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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JENNY LISETTE FLORES, *et al.*,

Plaintiffs,

v.

TODD BLANCHE, Acting Attorney
General of the United States, *et al.*,

Defendants.

No. CV 85-4544-DMG-AGR

**DEFENDANTS' REPLY TO
PLAINTIFFS' RESPONSE TO 2026 ICE
JUVENILE COORDINATOR ANNUAL
REPORT**

Honorable Dolly M. Gee
Chief United States District Judge

I. INTRODUCTION

In Plaintiffs’ Response to the 2026 ICE Juvenile Coordinator Annual Report [Doc. # 1811] (“Response”), Plaintiffs allege noncompliance with the *Flores* Settlement Agreement (“FSA”) based primarily on their twelve site visits over the last fourteen months. While Defendants recognize that the parties have different views of compliance at the FRC, the Court should rely on the U.S. Immigration and Customs Enforcement (“ICE”) Juvenile Coordinator’s reporting in the 2026 ICE Juvenile Coordinator’s Annual Report [Doc. # 1802-1] (“ICE Annual Report”) because ICE’s Juvenile Coordinator receives far more comprehensive daily data than Plaintiffs provide. Compliance Standards Officers from ICE’s Juvenile and Family Management Division are physically present every day at ICE’s family residential center (“FRC”) in Dilley, Texas. *See* March 13, 2026 ICE Juvenile Coordinator Status Report at 6 [Doc. # 1736-1].¹ Deportation Officers as well as Detention and Deportation Officers are also present to monitor operational compliance with detention standards at the FRC. *Id.* at 6–7. ICE headquarters provides further oversight and compliance review. *Id.* at 8. An independent inspection contractor also inspects the FRC on a monthly basis. *Id.* at 7–8. The ICE Health Service Corps provides additional oversight of the medical services at Dilley. *Id.* at 9. Finally, the FRC is regularly in the public eye and receives Congressional visits. ICE pays CoreCivic to provide conditions compliant with ICE policy and *Flores* requirements. ICE has every incentive to ensure that CoreCivic is performing on its contract and that each child is appropriately cared for at the FRC.

On time in custody, Plaintiffs again emphasize a supposed 20-day limit, but that is not a legal standard in the FSA. ICE expeditiously processes minors and conducts individualized reviews of each child’s time in custody. While ICE keeps some families in custody for longer periods of time, the FSA permits continued detention when appropriate

¹ All page references are to page numbers inserted by the CM/ECF system.

1 criteria are met. ICE has been substantially compliant with the FSA over the reporting
2 period.

3 **II. DISCUSSION**

4 **A. ICE follows the FSA’s requirements as to time in custody at Dilley.**

5 The FSA standard is “as expeditiously as possible,” FSA ¶ 12.A.3, which is a
6 circumstance-dependent standard. In addition, the FSA contains no right to release when
7 Defendants determine that detaining a minor is necessary “to secure his or her timely
8 appearance before the INS or the immigration court, or to ensure the minor’s safety or that
9 of others.” FSA ¶ 14. ICE conducts individualized reviews of whether children should
10 remain in custody. Decl. of Dawnisha M. Helland ¶ 5 [Doc. # 1803-2].

11 Plaintiffs fault the ICE Annual Report for separately providing the average lengths
12 of time in ICE custody for minors currently detained and for minors who were released
13 during the months of June 2025 to May 2026. Response 8. But that is exactly what the
14 Court required. *See* June 15, 2026 Order at 1–2 [Doc. # 1794] (“Each Juvenile Coordinator
15 shall include in their Annual Reports . . . (ii) the average time in CBP or ICE custody for
16 minors currently in the agency’s facilities and for minors who have been released during
17 the period from June 2025 to May 2026.”). The ICE Annual Report provides that
18 information. *See* ICE Annual Report 3.

19 With each supplemental Juvenile Coordinator report, ICE has endeavored to
20 provide the data and explanations that the Court has required. Plaintiffs assert that ICE is
21 failing to provide the “individualized evidence this Court has repeatedly required to justify
22 detaining any child beyond 20 days.” Response 8–10. Plaintiffs mostly cite orders that
23 required specific detailed reporting on individual cases during the COVID-19 pandemic
24 when the Court characterized FRCs as being “on fire.” June 26, 2020 Order at 2 [Doc.
25 # 833]. As a result, in 2020, the Court ordered ICE to provide a “detailed individualized
26 explanation of *why* that minor is a flight risk.” *Id.* at 5 (emphasis added). Over the last
27 year, the Court has not issued the same orders as it issued in 2020, likely because there is
28

1 no global pandemic to justify continued emergency judicial intrusion. For example, in the
2 April 3, 2026 Order, the Court required a “detailed explanation as to the reason(s) for the
3 prolonged detention of minors in excess of 20 days.” April 3, 2026 Order at 2 [Doc.
4 # 1755]. But the Court did not require ICE to state *why* it found any class member to be a
5 flight risk. Rather, the Court mandated that “[i]f the reason for a minor’s prolonged
6 detention is difficulty with transportation or protracted immigration proceedings, the ICE
7 Juvenile Coordinator will state *whether* these minors were found to be a flight risk or posed
8 a danger to themselves or others.” *Id.* (emphasis added). In the corresponding reporting in
9 May 2026, ICE provided detailed reasons for the length of stay in the column “Reason for
10 Length of Stay” and, if appropriate, stated in the separate column “Additional
11 Details/Other” whether a child was determined to be a flight risk. *See* Exhibit A, ICE
12 Family Residential Center 20-day Report February and March 2026 [Doc. # 1768-2]. The
13 Court has not ordered ICE to provide the specific individualized evidence that Plaintiffs
14 argue is required. Nor should the Court do so. The FSA does not provide a role for this
15 Court to review or second-guess ICE’s determinations in individual cases.

16 Plaintiffs do not show any violations of the FSA as to the substantive requirements
17 for expeditious processing.

18 **B. ICE monitors hotel usage.**

19 As ICE has previously informed the Court, ICE monitors hotel usage and ensures
20 that any children in temporary hotel stays are supervised and provided safe and sanitary
21 conditions. *See* Decl. of Dawnisha M. Helland ¶¶ 5–13 [Doc. # 1760-1]. ICE has taken
22 steps to comply with the April 3, 2026 Order [Doc. # 1755] and May 18, 2026 Order [Doc.
23 # 1775], while preserving its right to appellate review, *see* Notice of Appeal [Doc. # 1815].

24 **C. ICE complies with the FSA’s requirements as to custodial conditions.**

25 In their Response, Plaintiffs repeat the many allegations about custodial conditions
26 that Plaintiffs have made about the FRC for the last year. ICE’s Juvenile Coordinator and
27 her team have investigated these allegations many times. The results of the Juvenile
28

Coordinator’s comprehensive reviews are in the ICE Annual Report and the supplemental reports that the Court required.

ICE provides 24/7 professional medical care and mental health care. ICE Annual Report 9–11. Staff are trained in *Flores* requirements and trauma-informed care. *Id.* at 22–23. Residents can report any allegations of staff misconduct through the grievance process. *Id.* at 22.

ICE provides access to counsel through in-person attorney visits, virtual legal visits, and legal calls. ICE Annual Report 18. Class members are informed of their right to access legal counsel. *Id.* at 14. Class members also have access to language interpretation services. *Id.* ICE permits contact with non-detained family members. *Id.* at 17–18.

ICE provides nutritious food, snacks, and safe drinking water. ICE Annual Report 5–7. The sleeping conditions are adequate and account for the need to keep children safe. *See* May 4, 2026 ICE Juvenile Coordinator’s Supplemental Report at 25–26 [Doc. # 1768-1]. ICE provides appropriate hygiene products. ICE Annual Report 8. ICE provides appropriate free clothing and footwear. *Id.* at 7–8. Education is being improved. *Id.* at 14–17. And the FRC provides recreation activities for all children. *Id.* at 17.

As Defendants have explained in their Response to the Order to Show Cause, the “notice of *Flores* rights” issue remains unresolved given the many difficulties that would attend such a notice and corresponding protocol. Deft.’s Response to Order to Show Cause at 16–17 [Doc. # 1803]. Plaintiffs allege that some families have stated that ICE had them sign a document about a right to be released within 20 days. Response 18. ICE has no practice of providing any such document.

The thorough monitoring conducted by the Juvenile Coordinator and her team shows that ICE has substantially complied with the FSA.

III. CONCLUSION

This Court should conclude that ICE substantially complied with the FSA during the reporting period and that ICE appropriately self-monitors.

1 Dated: July 29, 2026

Respectfully submitted,

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21 **L.R. 11-6.2 Certification**

22 The undersigned counsel of record for the United States certifies that this
23 memorandum contains 1,359 words, which complies with the word limit of L.R. 11-6.1.

24 Dated: July 29, 2026

25 /s/ Joshua C. McCroskey
26 JOSHUA C. MCCROSKEY
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28