

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

ARCHILLA, *et al.*,

Petitioners-Plaintiffs,

v.

WITTE, *et al.*,

Respondents-Defendants.

No. 4:20-cv-596-RDP-JHE

ORAL ARGUMENT REQUESTED

PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER

Pursuant to Federal Rule of Civil Procedure 65, Petitioners-Plaintiffs (“Plaintiffs”) respectfully request that the Court issue an order requiring Respondents-Defendants (“Defendants”) to immediately release Plaintiffs, who are at a heightened risk of severe illness or death if they contract COVID-19. The grounds for this Motion are set forth in the accompanying Memorandum of Law and supported by the declarations being filed therewith. An emergency hearing is respectfully requested.

As explained in the accompanying Memorandum of Law in Support of Motion for a Temporary Restraining Order, Plaintiffs are likely to succeed on their claims that Defendants, by continuing to detain them in light of the escalating

COVID-19 pandemic, violate Plaintiffs' rights under the Fifth Amendment of the U.S. Constitution. Plaintiffs' continued detention irreparably harms Plaintiffs, and the balance of the equities and the public interest heavily favor relief.

Counsel for Plaintiffs provided notice of Plaintiffs' intent to file this application to counsel for Defendants at the U.S. Attorney's Office for the Northern District of Alabama. Parties conferred regarding a briefing schedule and agreed that Defendants would file their opposition by the end of the day on Monday, May 4, 2020. Plaintiffs propose to file their reply by the end of the day on Wednesday, May 6, 2020, and a Hearing should then be scheduled as expeditiously thereafter as the Court may permit.

Plaintiffs accordingly respectfully request the Court enter a scheduling order providing for the following expedited briefing schedule:

1. Defendants shall file a Memorandum of Law in Opposition to Plaintiffs' Motion for Temporary Restraining Order on Monday, May 4;
2. Plaintiffs shall file a Reply on Wednesday, May 6; and
3. A hearing on Plaintiffs' Motion for Temporary Restraining Order shall be set for May 7, 2020, or as soon as possible thereafter, at a time set by the Court, to occur by audio teleconference or video teleconference to be initiated either by the Court or by Plaintiffs.

For the reasons stated above and in the accompanying documents, Plaintiffs respectfully request that this Court grant the motion for temporary restraining order.

Dated: April 29, 2020

/s/Jessica Myers Vosburgh

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**pro hac vice* application forthcoming
** admitted *pro hac vice*

Counsel for Petitioners-Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2020, I electronically filed the foregoing document and accompanying motion, exhibits, and proposed order with the Clerk of the Court using the CM/ECF system. I further certify that I spoke with Assistant U.S. Attorneys Jason Cheek, Sarah Wilson, and Margaret Marshall on the telephone and advised them of this filing on April 24, 2020, and we subsequently conferred via email regarding a proposed briefing schedule. In addition, I have emailed copies of these documents to AUSAs Cheek, Wilson, and Marshall at the following email address at the U.S. Attorney's Office for the Northern District of Alabama:

jason.cheek@usdoj.gov
sarah.s.wilson@usdoj.gov
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Dated: April 29, 2020

s/ Jessica Vosburgh

Jessica Myers Vosburgh