

Lee Gelernt*
Daniel A. Galindo (SBN 292854)
Anand Balakrishnan*
Judy Rabinovitz*
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad St., 18th Floor
New York, NY 10004
T: (212) 549-2660
lgelernt@aclu.org
dgalindo@aclu.org
jrabinovitz@aclu.org
abalakrishnan@aclu.org

Stephen B. Kang (SBN 292280)
Spencer E. Amdur (SBN 320069)
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
425 California Street, 7th Floor
San Francisco, CA 94104
T: (415) 343-0783
skang@aclu.org
samdur@aclu.org

Attorneys for Ms. L. Plaintiffs
**Admitted Pro Hac Vice*

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

Ms. L., et al.,

Petitioners-Plaintiffs,

v.

U.S. Immigration and Customs Enforcement
("ICE"), et al.

Respondents-Defendants.

Case No. 18-cv-00428-DMS-AHG

Date Filed: July 9, 2025

No Hearing Date Set

**NOTICE OF REMOVAL OF
CLASS MEMBER AFTER
COURT'S JUNE 27 ORDER
ENJOINING SUCH REMOVALS
AND MOTION FOR AN ORDER**

1 Plaintiffs provide the following update and respectfully request a Court order
2 for Defendants to provide necessary information as to recent removals of Class
3 Members and qualifying additional family members.

4 On June 26, Defendants notified Plaintiffs of two class members taken into ICE
5 custody; one was an individual class member, referred to here as A.M.R.F., the other
6 was a class member, M.A.J., taken into custody along with his family.¹ Plaintiffs
7 requested on the morning of June 27 that Defendants not remove either class member
8 or any family taken into custody and that Defendants provide the basis for detaining
9 the class members.

10 On June 27, Defendants informed Plaintiffs that M.A.J., a 13 year-old boy,² and
11 three other family members had all been removed.

12 Later that day, June 27, the Court ordered that “[p]ending resolution of
13 Defendants’ anticipated Rule 60(b) motion seeking relief from the Court’s June 10,
14 2025 Order, Defendants shall not remove any additional Class members or QAFMs
15 defined in the Settlement Agreement.” ECF No. 803 at 2.

16 On Monday, June 30, Plaintiffs’ counsel e-mailed Defendants to raise that
17 A.M.R.F. had been removed on Sunday, June 29, and to request further information as
18 to why M.A.J. and his family members were removed.

19 Defendants e-mailed a substantive response on July 2, stating as follows:
20

21 ICE informs us that [A.M.R.F.] was removed at approximately
22 12:20 AM, on June 29, 2025, and that his current whereabouts are
23 unknown.
24

25
26 ¹ Plaintiffs use acronyms to identify each class member. The class members’ identities are known to
all parties.

27 ² M.A.J.’s age had been the subject of discussion at the June 27 hearing. Plaintiffs’ counsel followed
28 up with Defendants after that hearing to resolve any uncertainty as to M.A.J.’s age; Defendants have
since confirmed he is 13.

1 It appears not all relevant ICE personnel had received the Court's
2 Order until June 30. However, ICE informs DOJ that, as of June 30, ICE
3 has taken steps to immediately implement the Order.
4

5 Regarding [M.A.J.] and his family, ICE informs us that ICE's
6 systems show that his mother reported to ICE in April 2024 that she
7 would like to return to Guatemala and agreed with ICE's plans to
8 facilitate a removal flight.
9

10 That same day, Plaintiffs' counsel re-raised their request that Defendants answer why
11 A.M.R.F. was taken into custody and the basis for his removal. On July 7, having
12 received no response, Plaintiffs' counsel made that same request and notified
13 Defendants that they would ask the Court to order a response if none had been
14 received by 9 a.m. PT July 8.

15 In light of the above, and as Plaintiffs further investigate both removals,
16 Plaintiffs request that the Court order the following:
17

18 **As to M.A.J.**

- 19 - Order that Defendants identify whether any *Ms. L* QAFMs were removed
20 with M.A.J., aside from M.A.J.'s mother. Plaintiffs first raised on June 27
21 whether there were undisclosed QAFMs detained with M.A.J. and have not
22 received an answer as to two other family members that Defendants have
23 said were removed.
- 24 - Order that Defendants explain in full their reason for removing M.A.J. and
25 his family, including by requiring Defendants to file any and all
26 documentation and notes explaining the family's recent detention and
27 removal. Defendants' explanation to Plaintiffs' counsel references only
28

information from April 2024 and does not explain why removal occurred more than a year later.

As to A.M.R.F.

- Order that Defendants provide a detailed explanation in a sworn declaration why A.M.R.F. was taken into custody and why he was removed.

Additional Order

- Order that Defendants' counsel provide sworn declarations explaining the following
 - o When ICE was told of the Court's June 27 Order;
 - o Identifying what steps Defendants have since taken to "immediately implement the Order," and explaining if any of those steps had not been taken prior to A.M.R.F.'s removal and, if so, why not.

Plaintiffs' respectfully request that such responses be ordered to be filed by 5 p.m. PT on July 11, 2025.

DATED: July 9th, 2025

Respectfully submitted,

/s/ Lee Gelernt

Lee Gelernt*

Daniel A. Galindo (SBN 292854)

Anand Balakrishnan*

Judy Rabinovitz*

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

125 Broad St., 18th Floor

New York, NY 10004

T: (212) 549-2660

lgelernt@aclu.org

dgalindo@aclu.org

abalakrishnan@aclu.org

jrabinovitz@aclu.org

1 Stephen B. Kang (SBN 292280)
2 Spencer E. Amdur (SBN 320069)
3 AMERICAN CIVIL LIBERTIES UNION
4 FOUNDATION
5 425 California Street, 7th Floor
6 San Francisco, CA 94104
7 T: (415) 343-0783
8 *skang@aclu.org*
9 *samdur@aclu.org*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Attorneys for Ms. L Petitioners-Plaintiffs
**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on July 9th, 2025, I electronically filed the foregoing with the Clerk for the United States District Court for the Southern District of California by using the appellate CM/ECF system. A true and correct copy of this brief has been served via the Court's CM/ECF system on all counsel of record.

/s/ Lee Gelernt
Lee Gelernt