

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 18-5741 DMG (PLAx)**Date **April 2, 2020**Title ***Lucas R., et al. v. Alex Azar, et al.***Page **1 of 1**Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE****KANE TIEN**

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

Proceedings: IN CHAMBERS—ORDER RE CLASS MEMBERS’ *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION [227]

On March 25, 2020, in light of the Coronavirus Disease 2019 (“COVID-19”) public health crisis, Plaintiffs filed an *Ex Parte* Application for a Temporary Restraining Order (“TRO”) and an Order to Show Cause (“OSC”) why a preliminary injunction should not issue, arguing that the members of the unfit custodian class should be immediately released unless Defendants can justify keeping them in ORR facilities. [Doc. # 227.] On March 27, 2020, Defendants filed their response [Doc. # 230], and the Court held a hearing on the TRO application in conjunction with the hearing on a TRO application filed in the related case of *Flores v. Barr*, No. 85-4544-DMG (AGRx) (C.D. Cal.). On March 28, 2020, the Court granted in part the *Flores* Plaintiffs’ *ex parte* application for a TRO (“the *Flores* TRO”).

Having duly considered the parties’ written submissions and oral argument in light of the applicable legal standard for mandatory injunctive relief,¹ and having issued the TRO in *Flores* that renders the most urgent portions of Plaintiffs’ request for interim relief moot, the Court **DENIES** the *Ex Parte* Application and OSC re preliminary injunction.

IT IS SO ORDERED.

¹ Plaintiffs’ “burden here is doubly demanding: Because [the class] seeks a mandatory injunction, [it] must establish that the law and facts *clearly favor* [its] position, not simply that [it] is likely to succeed. *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015); *see also Stanley v. Univ. of S. Cal.*, 13 F.3d 1313, 1320 (9th Cir. 1994) (the Court must act with caution and deny mandatory injunctive relief “unless the facts and law clearly favor the moving party.”).