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15 *Asylum Representation Project, a*
16 *project of the American Bar*
17 *Association; and The Door*

18 *[Additional counsel listed below]*

19 **UNITED STATES DISTRICT COURT**
20 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
21 **WESTERN DIVISION**

22 IMMIGRANT DEFENDERS LAW
23 CENTER; *et al.*,
24
25 Plaintiffs,
26
27 v.
28 U.S. DEPARTMENT OF HOMELAND
SECURITY; *et al.*,
Defendants.

Case No. 2:21-cv-00395-FMO-RAO

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

Date: June 17, 2021
Time: 10:00 a.m.
Ctrm: 6D
Judge: Hon. Fernando M. Olguin

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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on June 17, 2021 at 10:00 AM, or as soon
3 thereafter as the matter may be heard, in Courtroom 6D of the above-entitled Court
4 located at 350 W. 1st Street, Los Angeles, California 90012, Plaintiffs Immigrant
5 Defenders Law Center, Refugee and Immigrant Center for Education and Legal
6 Services, South Texas Pro Bono Asylum Representation Project, a project of the
7 American Bar Association, and The Door (“Plaintiffs”) will, and hereby do, move
8 the Court for a preliminary injunction enjoining Defendants from unlawfully
9 denying unaccompanied children their rights and protections under the Trafficking
10 Victims Protection Reauthorization Act (“TVPRA”). Plaintiffs are legal services
11 providers (“LSPs”) whose mission is to ensure that TVPRA-guaranteed rights to
12 access immigration relief are provided for all unaccompanied children.¹ Plaintiffs
13 face imminent and irreparable harm due to Defendants’ conduct that deprives a
14 subset of Plaintiffs’ clients protections under the TVPRA.

15 Plaintiffs hereby move pursuant to Fed. R. Civ. P. 65 and Local Rule 65-1 for
16 a preliminary injunction on their First, Third, and Fourth Claims for Relief:

- 17 • failure to implement policies in violation of the TVPRA and 5 U.S.C.
18 § 706(2)(A);
- 19 • violation of the *Accardi* Doctrine and 5 U.S.C. § 706(2)(A); and
- 20 • violation of the Procedural Due Process Clause of the Fifth
21 Amendment.

22 *See* FAC ¶¶ 226-33, 243-57. Plaintiffs respectfully move the Court for entry of a
23 preliminary injunction enjoining Defendants Department of Homeland Security
24 (“DHS”) and Department of Health and Human Services (“HHS”), and their
25

26 _____
27 ¹ An unaccompanied child “has no lawful immigration status in the United States;”
28 has not turned 18 years old; and has “no parent or legal guardian in the United States
[] available to provide care and physical custody.” 6 U.S.C. § 279(g).

1 respective sub-agencies,² from denying MPP-unaccompanied children their rights
2 under the TVPRA and the Fifth Amendment, including by prosecuting such
3 unaccompanied children under MPP. Such an order is necessary to restore the status
4 quo under the TVPRA and enable MPP-unaccompanied children to fully exercise
5 their rights under the TVPRA. Plaintiffs respectfully request a hearing on this
6 motion.

7 This Motion is based on the attached Memorandum of Points and Authorities;
8 the Declarations of Stephen P. Blake, Marion Donovan-Kaloust, Yliana Johansen-
9 Mendez, Maria Odom, Ashley Huebner, Carly L. Salazar, Michelle Garza, Hannah
10 P. Flamm, Elizabeth Sanchez Kennedy, and Mari Dorn-Lopez submitted herewith
11 and any exhibits attached thereto; the [Proposed] Order Granting a Preliminary
12 Injunction also submitted herewith; all other papers on file with the Court in this
13 case; and any oral argument and additional evidence that may be made at the
14 hearing on this Motion or submitted before the Court’s ruling.

15 This motion is made following a conference of counsel pursuant to Local
16 Rule 7-3 of the United States District Court for the Central District of California,
17 which took place on April 28, 2021.

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19 Dated: May 14, 2021
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24 _____
25 ² In addition to DHS and HHS, Plaintiffs have named U.S. Customs and Border
26 Protection, U.S. Immigration and Customs Enforcement, U.S. Enforcement and
27 Refugee Resettlement, along with their respective directors and senior officials, as
28 Defendants in this action. See FAC ¶¶ 43-56. For purposes of this Motion,
Plaintiffs do not seek injunctive relief as to Defendants U.S. Citizenship and
Immigration Services and Tracy Renaud.

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