

IMMIGRANT DEFENDERS LAW CENTER

Alvaro M. Huerta (CA Bar No. 274787)
Carson A. Scott (CA Bar No. 337102)
Lya Ferreyra (CA Bar No. 340148)
Immigrant Defenders Law Center
634 S. Spring St., 10th Floor
Los Angeles, CA
(213) 634-0999
ahuerta@immdef.org
cscott@immdef.org
lferreyra@immdef.org

JUSTICE ACTION CENTER

Esther H. Sung (*pro hac vice*)
Karen C. Tumlin (CA Bar No. 234691)
Laura Flores-Perilla (CA Bar No. 355645)
JUSTICE ACTION CENTER
P.O. Box 27280
Los Angeles, CA 90027
(323) 450-7272
esther.sung@justiceactioncenter.org
karen.tumlin@justiceactioncenter.org
laura.flores-perilla@justiceactioncenter.org

AMICA CENTER FOR IMMIGRANT RIGHTS

Adina Appelbaum (*pro hac vice*)
Samantha Hsieh (*pro hac vice*)
Peter Alfredson (D.C. Bar No. 1780258)*
Evan Benz (*pro hac vice*)
Amica Center for Immigrant Rights
1025 Connecticut Ave., NW, Suite 701
Washington, D.C. 20036
(202) 331-3320
adina@amicacenter.org
sam@amicacenter.org
peter@amicacenter.org
evan@amicacenter.org

**pro hac vice forthcoming
Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COMMUNITY LEGAL SERVICES IN EAST PALO ALTO, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Case No. 3:25-CV-02847-AMO

**PLAINTIFFS' EMERGENCY MOTION
TO ENFORCE TEMPORARY
RESTRAINING ORDER**

Date: May 15, 2025
Time: 2:00 p.m.
Courtroom: 10
Judge: Hon. Araceli Martínez-Olguín
Trial Date: TBD
Date Action Filed: March 26, 2025

PLEASE TAKE NOTICE, pursuant to Local Rule 7.2 and the Court’s inherent power to enforce its own orders, on May 15, 2025 (or at the Court’s earliest convenience), in the United States District Court for the Northern District of California, 450 Golden Gate Ave., San Francisco, CA 94102 that Plaintiffs Community Legal Services in East Palo Alto, Social Justice Collaborative, Amica Center for Immigrant Rights, Estrella del Paso, Florence Immigrant and Refugee Rights Project, Galveston-Houston Immigrant Representation Project, Immigrant Defenders Law Center, National Immigrant Justice Center, Northwest Immigrant Rights Project, Rocky Mountain Immigrant Advocacy Network, and Vermont Asylum Assistance Project will, and hereby do, move this Court for an order enforcing its temporary restraining order (Dkt. 33, issued April 1, 2025).

INTRODUCTION

On April 1, 2025, this Court issued a temporary restraining order (the “Order”) enjoining Defendants “from withdrawing the services or funds provided by the Office of Refugee Resettlement (“ORR”) as of March 20, 2025, under the Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”), 8 U.S.C. § 1232(c)(5), and ORR’s Foundational Rule, 45 C.F.R. § 410.1309(a)(4), particularly ORR’s provision of funds for direct legal representation services to unaccompanied children.” Dkt. 33 at 7. The Order further “precludes cutting off access to congressionally appropriated funding for its duration.” *Id.* By its terms, the Order was to take effect on April 2, 2025, at 8 a.m., and expire on April 16, 2025, at 7:59 a.m., following full briefing on Plaintiffs’ preliminary injunction motion. *Id.* at 1, 7.

The Order is clear and unambiguous: it finds injunctive relief necessary to protect Plaintiffs from irreparable harm and commands Defendants to restore legally mandated funding for direct legal representation for unaccompanied children. Instead of complying, Defendants are allowing

unaccompanied children to be removed from the country without an opportunity to be represented by counsel.

Plaintiffs are legal service providers dedicated to the simple and urgent mission that no unaccompanied child should face the legal system alone. Defendants are required by law and by regulation to fund lawyers to represent and provide basic legal services to unaccompanied children “to the greatest extent practicable”—meaning that, if Defendants have available congressional appropriations to spend on such funding, they must do so. 8 U.S.C. § 1232(c)(5). Plaintiffs moved for a temporary restraining order because Defendants recently chose not to fund direct representation and other legal services *at all*, despite the existence of congressional appropriations to provide this required funding through at least September 30, 2027. In addition to violating the TVPRA and ORR’s Foundational Rule, Defendants’ actions frustrate Plaintiffs’ missions, forcing them to lay off highly specialized staff and requiring them to choose between spending every cent they can to continue representing their vulnerable clients for as long as possible (thereby compromising other mission-driven work) or attempting to withdraw from these representations, which would be contrary to Plaintiffs’ missions and ethical obligations and which, in any event, cannot be accomplished immediately because many attorneys will require court permission to withdraw. Dkt. 7-4 ¶ 39. Defendants’ actions also prevent Plaintiffs from taking on new representations, which is antithetical to their missions and leaves unaccompanied children to face the legal system alone. As the Court properly found, Plaintiffs raise serious questions going to the merits and “are likely to suffer irreparable harm in the absence of preliminary relief,” and “the balance of equities tips sharply toward the Plaintiffs and the public interest strongly weighs in favor of entering temporary relief.” Dkt. 33 at 5, 6. As a result, the Court appropriately ordered Defendants not to cut off the required legal services for unaccompanied children.

It has now been five full days—more than a third of the length of the TRO relief granted—and Defendants have done nothing to comply with the Court’s Order. Instead, Defendants appear to have rejected this Court’s Order entirely, filing a meritless motion asking the Court to dissolve the Order (which, while pending, is no excuse for non-compliance). Defendants’ unjustified actions continue to cause Plaintiffs irreparable harms. *See Pasadena City Bd. of Educ. v. Spangler*, 427 U.S. 424, 439-40 (1976) (“those who are subject to the commands of an injunctive order must obey those commands, notwithstanding eminently reasonable and proper objections to the order, until it is modified or reversed”)

**DEFENDANTS HAVE NOT COMPLIED WITH THIS
COURT’S TEMPORARY RESTRAINING ORDER**

Plaintiffs refer the Court to their Motion for a Temporary Restraining Order for a full factual background. *See* Dkt. 7 at 11-17. On those facts, the Court issued a temporary restraining order at 6:51 pm on April 1, 2025, commanding Defendants to fund required direct representation for unaccompanied children through 7:59 a.m. on April 16, 2025. *See* Dkt. 33 at 1-2. The Order went into effect at 8:00 a.m. on the morning of April 2, 2025, giving Defendants more than 12 hours’ notice before it took effect. *Id.*

On April 2, 2025, Plaintiffs asked Defendants how they intend to comply with the Order. Amica Enf. Decl. Ex. 1. Defendants stated they “are in receipt of the Court’s order and are taking steps to comply expeditiously.” *Id.* Plaintiffs followed up on April 3, 2025, asking again what Defendants were doing to comply with the Order, as Plaintiffs had not been informed of any efforts by Defendants to comply. *Id.* Despite the apparent lack of compliance by Defendants, Plaintiffs began receiving requests from ORR shelter subcontractors who, relying on the Order, asked them to take on new unaccompanied child clients—which Plaintiffs cannot do without funding from Defendants. *Id.* On April 3, 2025, Defendants replied that they would “be back in touch shortly.”

Id. But Defendants did not get “back in touch” to outline any steps they were taking to comply.

Id. Instead, late in the evening of April 4, 2025, Defendants filed a motion to dissolve the Order and an accompanying motion to shorten time to hear the motion to dissolve. Dkts. 38, 39.

Plaintiffs have not received any update from Defendants as to whether and how they are complying with the Order, and are not aware of *any* actual steps Defendants have taken to comply. *See* Amica Enf. Decl. ¶ 6. Instead, as set out in further detail below, Plaintiffs were alerted on Saturday of the imminent removal of an unaccompanied child from a shelter within Plaintiff Estrella del Paso’s service area. Despite an urgent inquiry sent by Plaintiffs’ counsel on Saturday night for information, the child was removed on Sunday morning without any response from Defendants. *See id.* ¶¶ 7, 8, Ex. 3. Defendants did not respond to Plaintiffs’ urgent request until the morning of Monday, April 7, 2025, after the child was removed from the United States. *See id.* ¶ 7, Ex. 3.

**WHILE DEFENDANTS ARE NOT IN COMPLIANCE,
PLAINTIFFS CONTINUE TO SUFFER IRREPARABLE HARMS**

Far from staving off the irreparable harms that continue to accrue, as required by the Court’s Order, Defendants have created conditions that exacerbate these harms. Indeed, Plaintiffs have become aware of new facts demonstrating the ongoing irreparable harms Defendants are causing Plaintiffs—harms the Order was explicitly issued to prevent.

For example, late on Friday, April 4, 2025, Plaintiff Estrella del Paso learned that an unaccompanied child in their service area, referred to as “A.D.G.M.,” was set to be deported early in the morning on Sunday, April 6, 2025. Estrella Enf. Decl. ¶¶ 4–5. Estrella del Paso had met with A.D.G.M. on Friday, March 21, 2025, before learning that Defendants had (that same day) cut off funding for Estrella del Paso to provide legal services to unaccompanied children like A.D.G.M., and was subsequently unable to offer him representation due to Defendants’ actions.

Id. ¶ 7. Had Defendants complied with this Court’s Order, Estrella del Paso may have learned about A.D.G.M.’s imminent removal—and offered or found representation for him—before he was removed from the United States. Instead, by the time Estrella del Paso learned about A.D.G.M.’s situation and sought to interview him to assess his eligibility for relief, it was too late—his removal was pending and could not be stopped by ORR, and Estrella del Paso could do nothing to help him understand his rights, ensure he received due process, and possibly avoid immediate removal from the United States. *Id.* ¶¶ 5–6. A.D.G.M. has now been removed from the United States. *Id.* ¶ 6.

Had Defendants complied with the Court’s Order and their legal obligations under the TVPRA and Foundational Rule, Estrella del Paso would have evaluated A.D.G.M. for eligibility to reopen his removal proceeding and very likely assisted A.D.G.M. in filing a motion to reopen, which would have automatically stayed A.D.G.M.’s removal during the pendency of a decision on its merits. Estrella Enf. Decl. ¶ 9.

Instead—because Defendants refused to comply with the Court’s Order—Estrella del Paso was functionally precluded from supporting A.D.G.M., leaving him alone to face removal without having had the basis of his removal order analyzed and options to reopen his case or apply for legal relief evaluated. As a result, A.D.G.M. was deported without access to counsel and Estrella del Paso’s mission to “provide immigration legal services, advocacy, and community outreach to protect the rights of immigrants . . . and advance justice in the spirit of the Gospel” was frustrated. Dkt. 7-14 ¶ 2. A.D.G.M. is one of many unaccompanied children who will be deported without legal assistance due to Defendants shirking their mandate under this Court’s Order.

THE COURT SHOULD ISSUE AN ORDER ENFORCING COMPLIANCE

It is a “basic proposition that all orders and judgments of courts must be complied with promptly.” *Maness v. Meyers*, 419 U.S. 449, 458 (1975). District courts have the inherent power

to enforce their own orders. This power flows from statute, 18 U.S.C. § 401, and more broadly from the implied powers “necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962).

Despite the Court’s Order directing relief to take effect at 8:00 a.m. PT on Wednesday, April 2, and despite Defendants promising to “comply expeditiously,” Defendants have not taken *any* actions to comply with the Court’s Order and have not expressed *any* plans for compliance. *See* Amica Enf. Decl. ¶¶ 6, 7, Ex. 1. Instead, Defendants now move to dissolve the Order after ignoring it, and do not appear to intend to comply with the Order while that motion is pending.

The motion to dissolve does not justify Defendant’s non-compliance or absolve Defendants from their obligation to comply with this Court’s Order. *See Pasadena City Bd. of Educ.*, 427 U.S. at 439-40 (“those who are subject to the commands of an injunctive order must obey those commands, notwithstanding eminently reasonable and proper objections to the order, until it is modified or reversed”). Neither does the Supreme Court’s very recent decision in *Dept. of Educ. v. Cal.*, No. 24A910, --- S.Ct. ---, 2025 WL 1008354 (Apr. 4, 2025), attached to Defendants’ motion to dissolve. In that case, states sued the Department of Education for withholding funding under certain education grants. The Supreme Court stayed the District Court’s temporary restraining order pending appeal. That decision is inapplicable both factually and legally.

First, this case is in a different posture. As the Supreme Court noted, the District Court in *Department of Education* had extended the temporary restraining order, and the government appealed the temporary restraining order and moved to stay. Thus, the Court found that the *Department of Education* temporary restraining order “carries many of the hallmarks of a preliminary injunction” and was appealable. *Dept. of Educ.*, 2025 WL 1008354 at * 1. In this

case, Defendants have not appealed the Court’s temporary restraining order, nor have they moved for a stay pending appeal. Moreover, the Court has not extended its temporary restraining order, and has set an aggressive briefing schedule on Plaintiffs’ already-filed motion for a preliminary injunction so that the Court need not extend the Order. *See* Dkt. 33 at 7 (all preliminary injunction briefing will be complete two days before the Order expires). The Order is not a preliminary injunction.

Department of Education is also inapplicable because the facts the Supreme Court relied on for its Tucker Act and irreparable harm findings are not present here. The Supreme Court held that the government was likely to prevail on the merits of the APA claims in question because the plaintiffs in that case sued for payment on grant contracts—which, the Court explained, meant the requested relief was “to enforce a contractual obligation to pay money” on the grant contracts, and the District Court did not have jurisdiction over such claims under the Tucker Act. *Id.* at *1 (quoting *Great-West Life & Annuity Ins. Co. v. Knudson*, 534 U.S. 204, 212 (2002)). This case is entirely different—Plaintiffs have no contract with the government; are suing based on rights in statute (the TVPRA) and regulation (the Foundational Rule), rather than any contract right; and seek relief to enforce those *statutory* and *regulatory* rights, not relief sounding in contract. *See* Dkt. 37 at 15-17 (explaining in detail that the Tucker Act does not apply to Plaintiffs’ claims). Moreover, as Plaintiffs stressed before the Court on April 1, 2025, they do not seek specific performance of a particular contract that Defendants prematurely terminated. Rather, Plaintiffs seek injunctive, forward-looking relief that Defendants meet their obligations under the TVPRA and the Foundational Rule to provide legal representation to “all” unaccompanied children “to the greatest extent practicable.” 8 U.S.C. § 1232(c)(5); 45 C.F.R. § 410.1309(a)(4). This Court correctly held that the Tucker Act does not apply and that the Court has jurisdiction over Plaintiffs’

claims, Dkt. 33 at 3, and the Supreme Court’s decision does not inform, let alone disturb, that holding.

The *Department of Education* decision also held that the plaintiffs in that case had not demonstrated irreparable harm sufficient to preclude a stay of the TRO, because the state plaintiff grant recipients “represented in [the case] that they have the financial wherewithal to keep their programs running” without the grants, so that “if respondents instead decline to keep the programs operating, then any ensuing irreparable harm would be of their own making.” *Dept. of Educ.*, 2025 WL 1008354 at *1. The opposite is true here. As the Plaintiff nonprofits have demonstrated in dozens of declarations, they are unable to continue doing their mission-driven work if Defendants do not provide access to congressionally appropriated funds, consistent with the TVPRA and Foundational Rule. Defendants’ actions have forced Plaintiffs to lay off staff, divert funding from other programming, expend limited reserve funding, and contemplate an imminent future where Plaintiffs cannot afford to represent or provide legal services to unaccompanied children—and where they may soon be forced to shut down. *See, e.g.*, Dkt. 37 at 30-33 (explaining the irreparable harms Plaintiffs face and citing declarations). Plaintiffs here, unlike the state plaintiffs in *Department of Education*, face complete demise, and already have taken actions the state plaintiffs were not forced to take. On these facts, there can be no question Plaintiffs face irreparable harm, as the Court correctly found. Dkt. 33 at 5.

Try as they may to suggest otherwise, the *Department of Education* decision provides no justification for Defendants’ failure to comply with a valid Court Order, issued more than two days before that decision.

CONCLUSION

The Court should issue an order enforcing its temporary restraining order, and should make any additional orders necessary to ensure Defendants comply. Plaintiffs reserve the right to move for sanctions, which the Court, of course, has the power to issue on its own.

Respectfully submitted,

April 7, 2025

/s/ Alvaro M. Huerta

IMMIGRANT DEFENDERS LAW CENTER
Alvaro M. Huerta (CA Bar No. 274787)
Carson A. Scott (CA Bar No. 337102)
Lya Ferreyra (CA Bar No. 340148)
Immigrant Defenders Law Center
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Los Angeles, CA
(213) 634-0999
ahuerta@immdef.org
cscott@immdef.org
lferreyra@immdef.org

/s/ Karen C. Tumlin

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Esther H. Sung (*pro hac vice*)
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P.O. Box 27280
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karen.tumlin@justiceactioncenter.org
laura.flores-perilla@justiceactioncenter.org

/s/ Samantha Hsieh

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Amica Center for Immigrant Rights
1025 Connecticut Ave., N.W., Suite 701
Washington, D.C. 20036
(202) 331-3320
adina@amicacenter.org
sam@amicacenter.org
peter@amicacenter.org
evan@amicacenter.org

**pro hac vice forthcoming
Attorneys for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

COMMUNITY LEGAL SERVICES IN EAST
PALO ALTO, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Case No. 3:25-CV-02847-AMO

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' EMERGENCY MOTION
TO ENFORCE TEMPORARY
RESTRAINING ORDER**

AND NOW, this ___ day of _____, 2025, upon consideration of Plaintiffs' Emergency Motion to Enforce Temporary Restraining Order, the memorandum and evidence in support thereof, Defendants' response thereto, and Plaintiff's reply, it is **HEREBY ORDERED** that Plaintiffs' Motion is **GRANTED** as follows:

Defendants are ordered to immediately comply with the Court's April 1, 2025 Temporary Restraining Order.

Defendants will provide a status update to the court one (1) business day from this order to report on compliance with the injunction. Non-compliance or delayed compliance may result in a contempt finding and sanctions.

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COMMUNITY LEGAL SERVICES IN EAST
PALO ALTO, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Case No. 3:25-cv-2847

**SUPPLEMENTAL DECLARATION OF
MELISSA MARI LOPEZ, “ESTRELLA”,
IN SUPPORT OF PLAINTIFFS’
MOTION TO ENFORCE**

**SUPPLEMENTAL DECLARATION OF MELISSA MARI LOPEZ
EXECUTIVE DIRECTOR, ESTRELLA DEL PASO**

I, Melissa Mari Lopez, make the following statements on behalf of myself and Estrella del Paso. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. I incorporate my Declaration in Support of Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction (Dkt. 7-14) as if fully set forth herein.
2. My name is Melissa Mari. Lopez, and I am the Executive Director at Diocesan Migrant & Refugee Services doing business as Estrella del Paso (“Estrella del Paso”). Estrella del Paso is the largest provider of free immigration legal services in West Texas and New Mexico. Estrella del Paso is based out of El Paso, Texas but provides legal services to populations living anywhere in West Texas and the state of New Mexico who have removal proceedings venued in the El Paso, Texas before the El Paso Non-Detained Immigration Court, the El Paso Detained Immigration Court, or the Otero Detained Immigration Court. Estrella del Paso is the primary organization in West Texas and New Mexico providing legal services to indigent, unaccompanied immigrant children who are not in detention as well as those detained in Office of Refugee Resettlement (ORR) custody in El Paso County.
3. Despite the Temporary Restraining Order (TRO) being in effect from April 2, 2025, we are still not able to provide any legal representation, pro se assistance, or assist with pro bono referrals.
4. On Friday, April 4, 2025, at 5:39 PM, our office received an email from the Lead Case Manager at one of the El Paso ORR shelters regarding A.D.G.M.. The Lead Case Manager stated the child had been in the shelter for 19 days and had an active order of removal. She further stated, “Kindly requesting if the child will have any type of representation or assistance from Estrella del Paso.” Despite receiving the email out of normal business hours, our Children’s Program Director, Natasha Rosario, responded to the email within one hour and advised that despite the court granting the TRO and making it effective on April 2, 2025, Estrella del Paso still had not received further clarification or instructions allowing us to resume services as they were in place prior to the March 21, 2025 termination.
5. The shelter Associate Program Director replied to Ms. Rosario’s email on Saturday, April 5, 2025, at 2:27 PM, stating Ms. Rosario needed to contact the ICE Juvenile Coordinator as the children’s removal was pending and could not be stopped by ORR. The date for removal was confirmed to be Sunday, April 6, 2025.

6. Ms. Rosario asked to interview the child on Sunday, April 6, 2025, at noon, the soonest she was available, to interview the child. However, Ms. Rosario was informed that the child was to be picked up at 8:00 AM and thus would not be available at noon. We have confirmed that this child was in fact removed from the United States earlier today, Sunday, April 6, 2025.
7. A review of our records indicates that our office met with the child on Tuesday, March 18, 2025, before staff were made aware of the termination of most services under the Unaccompanied Children's Program contract by ORR, that Friday, March 21, 2025. Due to the termination of most contract services, the orientation specialist who had originally met with the child did not have sufficient time to staff the case with their supervising attorney prior to the termination which restricted our organization from providing further services to any children.
8. A further review of our records revealed that one of our attorneys, Valgina Rodriguez-Calderon, appeared as Friend of the Court for this child in 2022. Prior to the hearing, the child was detained at the Emergency Reception Center (ERC) in Pecos, Texas, located 210 miles East of our office in El Paso. All children detained at the ERC in Pecos were scheduled for immigration court before the El Paso Non-Detained Court. The child was released from the ERC and scheduled for court in El Paso following his release. Unfortunately, the child was not present for the hearing and was ordered removed in absentia. Because the child was no longer detained, we were unable to obtain contact information for the child or otherwise determine why the child did not appear. Our office did not have contact with the child again until Estrella del Paso staff met him on March 21, 2025.
9. If our office had been able to resume providing legal representation on April 2, we would have met with the child, obtained the necessary facts to file a Motion to Reopen and immediately filed a Motion to Reopen proceedings. A review of the initial intake done with the child by our orientation specialist revealed the child was aware of his removal order but indicated he had not attended his hearing because he had lost his hearing notice and could not recall when he was set for hearing. The intake also notes that at the time of his hearing the child was staying with cousins who were not his caregiver. We believe if we had more time to speak with the child, further facts were likely to reveal that the child missed his hearing through no fault of his own as the child is not licensed to drive and relied wholly on the adults in his life for transportation. We have had success before the El Paso Immigration Court in getting *in absentia* orders of removal re-opened on similar basis. Although an attorney was unable to meet with this child to assess his eligibility to file a motion to reopen or apply for legal relief, it is important to note that since the removal

order was entered *in absentia*, had a motion to reopen been filed for him, his removal would have been stayed automatically pending disposition of the motion. See INA § 240(b)(5)(C), 8 C.F.R. § 1003.23(b)(4)(ii).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 7th of April 2025, in El Paso, Texas.

Melissa M. Lopez
Executive Director
Estrella del Paso

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COMMUNITY LEGAL SERVICES IN EAST
PALO ALTO, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Case No. 3:25-cv-2847

**DECLARATION OF SAMANTHA
HSIEH (AMICA CENTER) IN
SUPPORT OF PLAINTIFFS' MOTION
TO ENFORCE TRO**

**DECLARATION OF SAMANTHA HSIEH,
DEPUTY PROGRAM DIRECTOR OF THE IMMIGRATION IMPACT LAB AT AMICA
CENTER FOR IMMIGRANT RIGHTS (FORMERLY CAPITAL AREA IMMIGRANTS'
RIGHTS ("CAIR") COALITION)**

I, Samantha Hsieh, make the following statements on behalf of myself and Amica Center for Immigrant Rights. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Samantha Hsieh, and I am the Deputy Program Director of the Immigration Impact Lab at Amica Center for Immigrant Rights ("Amica Center"), formerly known as the Capital Area Immigrants' Rights ("CAIR") Coalition. Amica Center is a Washington, D.C.-based nonprofit legal services organization that strives to ensure equal justice for all indigent immigrant men, women, and children at risk of detention and deportation in the Washington, D.C. area and beyond by providing free legal services and representation. I am an attorney licensed in Virginia and have been practicing law for more than 8 years. I joined Amica Center in May 2019. I am counsel of record in this case.
2. Attached hereto as **Exhibit 1** is a true and correct copy of email correspondence between the parties regarding compliance with this Court's temporary restraining order (TRO) and the administrative record from April 2 to April 3, 2025. On April 2, Plaintiffs emailed Defendants to inquire about Defendants' plan to comply with the TRO that went into effect earlier that morning and to ask when Defendants expect to produce the administrative record. Ex. 1 at 2.
3. Later that day, Defendants responded that they "are in receipt of the Court's order and are taking steps to comply expeditiously." *Id.* Defendants' response contained no detail regarding how or when they planned to comply. With regards to the administrative record, Defendants took the position that they have no obligation to provide the record until they file their answer and that they "intend to adhere to that timeframe here." *Id.*
4. Plaintiffs replied the following morning, requesting that Defendants "outline what has been done to ensure compliance" with the Court's order, which had been in place for over 24-hours at that point. *Id.* at 1. Plaintiffs also urged Defendants to produce the administrative record earlier, given that it is necessary to Plaintiffs' request for Preliminary Injunction to inform their arbitrary and capricious claim. *Id.* at 1-2.
5. Attached as **Exhibit 2** is a true and correct copy of an email exchange between the parties on Friday, April 4, 2025. That evening, Defendants emailed Plaintiffs to notify them that Defendants were preparing a motion to dissolve the TRO in light of *Department of*

Education v. California, No. 24A910, 2025 WL 1008354, at *1 (U.S. Apr. 4, 2025), as well as a motion to shorten time to hear that motion, and that they would file those motions “shortly.” Ex. 2 at 2. Defendants requested Plaintiffs’ position with respect to both motions and asked whether Plaintiffs would “join a stipulation to shorten time to hear the motion to dissolve.” *Id.*

6. Plaintiffs responded with their opposition to both motions and position that the Supreme Court order does not apply to the facts of this case. Plaintiffs reiterated their request “that the government comply with its current obligations under the TRO, which has been in effect since Wednesday, April 2, at 8 a.m. PST” and requested information about Defendants’ plans to comply with the court’s order. *Id.* at 1. Plaintiffs noted that they had not received further communication from Defendants since an email at 2:19pm Pacific Time the prior day indicating that they would be “in touch shortly.” *Id.* Plaintiffs restated that “[t]o date, we have received no information about the concrete steps that the government is taking to comply with the Court’s order. As recognized by the Court, our clients have suffered irreparable harm, and they will continue do so without action from the government in response to the TRO.” *Id.* Plaintiffs received no further response from the Defendants on compliance with the TRO.
7. Attached as **Exhibit 3** is a true and correct copy of an email exchange between the parties from Saturday, April 5, to Monday, April 7, 2025. At around 5pm Pacific Time on Saturday, April 5, I and my Amica colleague Laura Nally learned from organizational plaintiff Estrella del Paso that a child with whom they had an initial meeting on March 21, 2025, but were unable to represent to due to the Cancellation Order was scheduled for deportation the following morning at 7am Pacific Time. Laura Nally notified co-counsel in this case, and at 10:35pm Pacific Time, Plaintiffs emailed Defendants to alert them of the imminent harm to this child and Estrella del Paso and asked them to “explain what Defendants have done to comply with the Court’s TRO and why this child, in spite of the Court’s order, is set to be removed without any of the protections guaranteed by the TVPRA, including the right to legal representation.” Ex. 3 at 1-2. On Monday, April 7, Defendants responded that they had “forwarded to HHS for review” and “will follow up once we have more information.” *Id.* at 1. Defendants still did not provide any update on steps that they were taking to comply with this Court’s TRO.
8. Records indicate that the above-referenced child was discharged from Office of Refugee Resettlement (ORR) custody on April 6 and removed from the United States. As of the time of signing, Plaintiffs have received no further information from Defendants on their plans to comply with the TRO or provide access to representation to similarly situated children.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 7th of April 2025, in Takoma Park, MD.

A handwritten signature in black ink, appearing to read 'Samantha Hsieh', written in a cursive style.

Samantha Hsieh
Deputy Program Director, Immigration Impact Lab
Amica Center for Immigrant Rights
1025 Connecticut Ave. NW, Suite 701
Washington, D.C. 20036
P: (202) 908-6902
sam@amicacenter.org

Exhibit 1



RE: [EXTERNAL] RE: Community Legal Services in East Palo Alto, et al, v. HHS, et al., 25-cv-2847 (N.D. Cal)

From Ross, Jonathan K. (CIV) <Jonathan.K.Ross@usdoj.gov>

Date Thu 4/3/2025 5:19 PM

To Karen Tumlin <karen.tumlin@justiceactioncenter.org>; Alvaro M. Huerta <ahuerta@immdef.org>; Silvis, William (CIV) <William.Silvis@usdoj.gov>; Masetta Alvarez, Katelyn (CIV) <Katelyn.Masetta.Alvarez@usdoj.gov>; Parascandola, Christina (CIV) <Christina.Parascandola@usdoj.gov>; Cardin, Zachary A. (CIV) <Zachary.A.Cardin@usdoj.gov>; Celone, Michael A. (CIV) <Michael.A.Celone@usdoj.gov>; Johann, Pamela (USACAN) <Pamela.Johann@usdoj.gov>; Sam Hsieh <Sam@amicacenter.org>; cscott@immdef.org <CScott@ImmDef.org>; Esther Sung <Esther.Sung@justiceactioncenter.org>

[EXTERNAL EMAIL] This message is from an EXTERNAL source. Please do not click on any links or open any attachments associated with this email unless it comes from a trusted source AND you were expecting to receive this information.

Hi Karen,

Acknowledging your email. Defendants will be back in touch shortly.

Thank you,
Jonathan

From: Karen Tumlin <karen.tumlin@justiceactioncenter.org>

Sent: Thursday, April 03, 2025 2:35 PM

To: Ross, Jonathan K. (CIV) <Jonathan.K.Ross@usdoj.gov>; Alvaro Huerta <AHuerta@immdef.org>; Silvis, William (CIV) <William.Silvis@usdoj.gov>; Masetta Alvarez, Katelyn (CIV) <Katelyn.Masetta.Alvarez@usdoj.gov>; Parascandola, Christina (CIV) <Christina.Parascandola@usdoj.gov>; Cardin, Zachary A. (CIV) <Zachary.A.Cardin@usdoj.gov>; Celone, Michael A. (CIV) <Michael.A.Celone@usdoj.gov>; Johann, Pamela (USACAN) <Pamela.Johann@usdoj.gov>; sam@amicacenter.org; cscott@immdef.org; Esther Sung <Esther.Sung@justiceactioncenter.org>

Subject: RE: [EXTERNAL] RE: Community Legal Services in East Palo Alto, et al, v. HHS, et al., 25-cv-2847 (N.D. Cal)

Dear Jonathan,

Thank you for your email. Please clarify what Defendants have done to ensure compliance with the Court's TRO, which took effect at 8 am PST yesterday. Your email yesterday says you are "taking steps to comply expeditiously" but since the TRO was already in effect at that time, please outline what has been done to ensure compliance. Our plaintiffs have not been informed of any action but have continued to receive requests from ORR subcontractors to take on new cases, explicitly referring to the news of the TRO as a basis to ask them to take on new cases. This is continuing the harms to our plaintiffs that the Court sought to rectify with her TRO Order.

Regarding the administrative record, you will recall that we discussed with the Court at Tuesday's hearing that moving into preliminary injunction territory (as we are now) requires the

administrative record. As you know, we have also brought an arbitrary and capricious claim. We re-urge our request for production of the administrative record.

Finally, we wanted to confirm understanding of the Acacia contract and correct any misunderstanding from Tuesday's hearing. The contract has been extended for six months as to CLIN 1 only. This is for KYR and legal consultations. We understand that some CLIN 2 services have been moved to CLIN 1. So, to make clear, it is not correct that there is currently no contract in place today.

Thank you,
--Karen

From: Ross, Jonathan K. (CIV) <Jonathan.K.Ross@usdoj.gov>
Sent: Wednesday, April 2, 2025 4:31 PM
To: Alvaro Huerta <AHuerta@immdef.org>; Silvis, William (CIV) <William.Silvis@usdoj.gov>; Masetta Alvarez, Katelyn (CIV) <Katelyn.Masetta.Alvarez@usdoj.gov>; Parascandola, Christina (CIV) <Christina.Parascandola@usdoj.gov>; Cardin, Zachary A. (CIV) <Zachary.A.Cardin@usdoj.gov>; Celone, Michael A. (CIV) <Michael.A.Celone@usdoj.gov>; Johann, Pamela (USACAN) <Pamela.Johann@usdoj.gov>; sam@amicacenter.org; cscott@immdef.org; Karen Tumlin <karen.tumlin@justiceactioncenter.org>
Subject: Re: [EXTERNAL] RE: Community Legal Services in East Palo Alto, et al, v. HHS, et al., 25-cv-2847 (N.D. Cal)

Hi Alvaro,

Thanks for reaching out. Defendants are in receipt of the Court's order and are taking steps to comply expeditiously.

Regarding the administrative record, Defendants note that under L.R. 16-5, the government is not required to provide the administrative record until Defendants file our answer, and we intend to adhere to that timeframe here.

Best,
Jonathan

On Apr 2, 2025, at 11:40 AM, Alvaro Huerta <AHuerta@immdef.org> wrote:

Counsel,

We are in receipt of last night's order from the Judge. At your earliest convenience, can you please let us know 1) how Defendants intend to comply with the Court's order, and 2) when you are able to provide the administrative record? Considering the Court's briefing schedule, we would appreciate a response as soon as possible. Many thanks.

Best,
Alvaro

Alvaro M. Huerta
Director of Litigation & Advocacy
Immigrant Defenders Law Center
ahuerta@immdef.org
213.338.7542

From: Ross, Jonathan K. (CIV) <Jonathan.K.Ross@usdoj.gov>
Sent: Friday, March 28, 2025 12:44 PM
To: Karen Tumlin <karen.tumlin@justiceactioncenter.org>; Silvis, William (CIV) <William.Silvis@usdoj.gov>; Alvaro Huerta <AHuerta@ImmDef.org>; sam@amicacenter.org; Carson Scott <CScott@ImmDef.org>
Cc: Masetta Alvarez, Katelyn (CIV) <Katelyn.Masetta.Alvarez@usdoj.gov>; Johann, Pamela (USACAN) <Pamela.Johann@usdoj.gov>; Esther Sung <Esther.Sung@justiceactioncenter.org>
Subject: RE: Community Legal Services in East Palo Alto, et al, v. HHS, et al., 25-cv-2847 (N.D. Cal)

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This is great—thank you, Karen. Looking forward to being in touch.

From: Karen Tumlin <karen.tumlin@justiceactioncenter.org>
Sent: Friday, March 28, 2025 3:42 PM
To: Silvis, William (CIV) <William.Silvis@usdoj.gov>; Alvaro Huerta <AHuerta@ImmDef.org>; sam@amicacenter.org; Carson Scott <CScott@ImmDef.org>
Cc: Masetta Alvarez, Katelyn (CIV) <Katelyn.Masetta.Alvarez@usdoj.gov>; Johann, Pamela (USACAN) <Pamela.Johann@usdoj.gov>; Ross, Jonathan K. (CIV) <Jonathan.K.Ross@usdoj.gov>; Esther Sung <Esther.Sung@justiceactioncenter.org>
Subject: [EXTERNAL] RE: Community Legal Services in East Palo Alto, et al, v. HHS, et al., 25-cv-2847 (N.D. Cal)

Hi all,

Adding Jonathan to this chain who just called Carson about this request and had not seen the original email or our reply. Making sure we all have each other's email as needed.

Thank you,
--Karen

From: Karen Tumlin <karen.tumlin@justiceactioncenter.org>
Sent: Thursday, March 27, 2025 4:42 PM
To: Silvis, William (CIV) <William.Silvis@usdoj.gov>; Alvaro Huerta <AHuerta@ImmDef.org>; sam@amicacenter.org; Carson Scott <CScott@ImmDef.org>
Cc: Masetta Alvarez, Katelyn (CIV) <Katelyn.Masetta.Alvarez@usdoj.gov>; Johann, Pamela (USACAN) <Pamela.Johann@usdoj.gov>
Subject: RE: Community Legal Services in East Palo Alto, et al, v. HHS, et al., 25-cv-2847 (N.D. Cal)

Dear Will,

Thank you for reaching out. I am also copying Pamela here as she reached out separately while we were conferring on your email below. We think the court carefully set the response deadline and hearing timing based on the court's availability to digest your opposition and hear the matter quickly. Given the irreparable harms we have set out that our clients are facing we have to oppose any extension to the schedule.

If it still makes sense to hop on the phone, I can be reached at 323-316-0944. I'll try to loop in my colleagues as well.

Thanks,
--Karen

From: Silvis, William (CIV) <William.Silvis@usdoj.gov>
Sent: Thursday, March 27, 2025 2:59 PM
To: Alvaro Huerta <AHuerta@ImmDef.org>; sam@amicacenter.org; Karen Tumlin <karen.tumlin@justiceactioncenter.org>; Carson Scott <CScott@ImmDef.org>
Cc: Masetta Alvarez, Katelyn (CIV) <Katelyn.Masetta.Alvarez@usdoj.gov>
Subject: Community Legal Services in East Palo Alto, et al, v. HHS, et al., 25-cv-2847 (N.D. Cal)

Good afternoon counsel,

AUSA Pam Johann of the U.S. Attorney's Office provided me with your contact information. This case has been assigned to my Office for handling. We note that the Court has entered an order requiring a response to the TRO on Monday, March 31, and a hearing on April 1. Would Plaintiffs be amenable to an extension of time of two days for the government's response? We would like to have the opportunity to consult with the agencies on the relief requested in your motion as well as the underlying circumstances set forth in the papers. Please let me know if Plaintiffs are amenable to this request.

Thank you,

Will Silvis

William C. Silvis
Assistant Director
United States Department of Justice
Office of Immigration Litigation
General Litigation and Appeals Section
Post Office Box 878 | Ben Franklin Station | Washington, D.C. 20044-0878
(office) 202-307-4693
(cell) 202-598-9022



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Exhibit 2



RE: Community Legal Services in East Palo Alto, et al, v. HHS, et al., 25-cv-2847 (N.D. Cal)

From Alvaro Huerta <AHuerta@ImmDef.org>

Date Fri 4/4/2025 10:53 PM

To Silvis, William (CIV) <William.Silvis@usdoj.gov>; karen.tumlin@justiceactioncenter.org <karen.tumlin@justiceactioncenter.org>; Carson Scott <CScott@ImmDef.org>; Sam Hsieh <Sam@amicacenter.org>

Cc Ross, Jonathan K. (CIV) <Jonathan.K.Ross@usdoj.gov>; Celone, Michael A. (CIV) <Michael.A.Celone@usdoj.gov>; Masetta Alvarez, Katelyn (CIV) <Katelyn.Masetta.Alvarez@usdoj.gov>; Parascandola, Christina (CIV) <Christina.Parascandola@usdoj.gov>; Cardin, Zachary A. (CIV) <Zachary.A.Cardin@usdoj.gov>

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Thank you for notifying us, Counsel. We would oppose both motions. We do not believe the Supreme Court order applies to the facts in this case.

We also request that the government comply with its current obligations under the TRO, which has been in effect since Wednesday, April 2, at 8 a.m. PST. Please let us know how you intend to comply with the current valid court order. We have made two prior requests for updates on compliance and your colleague Jonathan said Defendants would be “back in touch shortly” yesterday at 2:19 p.m. PST. To date, we have received no information about the concrete steps that the government is taking to comply with the Court’s order. As recognized by the Court, our clients have suffered irreparable harm, and they will continue do so without action from the government in response to the TRO.

Alvaro M. Huerta
Director of Litigation & Advocacy
Immigrant Defenders Law Center
ahuerta@immdef.org
213.338.7542

From: Silvis, William (CIV) <William.Silvis@usdoj.gov>

Sent: Friday, April 4, 2025 6:45 PM

To: karen.tumlin@justiceactioncenter.org; Alvaro Huerta <AHuerta@ImmDef.org>; Carson Scott <CScott@ImmDef.org>; sam@amicacenter.org

Cc: Ross, Jonathan K. (CIV) <Jonathan.K.Ross@usdoj.gov>; Celone, Michael A. (CIV) <Michael.A.Celone@usdoj.gov>; Masetta Alvarez, Katelyn (CIV) <Katelyn.Masetta.Alvarez@usdoj.gov>; Parascandola, Christina (CIV) <Christina.Parascandola@usdoj.gov>; Cardin, Zachary A. (CIV) <Zachary.A.Cardin@usdoj.gov>

Subject: Community Legal Services in East Palo Alto, et al, v. HHS, et al., 25-cv-2847 (N.D. Cal)

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Good evening Counsel,

The government is preparing a motion to dissolve the TRO in light of *Department of Education v. California*, No. 24A910, 2025 WL 1008354, at *1 (U.S. Apr. 4, 2025), as well as a motion to shorten time to hear that motion. We intend to file these motions shortly. We will provide you with copies of the filings as soon as they are submitted.

At your earliest convenience, please let us know your position with respect to the requested relief in both motions, and whether Plaintiffs will join a stipulation to shorten time to hear the motion to dissolve?

We appreciate your attention to this matter.

Thank you – Will

William C. Silvis
Assistant Director
United States Department of Justice
Office of Immigration Litigation
General Litigation and Appeals Section
Post Office Box 878 | Ben Franklin Station | Washington, D.C. 20044-0878
(office) 202-307-4693
(cell) 202-598-9022



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Exhibit 3

had NO legal representation since his apprehension on March 16, 2025, and is set to be removed imminently. Local ORR and ICE points of contact have indicated that there is “nothing that can be done.”

If Defendants had been in compliance with the Court’s TRO since 8 am PDT on Wednesday, April 2, 2025, this child would not have been scheduled for removal *without* representation by counsel at 8 am MDT on Sunday, April 6, 2025, five days after he entered ORR custody. Notwithstanding the motion Defendants filed on Friday night to dissolve the Court’s TRO, the TRO remains a binding court order, and so far Defendants have provided Plaintiffs very little information on the actions they have taken to ensure compliance with the Court’s order.

We would appreciate it if you would please respond immediately and explain what Defendants have done to comply with the Court’s TRO and why this child, in spite of the Court’s order, is set to be removed without any of the protections guaranteed by the TVPRA, including the right to legal representation and the right to seek asylum in a non-adversarial setting before an asylum officer.

Thank you,
Esther



JUSTICE ACTION
CENTER

Esther Sung (she/her)
Legal Director

[Justice Action Center](#)

323-450-7272

esther.sung@justiceactioncenter.org



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