bandage. Medical staff removed D.K.’s bandage two days later.

20 43. CBP recorded that D.K.’s mother “was talked to after continuing to
21 disregard officer remarks on having her children run around and hit each other to
22 prevent another injury.” While OFO does not prohibit children from playing in hold
23 rooms, it is important for the port to try to limit—but not restrict—energetic
24 movement in the cells to ensure that all children and adults remain safe. This
25 instruction was provided to protect the children’s safety. Similarly, on May 21, 2025,
26 the children’s mother made their mylar blankets into balls for the children to play
27 with. Officers asked her not to make objects out of the blankets but to use them for
28 their intended purposes. This instruction, too, is not intended to be punitive but is

1 intended to keep individuals in custody safe and healthy.

2 Exhibit 24

3
4 44. CBP records show that the declarant, I.G., along with her husband and
5 two minor children, I.G. and M.G., were encountered at Otay Mesa on May 18, 2025,
6 and transferred out of custody on May 22, 2025. They were all screened by medical
7 personnel upon intake to the facility. Soon after their arrival, the records also note that
8 officers utilized Google translate to communicate with the family regarding any
9 questions they may have. The records indicate that the family did not have any
10 questions at that time.

11 45. Records show that the children received welfare checks every fifteen
12 minutes, with entries reporting that they were generally well, and often sleeping,
13 laying down, or watching cartoons or a movie. The family was provided “family
14 time” on at least eight occasions and during mealtimes while in custody.

15 46. Records reflect that the temperature was checked multiple times using a
16 thermometer and recorded in CBP records to be between 68 and 72 degrees.
17 Fahrenheit. Records reflect that on May 21 officers observed that M.G. was lying on
18 two mats and his son appeared unable to lie on the mats. Records reflect that M.G.
19 stated he was lying on two mats because he was cold, and officers offered M.G.’s
20 father two extra blankets to keep him and his son warm. Records also reflect that the
21 cell where the family was held was cleaned at least three times during their time in
22 custody

23 47. The logs show the family was offered a meal soon after arrival, and that
24 meals were offered three times daily, along with snacks. Records reflect that meals
25 and snacks offered included: juice; chips; fruit; tuna, crackers, and salad; hot cups of
26 chicken noodle soup; oatmeal; rice and ground beef with potatoes; mac n cheese; and
27 burritos.

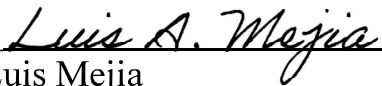
28 48. The family was provided hygiene products (toothbrush, towel, body

1 wipes, hand soap/sanitizer) on multiple occasions. The family was offered and
2 accepted a shower on May 21, and were allowed to get a clean pair of clothes from
3 their own luggage. Additional supplies are readily available and provided as needed
4 or requested. Detainees are told that they may request anything that they need.

5 49. Both children were provided with medication every day during their
6 time in custody, administered by CBP medical personnel. Additionally, medical staff
7 checked I.G.'s blood pressure and temperature on May 20, at her mother's request.

8 50. I declare, under penalty of perjury, that the foregoing is true and correct
9 to the best of my knowledge, information, and belief.

10
11 Executed on this 18th day of July 2025.

12
13 

14 Luis Mejia
15 Deputy Executive Director
16 Admissibility and Passenger Programs
17 Office of Field Operations
18 U.S. Customs and Border Protection
19 U.S. Department of Homeland Security
20
21
22
23
24
25
26
27
28

EXHIBIT

3

1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**

3
4 Jenny Lisette Flores, *et al.*,
5 Plaintiffs,

6 v.

7
8 Pamela Bondi, Attorney General of the
9 United States, *et al.*,
10 Defendants.
11

Case No. 2:85-cv-04544-DMG

District Judge Dolly M. Gee

12 **DECLARATION OF LATO A MORGAN**

13
14 I, LaToya Morgan, pursuant to 28 U.S.C. § 1746, and based upon my personal
15 knowledge and information made known to me from official records and reasonably
16 relied upon in the course of my employment, relating to the above-captioned matter,
17 hereby declare as follows:

18 1. I currently serve as the Deputy Director; CBP STAT Division; Planning,
19 Analysis, and Requirements Evaluation (PARE) Directorate; Operations Support; U.S.
20 Customs and Border Protection. CBP STAT serves as the statistical data analysis and
21 reporting enterprise for CBP operational components and senior leadership, and
22 provides CBP statistical data for both internal and external audiences.

23 2. In my role, I supervise a team that runs reports of, and retrieves data from,
24 electronic systems of records, including data requested as part of litigation, requests
25 from Congress or other outside entities, and data requested for internal consumption.

26 3. I am familiar with, and have supervised the team responsible for
27 compiling, data provided in connection with the above-captioned litigation.

28 4. CBP data is highly comprehensive, capturing a wide range of
enforcement-related data fields, the CBP STAT division is responsible for

1 consolidating reports from two separate operational components, Office of Field
2 Operations and United States Border Patrol, each of which operates within its own
3 distinct system. The underlying systems are proprietary, multifaceted, and subject to
4 strict security controls including background investigations and phased onboarding.
5 This specific reporting effort requires reconciliation and structuring data from multiple
6 datasets, the process is labor intensive and when combined with evolving reporting
7 requirements can result in outcomes that may be perceived as an error to external
8 parties.

9 5. On a monthly basis, CBP STAT provides a spreadsheet containing
10 identifying information about minors who remained in CBP custody for more than 72
11 hours. To provide the requested information, CBP STAT pulls data from the CBP live,
12 real-time, systems of record using search parameters designed to capture the universe
13 of minors who are covered by the data request.

14 6. On or around December 2024, as discussed in my prior declaration
15 submitted on January 22, 2025, CBP STAT reviewed the CBP data pull and made
16 changes to the parameters being applied so that our data pulls for this matter would no
17 longer exclude children transferred to HHS and ICE ERO.

18 7. Since that time, it was brought to the attention of my team at CBP STAT
19 that, by applying certain additional parameters, we were inadvertently excluding some
20 minors who were in CBP custody for more than 72 hours and therefore should have
21 been included in the monthly reports. Starting with the April 2025 report, CBP STAT
22 has now removed all of these additional parameters so that our monthly reporting will
23 no longer exclude these minors.

24 8. Specifically, CBP STATS made two changes:

- 25 a. CBP STATS eliminated all parameters previously applied in its data pulls
26 except: (i) CBP Nationwide Juveniles (Age 0 – 17), (ii) who entered into
27 CBP custody during the reporting month, and (iii) whose time-in-custody
28 at the time of the data pull is greater than 72 hours.

1 b. As noted above, CBP STATS applies a parameter that includes minors
2 who entered CBP custody during the reporting month. Previously, these
3 data pulls also excluded minors who remained in custody at the time the
4 data was pulled. The data pulls generally occurred around the tenth day
5 of each month. Therefore, minors who entered CBP custody during the
6 reporting month, and remained in custody at the time the data was pulled,
7 were excluded from the report. They then would not appear in the
8 reporting for the following month, causing some minors to be
9 inadvertently excluded from the reporting. When this error was
10 discovered, CBP STATS (i) eliminated the parameter that excluded
11 minors who remained in custody at the time the data were pulled, (ii)
12 moved its data pull to at or around the twenty-first day of the month, and
13 (iii) added a second data pull each month that includes all minors who
14 were reflected as in custody during the prior month's data pull.

15 9. I declare, under penalty of perjury, that the foregoing is true and correct
16 to the best of my knowledge, information, and belief.
17
18

19 Executed on this 18th day of July 2025.
20
21

22 LaToya Morgan
23

24 LaToya Morgan
25 CBP STAT
26 PARE Directorate, Operations Support
27 U.S. Customs and Border Protection
28 U.S. Department of Homeland Security

EXHIBIT

4

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

JENNY LISETTE FLORES; <i>et al.</i> ,)	Case No. CV 85-4544-DMG
)	
Plaintiffs,)	
)	
v.)	
)	
ERIC H. HOLDER, JR., Attorney)	
General of the United States; <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	
)	

DECLARATION OF DA NISHA M HELLAND

I, Dawnisha Helland, hereby declare that the following statements are true and correct to the best of my knowledge, information and belief:

1. I am the Acting Assistant Director overseeing the Juvenile and Family Management (JFMD), Non-Detained Management Division, Enforcement and Removal Operations (ERO), U.S. Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security (DHS) in Washington, D.C. I oversee all national juvenile and family custody programs, including ICE's Family Residential Centers (FRCs).
2. I have been with ICE ERO since 2013. Prior to working for ICE ERO, I served in the United States Army as a Human Intelligence Collector/French linguist, and the United States Border Patrol (USBP) as a Border Patrol Agent.
3. I am responsible for leading a dedicated, high-level operational division created to manage immigration issues related to unaccompanied alien children (UAC), young

adults, and family units (FAMU), and developing and implementing goals, policies, procedures, and operational plans that are sensitive to this population's vulnerabilities and needs.


4. On July 29, 2022, I was appointed by the Court to serve as the Juvenile Coordinator for ICE.
5. I am submitting this affidavit to explain the data discrepancy issues identified by plaintiffs relating to the reopening of the FRCs.
6. In 2021, ICE began phasing out the use of FRCs and on December 10, 2021, the last FRC was closed. The facilities remained closed for years.
7. Due to policy changes and the need to enforce immigration laws effectively, in March 2025, ICE reopened the facility in Karnes, Texas to family units temporarily. In April 2025, ICE discontinued the use of Karnes and resumed operations at the South Texas Family Residential Center in Dilley, Texas (Dilley).
8. During these changes, ICE's monthly data reports to plaintiffs did not include the FRCs because they no longer held class members. However, when reporting resumed on FRCs, the data team, which was a new team that was not yet familiar with past reporting on these facilities, only reported class members who were in ICE custody over 20 days.
9. In the normal course of business, ICE reports to class counsel on class members detained in ICE custody for over 72 hours.
10. In May, ICE was made aware that the reporting discussed above was missing class members identified by plaintiffs. ICE reviewed its data methodology, identified the outdated reporting parameters, and immediately changed it to reflect all class members detained over 72 hours.

11. ICE was also alerted that there were additional missing class members which led to additional data quality reviews. After reviewing internal systems, it was discovered that when the FRCs were decommissioned or converted to adult detention facilities, the identifying codes used for the facilities in the systems were changed. When the facilities reopened, the altered codes were not included in the search parameters such that the data analysis was not capturing all the individuals in the facilities. The error has now been rectified, so ICE is confident the data is now capturing all class members accurately.
12. ICE is not aware of any further issues with reporting.
13. Going forward, ICE has added two reviewers conducting sample checks from the generated report to ensure that the report with the updated search parameters capture all the individuals in the facilities.
14. ICE has been and is willing to address any data issues identified by plaintiffs in its monthly or any other reporting. The Juvenile Coordinator is committed to working with plaintiffs to resolve future data issues.

I declare, under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on this 18th day of July, 2025.

**DAWNISHA M
HELLAND**

 Digitally signed by DAWNISHA
M HELLAND
Date: 2025.07.18 13:00:33 -04'00'

Dawnisha Helland
Juvenile Coordinator
Acting Assistant Director for the Non-Detained Management Division
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

EXHIBIT

5

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3

4 Jenny Lisette Flores, *et al.*,
5 Plaintiffs,

6 v.

7 Pamela Bondi, Attorney General of the
8 United States, *et al.*,
9 Defendants.
10

Case No. 2:85-cv-04544-DMG

District Judge Dolly M. Gee

11
12 **DECLARATION OF MARGARET BRE IN SI ISAACS**

13 I, Margaret Brewinski Isaacs, pursuant to 28 U.S.C. § 1746, and based upon my
14 personal knowledge and information made known to me from official records and
15 reasonably relied upon in the course of my employment, relating to the above-
16 captioned matter, hereby declare as follows:

17 1. I currently serve as the Chief Medical Officer for Customs and Border
18 Protection (CBP) within the U.S. Department of Homeland Security (DHS). I am a
19 licensed physician board certified in Pediatrics and General Preventive Medicine and
20 have been practicing medicine for 22 years. In this role, I have extensive experience
21 examining, diagnosing and treating pediatric patients. Additionally, I am a Captain in
22 the U. S. Public Health Service on active duty since September 2011. I have served on
23 numerous Public Health Service deployment teams, including to the Southwest Border
24 to provide medical care for unaccompanied alien children in U.S. Border Patrol
25 facilities.

26 2. As the CBP Chief Medical Officer (CMO), I lead the staff and operations
27 of the Office of the Chief Medical Officer (OCMO). OCMO is positioned in the CBP
28 Office of Operations Support and provides medical support to CBP operational

1 components primarily in the areas Emergency Medical Services, medical services for
2 detainees in CBP facilities, infectious disease tracking and communications, and as a
3 CBP-wide medical advisory resource. OCMO provides enterprise-wide support for
4 CBP health and medical activities and programs; serves as CBP's foremost health and
5 medical representative to DHS and other Federal, state, and local organizations; and
6 coordinates and collaborates with all CBP components, including senior leadership,
7 regarding medical-related initiatives and programs.

8 3. I am familiar with the *Flores* Settlement Agreement, including the
9 requirements in the *Flores* Settlement Agreement that juveniles be held in facilities
10 that are safe and sanitary; that juveniles be provided access to food, drinking water,
11 toilets, sinks, medical care, and adequate ventilation; and that CBP monitor its
12 compliance with these terms. I am aware that the *Flores* Settlement Agreement applies
13 to all juveniles who are in CBP custody, regardless of whether or not they are
14 accompanied by adult family members. I am also aware that the *Flores* Settlement
15 Agreement requires CBP to provide children in custody with "safe and sanitary"
16 conditions and "medical assistance if the minor is in need of such emergency
17 services[.]"

18 4. I am aware that the Plaintiffs in this case filed a Motion to Enforce the
19 Settlement, alleging, among other things, that certain children held in CBP custody
20 did not receive sufficient medical care during their time in CBP custody. Plaintiffs
21 provided the declarations of 23 individuals, who either have minor siblings or children
22 or are children themselves, that were held in these facilities and/or in ICE custody
23 between January 2025 and June 2025, and made allegations related to medical care.

24 5. I understand that the May 22, 2025 declaration of John Modlin provides
25 a detailed summary of CBP's medical processes. As outlined in that declaration, CBP
26 provides medical care to individuals in custody through a contracted medical service
27 provider. The health care provided is tailored to the unique nature of CBP facilities
28 generally designed to be temporary, short-term holding facilities pending onward

1 disposition. CBP recognizes the importance of providing medical care to those in
2 custody, and has taken significant steps over the past few years to further enhance its
3 medical procedures.

4 6. In accordance with CBP Directive 2210-004: Enhanced Medical Support
5 Efforts, it is the policy of CBP that all individuals in custody will receive appropriate
6 medical support in accordance with applicable authorities, regulations, standards and
7 policies, including the National Standards on Transport, Escort Detention and Search
8 (TEDS). CBP utilizes a layered approach to identification of potential medical issues
9 in persons in custody. As part of this approach, all individuals in custody under the
10 age of 18 years along the Southwest Border receive an initial Health Interview. A
11 Health Interview is a tool for CBP personnel and/or facility healthcare personnel to
12 record the observation and identification of potential medical issues. Health Interviews
13 are recorded on CBP Form 2500. All tender-age children (those 12 years and under),
14 as well as those who are determined to have a medical concern, also receive a Medical
15 Assessment. The Medical Assessment is a tool used by healthcare personnel to assess
16 and confirm potential medical issues of aliens in CBP custody. A repeat Medical
17 Assessment is administered for children at least every five days for the duration of
18 their time in custody to identify any new or emerging health concerns. If no contracted
19 healthcare personnel are assigned to a CBP facility, children may be referred to the
20 local health system for a Medical Assessment. Children with emergency medical needs
21 are also transported to the local healthcare system to receive medical care. Children
22 are assigned various medical risk levels based on their medical conditions. Those at
23 high-risk receive Enhanced Medical Monitoring.

24 7. As described in Chief Modlin's May 2025 declaration, healthcare
25 personnel also provide medical monitoring of children in custody in accordance with
26 the CBP Medical Process Guidance, and OCMO staff are able to review medical
27 records in real-time. I, and my team, have presented and discussed these medical
28 monitoring and oversight systems and case examples extensively with the Juvenile

1 Care Monitor (JCM), incorporating feedback for continuous quality improvement and
2 a systems-based approach to medical safety. We were proud to read the
3 acknowledgement in the Final Juvenile Care Monitor Report that “CBP has made
4 major strides in implementing a robust medical care system for children in custody.”
5 ECF No. 1578 at 17.

6 8. CBP contracted healthcare providers document all medical care provided
7 in the CBP Electronic Medical Records system, which contains a record of all medical
8 assessments, medical encounters, providers’ notes, prescriptions, and other relevant
9 documents. OCMO personnel regularly conduct spot reviews of records in order to
10 identify any potential issues or problems.

11 9. I have personally reviewed all the CBP electronic medical records for the
12 children discussed in plaintiffs’ motion. Records related to these children are attached
13 to this declaration as Exhibits A-JJ. A comparison chart with plaintiffs’ exhibits is listed
14 below. These records are regularly created by CBP contracted healthcare providers and
15 reviewed by OCMO staff to ensure the quality and efficacy of CBP medical services
16 for those in custody. The attached records are representative of the types of documents
17 completed for medical issues identified while a child is in CBP custody. The attached
18 records are true and accurate copies of the original records. Names and identifying
19 information have been redacted.

20 10. It is part of OCMO’s role to provide oversight and review for the medical
21 care provided by CBP contracted healthcare providers. Therefore, I and OCMO
22 medical quality staff have reviewed the complete CBP electronic medical records for
23 all of the children discussed in plaintiffs’ motion to assess the medical care provided,
24 including the identification of medical conditions requiring referral to a higher level of
25 care. We determined that all cases received adequate medical care.

26 11. Of note, my team identified eight cases in which, though the medical care
27 provided adequately protected the child’s wellbeing, the diagnosis of “other” was
28 utilized in the system in at least one of the juvenile’s medical records. The use of this

1 diagnosis code has the potential to cause healthcare personnel to overlook a particular
2 medical issue which may warrant more enhanced medical monitoring, treatment or
3 referral to higher level care and should be used only when a more descriptive diagnosis
4 is not available. While in these cases I did not identify any negative impact to the child's
5 wellbeing or medical care provided, the potential for such impact warrants further
6 systems review and mitigation efforts in line with routine continuous quality
7 improvement. Therefore, I have notified the relevant contracting personnel of these
8 cases and this issue for review in accordance with their Ongoing Professional Practice
9 Evaluation (OPPE) program.

10 12. The OPPE program serves to identify practice trends that may impact the
11 quality and safety of care and is analogous to similar clinical care quality monitoring
12 and improvement practices utilized in the general healthcare sector to improve patient
13 safety. Elements of the process include monthly review of a selection of charts
14 documented by each provider plus a recurring evaluation of clinical skills by
15 supervising physicians.

16 13. Forty juvenile cases were presented for review. The review process was
17 informed by standards of care as described by Dr. Paul Wise in the Interim Juvenile
18 Care Monitor Report dated May 27, 2025. As a standard by which to judge the quality
19 of juvenile medical care while in CBP custody, OCMO has employed concepts
20 described in the May 27, 2025 report, including the goal that "no child will suffer from
21 preventable harm or death while in CBP custody." Further, OCMO has assessed quality
22 based on expected elements of care described in the Interim Juvenile Care Monitor
23 Report, specifically "The identification of children at elevated medical risk," "Systemic
24 vigilance to identify children experiencing medical deterioration while in custody," and
25 "Enhanced pediatric consultation and medical monitoring of children at elevated
26 medical risk while in CBP custody." Reviews were conducted independently by two
27 board certified physicians (one in Emergency Medicine and one in Pediatrics), each of
28 whom has extensive experience in the care of children in austere outpatient settings.

14. Thirty-seven cases were found to have met the standard of care described above. Three children (Exhibit 4 G.B; Exhibit 14- A.T; and Exhibit 25-S.Q.) had no medical records for review as they were in custody at sites that are not designated as Juvenile Priority Facilities, do not have contracted medical coverage and are not subject to requirements of the Enhanced Medical Support Efforts Directive referenced above. However, all three of these cases did have a Health Interview completed by a CBP Officer with no health concerns reported or identified that would necessitate emergency medical care.

15. In seven cases, real-time pediatric advisor consultation through the contracted medical services provider was utilized to enhance the quality of onsite evaluation and treatment (Plaintiff's Exhibit 5- H.J., B.J., and M.J., Plaintiffs' Exhibit 9- S.S., Plaintiffs' Exhibit 15- A.J., Plaintiffs' Exhibit 23 S.K, Plaintiffs' Exhibit 24- M.G). Multiple children received Enhanced Medical Monitoring, including three who received intensive medical monitoring over the course of several days (Plaintiffs' Exhibit 5-M.J., Plaintiffs' Exhibit 9 - S.S., Plaintiffs' Exhibit 13- A.P.) Two children were appropriately referred to local hospitals for evaluation beyond the scope of care available onsite (Plaintiffs' Exhibit 13- A.P., Plaintiffs' Exhibit 6- B.D.). However, the parent of one child declined the referral and the child did not go to the hospital (B.D.).

Defendants Exhibit	Plaintiffs Exhibit
A	3
B	5
C	5
D	5
E	5
F	6
G	6
H	7

1	I	7
2	J	8
3	K	9
4	L	10
5	M	10
6	N	11
7	O	11
8	P	12
9	Q	12
10	R	12
11	S	13
12	T	13
13	U	15
14	V	15
15	W	15
16	X	16
17	Y	17
18		18
19	AA	19
20	BB	19
21	CC	19
22	DD	20
23	EE	21
24	FF	21
25	GG	21
26	HH	22
27	II	23

JJ	23
KK	23
LL	24
MM	24

16. I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on this 18th day of July 2025.

MARGARET M

BREWINSKI ISAACS

Digitally signed by MARGARET
M BREWINSKI ISAACS
Date: 2025.07.18 18:13:14
-04'00'

Margaret Brewinski Isaacs
Chief Medical Officer
Office of the Chief Medical Officer,
U.S. Customs and Border Protection
U.S. Department of Homeland Security