

1 ROBERT S. BREWER, JR.  
United States Attorney  
2 BRETT NORRIS, Calif. Bar No. 224875  
Deputy Chief, Civil Division  
3 DOUGLAS KEEHN, Calif. Bar No. 233686  
Assistant U.S. Attorney  
4 PAUL STARITA, Calif. Bar No. 219573  
Assistant U.S. Attorney  
5 Office of the U.S. Attorney  
6 880 Front Street, Room 6293  
San Diego, CA 92101-8893  
7 619-546-7620 / 619-546-7751 (fax)  
8 brett.norris@usdoj.gov  
douglas.keehn@usdoj.gov, paul.starita@usdoj.gov  
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10 ATTORNEYS FOR RESPONDENTS

11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 JACINTO VICTOR ALVAREZ,  
14 JOSEPH BRODERICK, MARLENE  
CANO, JOSE CRESPO-VENEGAS,  
15 NOE GONZALEZ-SOTO, VICTOR  
LARA-SOTO, RACQUEL  
16 RAMCHARAN, GEORGE RIDLEY,  
MICHAEL JAMIL SMITH,  
17 LEOPOLDO SZURGOT, JANE DOE  
on behalf of themselves and those  
18 similarly situated,

19 Petitioners,

20 v.

21 CHRISTOPHER J. LAROSE, Senior  
Warden, Otay Mesa Detention Center,

22 STEVEN C. STAFFORD, United  
23 States Marshal for the Southern District  
of California,

24 DONALD W. WASHINGTON,  
25 Director of the United States Marshals  
Service,

26 Respondents.  
27  
28

Case No. 20-cv-00782-DMS-AHG

**EX PARTE APPLICATION FOR  
CORRECTION TO MAY 9, 2020  
ORDER [Fed. R. Civ. P. 60(a)]**

Defendant-Respondents Donald T. Washington, Director, United States Marshal Service (“USMS,” or “Agency”) and Steven C. Stafford, United States Marshal for the Southern District of California (collectively “Defendants”), respectfully request a correction of this Court’s May 9, 2020 Order Denying Motion for Temporary Restraining Order (ECF No. 46) pursuant to Fed. R. Civ. P. 60(a).<sup>1</sup> The Order states, in pertinent part, that “Defendants concede Plaintiffs’ factual allegations but contend the PLRA precludes this Court from issuing the relief Plaintiffs seek.” ECF No. 46 at p. 3:15-16. This sentence incorrectly describes Respondents’ position regarding Plaintiffs’ factual allegations. Respondents have not conceded Plaintiffs’ factual allegations in any pleading. Further, during the May 5, 2020 oral argument, Respondents’ counsel noted that although Respondents’ arguments are focused on the threshold jurisdictional issues, they do not concede Plaintiffs’ factual allegations, and that those allegations must be presented and contested before the District Court assigned to each Plaintiff’s pending criminal case. Respondents therefore respectfully ask the Court to amend the May 9, 2020 Order pursuant to Rule 60(a).

DATED: May 11, 2020

Respectfully submitted,

ROBERT S. BREWER JR.  
United States Attorney

s/ Brett Norris  
BRETT NORRIS  
Deputy Chief, Civil Division

s/ Douglas Keehn  
DOUGLAS KEEHN  
Assistant U.S. Attorney

s/ Paul Starita  
PAUL STARITA  
Assistant U.S. Attorney  
Attorneys for Respondents

<sup>1</sup> Fed. R. Civ. P. 60(a) provides: “The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record.”