

1 LINDSAY TOCZYLOWSKI (SBN 262481)  
2 lindsay@immdef.org  
3 MUNMEETH SONI (SBN 254854)  
4 meeth@immdef.org  
5 HANNAH COMSTOCK (SBN 311680)  
6 hcomstock@immdef.org  
7 IMMIGRANT DEFENDERS LAW CENTER  
8 634 S. Spring St., 10<sup>th</sup> Floor  
9 Los Angeles, CA 90014  
10 Tel: (213) 634-7602  
11 Fax: (213) 282-3133

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

14 ENRIQUE FRANCISCO  
15 HERNANDEZ,  
16  
17 Petitioner,  
18  
19 v.  
20 CHAD T. WOLF, Acting Secretary of  
21 Homeland Security; MATTHEW T.  
22 ALBENCE, Deputy Director and  
23 Senior Official Performing Duties of  
24 the Director of U.S. Immigration and  
25 Customs Enforcement; DAVID A.  
26 MARIN, Field Office Director; JAMES  
27 JANECKA, Warden, Adelanto ICE  
28 Processing Center  
Respondents.

No. CV: 5:20-cv-00617

Hon.

**APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND  
MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATION OF  
MUNMEETH SONI; PROPOSED  
TEMPORARY RESTRAINING  
ORDER; [PROPOSED] ORDER TO  
SHOW CAUSE**

**Telephonic hearing requested**

Petitioner Enrique Francisco Hernandez, by and through his counsel, Munmeeth (Meeth) K. Soni, hereby moves this honorable Court for a temporary restraining order enjoining the Respondents from continuing to detain him and ordering his immediate release from immigration detention. This motion is based upon Local Rule 65-1, the attached memorandum, declaration of counsel, and any further information presented to the Court in connection with this application.

Mr. Hernandez requests a telephonic hearing on this application pursuant to the

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Order of the Chief Judge 20-042.

Respectfully submitted,

Dated: 3/26/2020

IMMIGRANT DEFENDERS LAW CENTER

By: /s/ Munmeeth K. Soni  
Munmeeth K. Soni, Esq.  
Hannah K. Comstock, Esq.  
Counsel for Petitioner

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1 **I. INTRODUCTION**

2 As the planet buckles under the weight of COVID-19, and in the face of ICE’s  
3 steadfast refusal to acknowledge his critical medical conditions, Enrique Hernandez seeks  
4 the exercise of this Court’s equitable powers to order his immediate release from  
5 immigration detention.

6 The growing consensus of public health experts is that COVID-19 will ravage the  
7 nation’s jails and immigration detention facilities unless extraordinary measures are  
8 taken. Mr. Hernandez is at particular peril, because he suffers from multiple ailments,  
9 including an autoimmune disorder, that increase his already elevated risk of severe  
10 COVID-19 infection.

11 ICE, meanwhile, in a band-plays-on move that defies logic and basic humanity, in  
12 the last 24 hours has begun the *deprioritization* of requests for release on medical  
13 grounds, including that of Mr. Hernandez, which has gone unanswered for weeks. This,  
14 as the nation’s jails and the federal Bureau of Prisons—which, unlike ICE, are in fact  
15 charged with punishing inmates—take steps to reduce their populations through releases  
16 to the community.

17 Under these circumstances, Mr. Hernandez is likely to prevail on his claims that  
18 his detention violates the Due Process prohibition on punitive civil detention. And the  
19 risk of irreparable harm cannot be gainsaid: Mr. Hernandez could very well add to  
20 Adelanto’s sad history of immigrant detainee deaths. Accordingly, and because the  
21 balance of equities and the public interest require immediate action, Mr. Hernandez  
22 respectfully—but urgently—requests that this Court enter a temporary restraining order  
23 and order his immediate release.

24 **II. FACTUAL BACKGROUND<sup>1</sup>**

25 \_\_\_\_\_  
26  
27 <sup>1</sup> Mr. Hernandez includes this factual background in this application as a summary for the Court. The  
28 complete factual background is set forth in his concurrently filed Petition for Habeas Corpus and  
Complaint for Injunctive Relief. He hereby incorporates that factual information into this motion.

1 Mr. Hernandez is a forty-three-year old man with diagnosed hypertension, gout,  
2 and heart problems detained at the Adelanto ICE Processing Center. Petition ¶ 4, 11. He  
3 is held there not as punishment for any crime, but because he is subject to civil  
4 proceedings to determine whether he will be removed from the United States.

5 Mr. Hernandez suffers from numerous medical vulnerabilities, including  
6 hypertension, which is among the preexisting conditions most closely associated with an  
7 increased risk of death or hospitalization from COVID-19. *Id.* ¶ 29-30. He has recently  
8 reported heart issues, for which medical staff have instructed him to report for blood  
9 pressure monitoring three times a week. *Id.* ¶ 55. Mr. Hernandez has also been  
10 diagnosed with gout, a form of autoimmune arthritis. *Id.* ¶ 57.

11 The Adelanto facility has provided substandard medical care to Mr. Hernandez  
12 during his detention. *Id.* ¶ 53. Despite medical staff at Adelanto themselves ordering Mr.  
13 Hernandez' blood pressure monitoring, since his initial consultation Mr. Hernandez has  
14 only been taken for approximately half of his monitoring appointments. *Id.* ¶ 55. When  
15 Mr. Hernandez broke his wrist after slipping in the shower, Adelanto medical staff  
16 caused him to miss multiple scheduled appointments for an evaluation at the local  
17 hospital. *Id.* ¶ 54. He has also experienced long waits for necessary medication and for  
18 appointments with on-staff doctors and nurses. *Id.*

19 Over the past two weeks, as the seriousness of the COVID-19 pandemic became  
20 increasingly clear, Mr. Hernandez made repeated efforts to seek humanitarian parole in  
21 light of his fragile medical condition. *Id.* ¶ 5-6. On March 13, 2020, Mr. Hernandez  
22 requested Humanitarian Parole from his deportation officer, explaining his risk due to his  
23 multiple underlying health conditions. *Id.* ¶ 22. On March 17 and March 20, through his  
24 counsel, Mr. Hernandez requested that the facility expedite review of his humanitarian  
25 parole request in light of the mounting seriousness of the pandemic. *Id.* ¶ 23, 24.

26 The Adelanto facility has a history of negligent and deficient medical care,  
27 documented by Department of Homeland Security's own Inspector General. *Id.* ¶ 46.  
28 According to the Inspector General, detainees at Adelanto receive "untimely and

1 inadequate medical care” that routinely falls below ICE minimum standards. *Id.*  
2 Adelanto has a small medical staff, and DHS internal reviews have found high turnover  
3 rates and limited experience among nurses at the facility. *Id.* ¶ 50–51. There are  
4 shortages of medical staff at Adelanto, resulting in long delays and cancelled  
5 appointments for those seeking care at the facility. *Id.* ¶ 51.

6 COVID-19 has already begun to explode into the nation’s jails and prisons, and  
7 correctional facilities around the country are releasing or actively evaluating releasing  
8 detainees. *Id.* ¶ 45. Former ICE officials agree that, absent radical reductions in  
9 population, detention centers are sure to become hotbeds of COVID-19 infection. *Id.* ¶  
10 44. The main prescribed preventative measure—social distancing—is impossible in a jail  
11 setting, where detainees sleep, bathe, and eat in communal settings. *Id.* ¶ 38. It is  
12 particularly dangerous because asymptomatic individuals can transmit the virus. *Id.* ¶ 40.

### 13 14 **III. NOTICE TO OPPOSING PARTY**

15 On Wednesday, March 25, 2020, Mr. Hernandez’ counsel provided notice to the  
16 United States Attorney’s Office that this application would be filed. Declaration of  
17 Munmeeth Soni ¶ 2. In advance of filing, Mr. Hernandez’ counsel provided government  
18 counsel a copy of the habeas corpus petition and of this application. *Id.*

### 19 20 **IV. LEGAL ARGUMENT**

21 In order to obtain a preliminary injunction, a plaintiff must establish (1) “that he is  
22 likely to succeed on the merits,” (2) “that he is likely to suffer irreparable harm in the  
23 absence of preliminary relief,” (3) “that the balance of equities tips in his favor,” and (4)  
24 “that an injunction is in the public interest.” *Winter v. Natural Res. Def. Council, Inc.*,  
25 555 U.S. 7, 20 (2008); *Stuhlband Int’l Sales Co v. John D. Brush & Co.*, 240 F.3d 832,  
26 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and temporary restraining  
27 orders are “substantially identical”). The Ninth Circuit has adopted a “sliding scale”  
28 approach wherein “the elements of the preliminary injunction test are balanced, so that a



1 stronger showing of one element may offset a weaker showing of another.” *Pimentel v.*  
2 *Dreyfus*, 670 F.3d 1096, 1105 (9th Cir. 2012) (per curiam) (citations omitted). Thus, a  
3 temporary restraining order may issue where “serious questions going to the merits [are]  
4 raised and the balance of hardships tips sharply in [plaintiff’s] favor.” *All. for the Wild*  
5 *Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). To succeed under the “serious  
6 question” test, Mr. Hernandez must show that he is likely to suffer irreparable injury and  
7 that an injunction is in the public’s interest. *Id.* at 1132.

8 Mr. Hernandez satisfies all of these requirements. Accordingly, as other courts  
9 have done in other immigration detention cases, this Court should use its equitable power  
10 to order his immediate release. *See Chernykh v. Valdez*, CV 16-2184-RGK, 2017 WL  
11 3000013 (C.D. Cal. May 22, 2017) (granting immigrant detainee’s motion for  
12 preliminary injunction ordering her release pending disposition of habeas corpus  
13 petition); *Seretse-Khama v. Ashcroft*, 215 F. Supp. 2d 37, 54 (D.D.C. 2002) (ordering  
14 preliminary injunction releasing immigration detainee); *Ali v. Ashcroft*, 213 F.R.D. 390,  
15 406 (W.D. Wash. 2003) (granting injunctive relief ordering release of detainees with final  
16 removal orders), *aff’d*, 346 F.3d 873 (9th Cir. 2003), *opinion withdrawn on denial of*  
17 *reh’g sub nom. Ali v. Gonzales*, 421 F.3d 795 (9th Cir. 2005), *as amended on reh’g* (Oct.  
18 20, 2005).

19  
20 **A. Mr. Hernandez is likely to succeed on the merits**

21 In his habeas petition, Mr. Hernandez argues that the extreme risk to his health  
22 in immigration detention due to the likely—indeed perhaps inevitable—confluence  
23 of his underlying conditions and exposure to COVID-19 violates his Due Process  
24 right to be free from punitive detention. He is likely to succeed on that claim.  
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1           **1. Given the serious risk to Mr. Hernandez from the**  
2           **COVID-19 pandemic, the Due Process prohibition on**  
3           **punitive civil detention requires his release**

4           Because immigration detention is nominally “civil” in nature, conditions in  
5 immigration facilities cannot “amount to punishment.” *King v. County of Los Angeles*,  
6 885 F.3d 548, 557 (9th Cir. 2018) (“Under the Due Process Clause of the Fourteenth  
7 Amendment, an individual detained under civil process cannot be subjected to conditions  
8 that amount to punishment.”); *Zadvydas*, 533 U.S. 678, 721 (2001) (Kennedy, J.,  
9 dissenting) (“Where detention is incident to removal, the detention cannot be justified as  
10 punishment nor can the confinement or its conditions be designed in order to punish.”).  
11 Civil confinement amounts to punishment when it is “excessive” in relation to its non-  
12 punitive purpose. *See Demery v. Arpaio*, 378 F.3d 1020, 1028 (9th Cir. 2004).  
13 Conditions of civil detention that are similar to, or worse than, the conditions for  
14 convicted prisoners are “excessive” under that standard, and thus run afoul of the Fifth  
15 Amendment. *Doe v. Nielsen*, No. CV-15-00250, 2020 WL 813774, \*4 (D. Ariz. Feb. 19,  
16 2020) (citing *Sharp v. Weston*, 233 F.3d 1166, 1172-73 (9th Cir. 2000)); *see also Doe v.*  
17 *Kelly*, 878 F.3d 710 (9th Cir. 2017) (noting with approval that the District Court  
18 “reason[ed] that decisions defining the constitutional rights of prisoners establish a floor  
19 for [immigration detainees’] constitutional rights”). In other words, civil immigration  
20 detainees “are subjected to punishment if they are confined in conditions that are  
21 identical to, similar to, or more restrictive than those under which the criminally  
22 convicted are held.” *Id.* Thus, “[c]onditions of confinement that violate the Eighth  
23 Amendment will necessarily violate the Fifth Amendment” for immigration detainees.  
24 *Id.*; *City of Revere v. Massachusetts Gen. Hosp.*, 463 U.S. 239, 244 (1983) (explaining

1 that the Due Process protections for civil detainees “are at least as great as the Eighth  
2 Amendment protections available to a convicted prisoner”).<sup>2</sup>

3 The Eighth Amendment—and by extension, the Due Process clause—requires that  
4 “inmates must be furnished with the basic human needs, one of which is ‘reasonable  
5 safety.’” *Helling v. McKinney*, 509 U.S. 25, 33 (1993) (quoting *DeShaney*, 489 U.S. 189,  
6 200 (1989)). This extends to protection from a “unsafe, life-threatening condition” such  
7 as an infectious disease. *Id.* In multiple cases, the Ninth Circuit has reversed dismissals  
8 of prisoner suits alleging *Helling* violations based on exposure to Valley Fever, a  
9 dangerous fungal infection. *Smith v. Schwarzenegger*, 393 F. App’x 518, 519 (9th Cir.  
10 2010) (unpublished); *Johnson v. Pleasant Valley State Prison*, 505 F. App’x 631 (9th Cir.  
11 2013) (unpublished). Moreover, the Eighth Amendment protects prisoners from  
12 “unreasonable risks of serious damage to [their] future health,” even if they have not yet  
13 suffered any ill effects. *Helling*, 509 U.S. at 33. According to the Ninth Circuit, the  
14 question is not whether the prisoner has suffered actual harm; it is whether there is  
15 “serious *risk* of substantial harm.” *Thomas v. Ponder*, 611 F.3d 1144, 1151 n.5 (9th Cir.  
16 2010) (emphasis in original); see *Beagle v. Schwarzenegger*, 107 F. Supp. 3d 1056, 1065  
17 (E.D. Cal. 2014) (explaining that a “plaintiff, who allegedly was exposed to Valley  
18 Fever, *but did not contract the disease*, may have [] a viable Eighth Amendment claim.”)  
19 (emphasis in original). Courts must also account for prisoner’s individual circumstances  
20 and medical histories in determining whether a health risk rises to the level of an Eighth  
21 Amendment violation. *Graves v. Arpaio*, 623 F.3d 1043, 1049 (9th Cir. 2010). For  
22 example, while temperatures over 85 degrees might not pose an unreasonable risk for  
23 average inmates, they do pose a serious risk for inmates on certain psychotropic  
24 medications, in violation of those inmates’ Eighth Amendment rights. *Id.* Thus, even if a  
25 health risk might not be overly dangerous for a typical inmate, and even if the inmate has

26 \_\_\_\_\_  
27 <sup>2</sup> There is at least one critical difference between the Eighth Amendment and Due Process standards:  
28 prisoners must show that officials acted with “deliberate indifference,” while civil detainees do not.  
*Jones v. Blanas*, 393 F.3d 918, 933 (9th Cir. 2004).

1 not yet suffered any harm, an individualized and future health risk could be serious  
2 enough to run afoul of the Eighth Amendment and Due Process clause.<sup>3</sup>

3 Particularly given the abysmal history of medical care in Adelanto, the likelihood  
4 that COVID-19 will spread in the facility is an “unreasonable risk of serious damage” to  
5 Mr. Hernandez' life and safety. Because of his pre-existing medical conditions, including  
6 hypertension, he is at a heightened risk of serious or even life-threatening infection from  
7 the virus. Petition ¶¶ 29-30, 55. As public health experts agree, the detention setting  
8 greatly increases his risk, as it is impossible for him to practice the most critical  
9 preventative measure: social distancing. *Id.* ¶ 38. Moreover, he is less likely to have  
10 access to sufficient hygienic measures, like regular hand washing. *Id.* ¶ 39. Adelanto has  
11 a terrible record of providing substandard medical care, including flouting nursing and  
12 care protocols and failing to respond to detainee's urgent requests for treatment. *Id.* ¶ 50-  
13 52. This history suggests that the facility will not appropriately detect or care for  
14 detainees infected by the virus. Given this confluence of factors in these extraordinary  
15 circumstances, Mr. Hernandez' continued detention amounts to punishment and runs  
16 afoul of Due Process.

17 That is the case even if no COVID-19 infection has yet been detected in Adelanto.  
18 The Eighth Amendment—and by extension, the Due Process clause—“protects against  
19 future harm.” *Helling*, 509 U.S. at 32. Moreover, any representation that that there are  
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21 <sup>3</sup> As a Due Process challenge to his immigration detention, Mr. Hernandez' claim is properly raised in  
22 habeas petition. *Nettles v. Grounds*, 830 F.3d 922 (9th Cir. 2016) (en banc), a case involving a state  
23 prisoner's challenge to a disciplinary violation, does not require otherwise. *Nettles* held that “a § 1983  
24 action is the exclusive vehicle for claims brought by state prisoners that are not within the core of habeas  
25 corpus.” *Id.* at 928. The *Nettles* Court declined to address whether its holding to convicted prisoners  
26 held by *federal* authorities, who cannot be sued under § 1983. *Id.* at 931 & n. 6. (noting that “[d]ifferent  
27 rules apply to state and federal prisoners”); *see also Ziglar v. Abbasi*, 137 S. Ct. 1843, 1863 (2017). The  
28 Court certainly said nothing about the vehicles for redress available to federal immigration detainees.  
Moreover, a core requirement of immigration detention—one that allows it to exist within one of the  
“narrow” classes of permissible civil confinement, *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir.  
2018)—is that it not amount to punishment. Thus, even if the *Nettles* rule were extended to immigration  
detainees, Mr. Hernandez' claim that his detention runs afoul of this fundamental requirement is “within  
the core of habeas corpus.”

1 no *current* cases in Adelanto is of little comfort, because carriers of infection might be  
2 asymptomatic. Petition ¶ 34. As a Northern District Magistrate Judge recently explained  
3 in granting bond upon reconsideration in an extradition case:

4 [S]creening people based on observable symptoms is just a game  
5 of catch-up...We don't know who is infected. Accordingly, the  
6 government's suggestion that [the detainee] should wait until  
7 there is a confirmed outbreak of COVID-19 in [the detention  
8 facility] before seeking release is impractical. By then it may be  
9 too late.

10 Order Granting Bond on Reconsideration, *In re Alejandro Toledo Manrique*, Case No.  
11 MJ 19-71055-MAG-1 (TSH), 2020 WL 1307109 (N.D. Cal. March 19, 2020).

12 For the same reason, any protocols based on isolating only symptomatic  
13 individuals or those who have come into contact with a known carrier of the infection  
14 will be ineffective. The virus moves much more quickly than ICE has. Unless ICE  
15 regularly tests every individual that comes into contact with Mr. Hernandez for  
16 infection—a patently improbable protocol, given the nationwide shortage in testing—his  
17 life and health are in serious danger. And even if ICE headquarters drafted perfect  
18 protocols, it would take willful blindness to believe that those protocols would be  
19 faithfully implemented in Adelanto. That facility's grim record of substandard medical  
20 care, including apparently preventable fatalities, make it impossible to believe that  
21 Adelanto staff will be able to provide reasonable protection to Mr. Hernandez from this  
22 fast-moving pandemic. The only way to ensure Mr. Hernandez' reasonable safety is to  
23 release him on reasonable conditions, so he can isolate at home.

24 Thus, because he is uniquely at risk due to the history of substandard medical care  
25 in Adelanto and his pre-existing conditions, his continued detention amounts to  
26 unconstitutional punitive detention. He is therefore likely to prevail on this claim.

27  
28 **B. The risk of irreparable harm is undeniable**

1 Even under normal conditions, unlawful immigration detention causes irreparable  
2 harm. As the Ninth Circuit has explained, there are many forms of irreparable harm  
3 “imposed on anyone who is subject to immigration detention,” including “subpar medical  
4 and psychiatric care” and “economic burdens imposed on both detainees and their family  
5 members.” *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). As such, the mere  
6 “virtue of the fact that [a detainee is] likely to be unconstitutionally detained for an  
7 indeterminate period of time” suffices to satisfy this factor. Moreover, it is well-  
8 established that threats to a person’s health from government action also qualify as  
9 irreparable harm. *See M.R. v. Dreyfus*, 663 F.3d 1100, 1111 (9th Cir. 2011), *as amended*  
10 *by* 697 F.3d 706 (9th Cir. 2020); *Ind. Living Ctr. of S. Calif., Inc. v. Shewry*, 543 F.3d  
11 1047, 1050 (9th Cir. 2008) (limiting access to “much-needed pharmaceuticals” causes  
12 irreparable harm).

13 Under these authorities, Mr. Hernandez will likely suffer immediate harm if he  
14 remains in immigration custody. First, of course, is ICE’s newly implemented (though  
15 problematically unannounced) policy of callous disregard of medical issues in its review  
16 of COVID-19-based parole requests. Petition ¶¶ 42–43. Second, many COVID-19 cases  
17 require hospitalization and a significant fraction end in death. *Id.* ¶¶ 28–29. Adding to  
18 those real risks to the general public, Mr. Hernandez is particularly at risk because he  
19 suffers from hypertension; the case fatality rate for patients with COVID-19 and  
20 hypertension is approximately six percent higher than the average. *Id.* ¶ 30. The  
21 detention setting—where social distancing is impossible—greatly increase the risk of  
22 becoming infected, to say nothing of Adelanto’s particular and well-documented failings.  
23 Thus, it is not hyperbole to say that there is a real risk that, absent action from this Court,  
24 Mr. Hernandez might be added to the list of otherwise preventable fatalities at Adelanto.

25 Accordingly, he has shown that he is likely to suffer irreparable harm.

26  
27 **C. The balance of equities tilts sharply in Mr. Hernandez' favor**  
28



1 Even a passing glance at the third factor favors Mr. Hernandez' release. "Faced  
2 with... preventable human suffering," a Court should "have little difficulty concluding  
3 that the balance of hardship tips decidedly in [movants'] favor." *Hernandez*, 872 F. 3d at  
4 996. As explained above, Mr. Hernandez will suffer irreparable harm without immediate  
5 relief, including unreasonable risk of severe infection or death from COVID-19

6 Moreover, the government cannot suffer harm from an order that merely restrains  
7 an unlawful action. *Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) ("[T]he INS  
8 cannot reasonably assert that it is harmed in any legally cognizable sense by being  
9 enjoined from constitutional violations.").

#### 10 **D. Release of Mr. Hernandez is in the public interest**

11 Finally, it is both in the government's and the broader public interest to  
12 release detainees at heightened risk of COVID-19 infection. Fewer detainees in  
13 immigration detention will make the eventual outbreaks easier to contain. Thus, it  
14 will reduce the risk for both other detainees and for facility staff. Thus, the relief  
15 sought here in fact *advances* ICE's—and the public's—interest in maintaining a  
16 safe and healthy environment in its detention center.

#### 17 **E. Because Mr. Hernandez is indigent, the Court should not require a security**

18 Although Federal Rule of Civil Procedure 65(c) can require a security for a  
19 temporary restraining order, a district court "has discretion as to the amount of security  
20 required, *if any*." *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003). No security  
21 is appropriate where there is no quantifiable harm to the restrained party and where the  
22 order is in the public interest. *Save Our Sonoran, Inc v. Flowers*, 408 F.3d 1113, 1126  
23 (9th Cir. 2005); *Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009). District  
24 courts routinely exercise this discretion to require no security in cases brought by  
25 indigent or incarcerated people. *Taylor-Failor v. County of Hawaii*, 90 F. Supp. 3d 1095,  
26 1102–03 (D. Haw. 2015) (requiring no security because plaintiffs were "of limited  
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1 financial means”); *Innovation Law Lab v. Nielsen*, 310 F. Supp. 3d 1150, 1165 (D. Ore.  
2 2018) (dispensing security requirement for temporary restraining order involving  
3 immigration detainees); *Ochoa v. Campbell*, 266 F. Supp. 3d 1137 (E.D. Wash. 2017)  
4 (not requiring security for temporary restraining order seeking release from custody).

5 Due to his prolonged detention, Mr. Hernandez is indigent. Exh. 4 ¶ 4.  
6 Accordingly, the Court should not require him to post security.

7  
8 **V. CONCLUSION**

9 For these reasons, Mr. Hernandez respectfully—but urgently—requests that  
10 this Court order his immediate release from punitive detention and any other relief  
11 this Court deems just and equitable.

12  
13 Dated: March 26, 2020

Respectfully submitted,

14  
15 /s/Munmeeth Soni  
16 Munmeeth Soni  
17 Hannah Comstock  
18 Immigrant Defenders Law Center  
19 634 South Spring Street, 10<sup>th</sup> Floor  
20 Los Angeles, CA 90065  
21 *Pro Bono* Attorneys for Petitioner  
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**DECLARATION OF MUNMEETH K. SONI**

I, Munmeeth K. Soni, declare:

I am an attorney with Immigrant Defenders Law Center. I am licensed to practice law in the State of California and I am admitted to practice in this Court. I represent Petitioner Enrique Francisco Hernandez in this matter.

On March 25, 2020, I notified Assistant United States Attorney Joanne Osinoff that I would be filing the instant application. I will also send a copy of the application, along with the concurrently filed habeas petition, prior to filing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 26, 2020, at Los Angeles, California.

/s/ Munmeeth Soni  
MUNMEETH K. SONI