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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

Jenny Flores, *et al.*,

Plaintiffs,

v.

Pamela Bondi, Attorney General of the
United States, *et al.*,

Defendants.

Case No. CV 85-4544-DMG-AGR_x

**PLAINTIFFS' RESPONSE TO MARCH 13,
2026 SUPPLEMENTAL JUVENILE
COORDINATOR CBP REPORT AND
DATA [DOC. # 1735-1]**

Judge: Hon. Dolly M. Gee

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1 I. PLAINTIFFS’ RESPONSE TO CBP JC REPORT

2 In their March 13, 2026 Juvenile Coordinator Report, Defendants report that “CBP
3 continues to be compliant with the FSA and the 2022 Agreement” because they provide
4 “regular access to meals and snacks, drinking water, functioning toilets, functioning
5 sinks, and emergency medical assistance if needed.” CBP Juvenile Coordinator March
6 13, 2026 Supplemental Report [Dkt. 1735-1] at 5 (“CBP Report”). First, Defendants’
7 descriptions do not reflect the traumatizing nature of imprisonment; second, medical care
8 in CBP facilities is not safe for long-term detention; third, children report violations not
9 acknowledged by the CBP Report; and fourth, some children are detained for extended
10 periods. While Plaintiffs acknowledge Defendants’ improvements in time in custody
11 (TIC) in CBP, it is imperative that Defendants continue to lower TIC because even were
12 they meeting the minimum standards set out in the FSA, CBP facilities cannot provide
13 adequate or compliant care to children for any significant period of time.

14 First, Defendants’ description belies the true experience of children. For example,
15 the Report notes “functioning toilets.” *Id.* Children confirm that those “functioning
16 toilets” are exposed or covered only by a waist-height narrow wall, so that strangers who
17 are detained with them and guards can witness them using it. *See, e.g.*, Ex. 35 to Pltfs’
18 Response to ICE JC Report, March 20, 2026, (“ICE Rep. Resp.”) Decl. of MLS ¶ 9
19 (“there were bathrooms in the middle of the room without doors and there was no
20 privacy.”). In some facilities, the flushing mechanism is outside the room where children
21 are detained so that children do not even have the agency or dignity to use that function
22 themselves and may be stuck sleeping on the floor beside an unflushed toilet, or unable to
23 sleep due to regular flushing throughout the night. *See, e.g.*, Decl. of SK [Dkt. 1575-25]
24 ¶¶ 20-21 (“The switch to flush the toilet was outside the room. Every thirty minutes they
25 would flush it . . . we could not sleep.”); *see also* Declaration of Luis Mejia [Dkt. 1606-2]
26 ¶ 12.

27 Second, prolonged detention at a CBP facility cannot be “safe” for children. FSA ¶
28 12.A. Defendants’ CBP Report notes the availability of “emergency medical assistance if

1 needed.” CBP Report at 5. That is plainly insufficient for children detained for many days
2 or even weeks, during which time common childhood illnesses can become emergent or
3 life-threatening if not treated promptly. Defendants concede that medical care at CBP
4 facilities is intended only for very brief detention. Decl. of Margaret Isaacs [Dkt. # 1606-
5 5] ¶ 5 (“CBP facilities” are “generally designed to be temporary, short-term holding
6 facilities pending onward disposition.”). Further, the CBP Report shows that CBP’s
7 medical system is not in compliance: the “data issues” include failures to record
8 treatment history, failures to document medication and medication doses, failures to
9 promptly record enhanced monitoring and the reasons for it, and incorrect medical
10 assessment documentation. *Id.* at 3. These are not trivial mistakes - the independent
11 Juvenile Care Monitor has long focused on the importance of “medical monitoring
12 systems” as a primary way to “ensure that children do not suffer preventable medical
13 harm or death while in custody.” Status Report by Juvenile Care Monitor, January 21,
14 2025 [Dkt. 1540] at 3.

15 Third, Defendants’ descriptions sometimes conflict with the children’s reports
16 about conditions. *See, e.g.*, Ex. 13 to ICE Rep. Resp., Decl. of DPCS ¶¶ 11-13 (“we
17 spent three days in the icebox in McAllen . . . it was so cold . . . there was also no door on
18 the bathroom there, and the one time we could shower, they gave us as a group 15
19 minutes to shower before being put back in the cold room.”); Ex. 30 to ICE Rep. Resp.,
20 Decl. of LTP ¶ 4 (“That holding cell was so terrible, I do not want to even think about it.
21 They kept us in a place that was so cold that everyone calls it an icebox. To eat, they only
22 gave us sandwiches twice a day. They kept us inside a room where we did not know
23 whether it was day or night. There was a toilet in the middle of that room with no door.
24 We slept on the floor, only got a shower one time”); Ex. 25 to ICE Rep. Resp., Decl. of
25 AMP ¶ 5 (“Prior to Dilley, we sought amnesty and were sent to two CBP border patrol
26 stations; the first one for a day and the second one for three days. They didn’t let my
27 children bathe at the first place even though we had just crossed through a river and they
28 were very dirty. My older daughter got a very bad rash. We told them we hadn’t eaten

1 when we got to the first facility and that my children were hungry, and they just gave us
2 two frozen burritos for the four of us. It is hard to remember how much time passed at the
3 second facility because we never saw the sun. It was awful. They separated my husband
4 from our children and me. They were crying.”); Ex. 35 to ICE Rep. Resp., Decl. of MLS
5 ¶ 8 (“It was freezing cold and they only gave us metal blankets, t-shirts, and one pair of
6 pants, so we could not swaddle the babies. The two babies cried the whole time, and we
7 could not sleep”); Ex. 18 to ICE Rep. Resp., Decl. of MBOD ¶ 7 (“When we were first
8 detained in El Paso, they showed us a Know-Your-Rights video during that orientation.
9 But they subsequently violated all the rights described in it.”).

10 Fourth, all children must be expeditiously processed, without exception. As this
11 Court stated in its Order regarding Plaintiffs’ Motion to Enforce as to CBP, “[b]ecause
12 CBP facilities are intended only for short-term use, CBP shall hold minors in its custody
13 only for the amount of time DHS reasonably requires to process the minor for release.”
14 Order re Plaintiffs’ Motion to Enforce [1575], Aug. 15, 2025 at 14 [Doc. # 1638] at 14-
15 15. In January 2026, Defendants held 58 children for more than 72 hours. OFO and
16 USBP TIC Report [Dkt. 1735-3]. Defendants have an obligation to continue reducing
17 time in custody for all children.

18 In their December 8, 2025 Response to Defendants’ December 1, 2025
19 Supplemental Juvenile Coordinator CBP Report, Plaintiffs noted that time in custody
20 appeared to be rising. [Dkt. 1707]. Since the Court’s December 15, 2025 Status
21 Conference, Defendants’ data shows that December, 2025 and January, 2026 time in
22 custody lowered. December 2025 CBP TIC Report [1735-2]; January 2026 CBP TIC
23 Report [1735-3]. Plaintiffs acknowledge the lower times in custody recorded in
24 Defendants’ January data report and hope that CBP can continue this trend. January CBP
25 TIC Report [1735-3]. However, Plaintiffs are concerned that time in custody may have
26 once again begun increasing since January.

27 On March 19, 2026, Plaintiffs’ counsel visited the Chula Vista Border Patrol
28 Station. There was one family present. That family, including four children ages five

1 months to fifteen years, had been detained for 20 days. Exh. 1, Declaration of V.O. ¶ 6.
2 The family reported freezing temperatures, inadequate access to clothing, limited access
3 to showers, a lack of privacy, and poor-quality food. *Id.* ¶¶ 8-9. They were prevented
4 from using a phone to call a loved one or contact a lawyer for the duration of their 20-day
5 imprisonment. *Id.* ¶¶ 19-24. Even after a judge ordered border patrol to provide them a
6 phone call with a lawyer, the agent called a few lawyers on the family’s behalf on a
7 Saturday and, upon reaching no one, stated that the family would have to proceed without
8 a lawyer. *Id.* ¶¶ 13-14. Time in custody remains inconsistent and continues to warrant
9 careful monitoring.

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Dated: March 20, 2026

/s/ Sarah Kahn
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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2026, I caused a copy of Plaintiffs' Response to Supplemental Juvenile Coordinator Reports and Data to be served to all counsel through the Court's CM/ECF system.

Dated: March 20, 2026

/s/ Sarah Kahn
Sarah Kahn
One of the attorneys for Plaintiffs

EXHIBIT 1

**REDACTED VERSION OF DOCUMENT PROPOSED TO
BE FILED UNDER SEAL**

1 I, V [REDACTED] O [REDACTED], declare as follows:
2

3 1. This testimony is based on my personal knowledge and the following facts
4 are true to the best of my understanding and recollection.

5 2. I am 35 and will be 36 years old next month. My husband [REDACTED] had his
6 38th birthday here last Saturday. I am from [REDACTED].

7 3. I speak [REDACTED] and a little English.

8 4. I came here with my husband and my children, [REDACTED] who is 15, [REDACTED]
9 who is 11, [REDACTED] who is 2, and [REDACTED] who is 5 months old.

10 5. We arrived in the U.S. February 27. At the first station, they took our
11 fingerprints, height, and weight, then took us here.

12 6. We slept one night at the first station, and then we were taken here on the
13 28th. We have been here 20 days.

14 7. We crossed the border by foot on the 27th. We climbed over a hill and border
15 patrol police approached us.

16 8. I asked them to use a phone, but they refused. Our cell phone was with us,
17 but they took it and would not let us use it. There is not phone here we can access. When
18 we ask, they only deny us. In 20 days we have not been able to use a phone.

19 9. We have family and loved ones who must think we have died. We only want
20 to contact them to tell them we are alive and we are here in California. If we could reach
21 them, we could ask them for help to get a lawyer.

22 10. Once here, on the Saturday we arrived, we asked for asylum and were given
23 an interview where they asked many questions about our past in [REDACTED] and why we
24 feared returning. We told them that we know we will be killed if we are sent back to
25 [REDACTED].

26 11. About a week ago, they gave us a video call with a judge. That was around
27 March 7. Again, we explained everything, that we would be killed if we return. The judge
28 told us that fear of death was not enough to be granted asylum.

1 12. The judge told us that we did not fall into one of the five categories that
2 could make us eligible for asylum and that we needed a lawyer. The judge said they
3 would give us some time to get a lawyer.

4 13. The judge directed the immigration police that they must assist us with
5 getting a lawyer, and that we should have a lawyer when we returned to court.

6 14. The police had a list of free legal services, but they would not let us use the
7 phone. Instead, they took us to the phone and called the numbers for us. But this was a
8 Saturday, and no one answered. After that they told us that they weren't able to get us a
9 lawyer and we had to proceed without one.

10 15. We were given a call with the [REDACTED] consulate about three days ago. They
11 told immigration police that we should not return and that we should stay here in the
12 United States.

13 16. We are kept in a big room. Sometimes there are single women with us or
14 women with children.

15 17. Every three days, we are permitted a shower.

16 18. There is a wash area in the pod.

17 19. The bathroom is an open area. Any person as they enter can see you naked
18 as you are showering. The toilet has only a very short wall. We can see each other when
19 we use the restroom.

20 20. Both male and female guards are near. There are two big cameras in the
21 ceiling, rounded cameras that cover the entire pod, shower, and toilet. We don't know if
22 they can see us, but they sit at computers in front of screens showing video footage of our
23 pod. Sometimes the guards will instruct us from outside the pod, so that we know they
24 are watching us inside.

25 21. The other people detained with us also can see us using the toilet.

26 22. There are chips and crackers available around lunch. Aside from that they
27 give us only burritos. Morning afternoon and evening, every day we eat the same. They
28 taste awful.

1 23. They give the same to the kids. They hate the burritos, and our youngest
2 won't eat them. She eats only chips. She is going hungry.

3 24. It is very cold in the room. We have only the thin foil blanket to keep warm.
4 The kids are very cold. We have to layer as much as we can, I put three tops and two
5 pants on before sleeping. They don't have clothes that are the right size for the children,
6 so they don't have enough to stay warm. We try to use what we wore on our journey to
7 keep the kids warm because they do not give them sweatshirt. The clothes we arrived in
8 we wash in the shower when we are allowed one, and then we hang them in the cell to
9 dry. Our baby [REDACTED] has only one onesie that is very thin, and even that they only gave
10 to us recently. Before she had only a diaper and a thin shirt.

11 25. All we want is to leave and have a chance for our children to stay here and
12 live safely and to go to school. For now, we just try to survive this.

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1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 19th day
4 of March 2026, at cnula Vista.

5
6 _____ [REDACTED] _____

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8 [Name: [REDACTED]]

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